

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

@ 2:35pm
Deborah W. Reid, ATC
JULY 11, 2023

MINUTES

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

ALTERNATES PRESENT: Paul Bernstein, Atif Quraishi, Carolyn Carey

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehman, IT Support; Joshua Stern, Administrative Secretary/Land Use Coordinator

Chair Pacekonis called the public hearing to order at 7:01pm.

PLEDGE OF ALLEGIANCE

Commissioner Wagner read the legal notice.

Commissioner Quraishi was seated for Commissioner LeBlanc.

PUBLIC HEARING

1. **Appl. 23-23P Raghubinder Bajwa DBA Bajwa Aesthetics** – request for 5-year Major Home Occupation for a medical office on property located at 20 Oxford Drive, AA-30 zone.

Raghubinder Bajwa explained that her daughter, a nurse practitioner who practices in Florida, would travel to South Windsor for two weeks every other month to perform medical aesthetics procedures at this location. Her Oxford Drive residence has office space and other specifications required in the regulations. Bajwa would serve as the medical director, and her daughter would see a low volume of patients, limited to 5-10 per day between 10:00am and 6:00pm with only one car in the driveway at a time. She has provided her neighbors with the details of her plans and said she would monitor the safety and serenity of the area; she has heard from neighbors who have no objections to the project.

Director of Planning Michele Lipe provided the Planning report.

1. This is an application for a 5-year major home occupation permit for a medical office to be known as “Bajwa Aesthetics” at 20 Oxford Drive, AA-30 zone.
2. The applicant is proposing to conduct nonsurgical aesthetic medical services. The services will include Botox, fillers and skin tightening, using a microneedling machine. The services will be provided by a licensed nurse practitioner, under the supervision of a licensed physician. One employee, the applicant’s daughter, will work in the business.
3. The narrative indicates they intend to see 5-10 clients per day, for approximately 30 minutes to 1 hour per meeting. Only 1 client will be seen at a time. The proposed hours are Monday – Friday 10:00 am – 6:00 pm, and one Saturday a month from 10:00 am – 3:00 pm, for two weeks every other month – although the hours need to be clarified as they were represented differently.
4. The business will be conducted out of a single room with an entrance from the driveway. A floor plan as well as pictures of the parking area existing on site have been provided to the Commission.
5. The applicant is responsible for ensuring all medical waste is handled and disposed of in accordance with all applicable regulations. A copy of the hauling contract has been provided for the file.
6. The reasons for requiring PZC approval are to ensure that:
 - the home occupation is clearly secondary to the use of the building for dwelling purposes;
 - the home occupation is compatible with other permitted residential uses in the residential district;
 - the residential character of the dwelling and the neighborhood are maintained and preserved; and

- all residents have freedom from excessive noise, traffic, nuisances, fire hazards, offensive odors and pollutants and other possible effects of commercial uses being conducted in residential areas.
7. Performance criteria that must be met include:
- maximum of 25% of the floor area can be used for the occupation; (only using 6.9% of the house)
 - occupation cannot be visible from the outside of the dwelling unit;
 - no entrance or exit may be added solely for the occupation;
 - no more than one non-resident employee is allowed;
 - the occupation cannot create a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street;
 - all parking needs must be met on site; and
 - the Commission may require screening of additional parking from the street and from adjacent residential properties.

If this application is approved, the Planning Department has no further modifications to request. The applicant will have to work with the Building Inspector to make sure all applicable codes are met for a medical office.

The Chair asked for public comments.

Speakers in favor of the application included: Ghari Bassaragh of 116 Bramblebrae concurred with Bajwa's observation that not all residents of the neighborhood object to the business. He expressed support for Bajwa's plan and said she has taken his concerns for his young children into consideration.

Speakers against the application included: Gregory Erickson of 141 Windshire Drive said the application was originally posted as occurring in the A-30 zone, but is actually in the AA-30 zone, where Major Home Occupations were not permitted at the time. He feels the application downgrades the AA-30 zone. He said that in June, the regulations regarding Major Home Occupations were changed to allow them in the AA-30 zone with PZC approval, and asked why this change was made and how it impacts the zone. Lipe explained that this administrative correction was approved at the previous meeting because the 1994 regulations did not limit home occupations in any single-family residential zones and a codification error had occurred in future rewrites of the regulations.

Mia Valente of 7 Virginia Circle said while she sympathizes with the applicant's desire to start a business, she feels a client-facing endeavor is not appropriate for the neighborhood. She said the information she has received does not address her concerns about the impact of the business on the quiet neighborhood. She expressed concerns about traffic, the aesthetic of the neighborhood, and property values, and said the facility could expand its hours in the future or set a precedent for more client-facing businesses in the area.

Daria Sullivan of Oxford Drive said she opposes the application because she has two small children and the neighborhood is currently closed off from outside traffic patterns. The middle school bus stop is at the corner of Oxford and Abbe Road Extension, and the elementary school bus stop is at the corner of Windshire and Oxford. She feels comfortable letting her children walk, ride their bikes, and walk their dogs in the neighborhood but said the business would increase traffic by 30-50 cars per week. She concurred with Valente's concern that the number of weeks of operation are not set in stone; she expressed concern about property values and opening the gateway to other businesses in the neighborhood, saying approving it would be a dramatic change.

Jeff Trachtenberg of 111 Oxford Drive said that before June 2023, the zoning regulations did not allow Major Home Occupations in AA-30 zones; he did not know the Director of Planning and Town Attorney could override the application process. He said the South Windsor zoning regulations that come up in an online search are from 2020 and do not allow Major Home Occupations in the AA-30 zone; the current regulations are only accessible from the Town website. He said the additional cars would be dangerous to the children and pets in

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the neighborhood, adding that there are no lines in the roads, and asked who would monitor traffic. He also questioned whether Bajwa's daughter is licensed to practice in Connecticut. He said the business would impact property values, noting the requirement in the regulations to maintain the residential character and dwelling.

Grace Mighty of 140 Oxford Drive said her three young sons are friendly with everyone in the neighborhood and have some independence, and she is concerned about the impact of the business on their safety. She feels Commissioners should drive through the neighborhood before making their decisions, saying the children usually play outdoors on Saturdays and attend neighborhood events. In response to the observation that drivers from Amazon and other companies often pass through the neighborhood, she said she thinks Amazon does background checks on its employees, and she would not trust everyone who might come into the neighborhood.

Sharon Timins of 161 Oxford Drive said South Windsor is about family and community and that children safely playing outdoors in this neighborhood is a point of pride. She said introducing businesses in residential areas will impact the neighborhoods the Town prides itself on, and that retail should be placed in other zones.

Heather Trachtenberg of 111 Oxford Drive said the middle and high school bus stop is at the corner of this location. She said her daughter struggles with her mental health and is anxious about the potential increases in people and cars in the neighborhood.

Apana Pardeshi of Oxford Drive said she lets her son visit her neighbors' houses because the neighborhood is safe and friendly and the residents drive slowly. She does not feel she can let him visit the neighbors unsupervised if the application is approved due to the increase in unfamiliar people.

Letters of opposition from David Stender, Rebecca McGovney-Ingram, Roy McKnerney, Lingyun Li, Tom Sullivan, and DeeAnne Corticelli were read into the record.

James Kupchunos of 1 Christine Lane said his children walk to and from the bus stop every day and he is leery about the increase in traffic and people, saying it is evident when someone does not belong in the neighborhood. He asked if other home businesses in town are revisited after approval to see if they have caused issues for the neighbors.

Bajwa submitted letters of support and said her home is on the corner of Abbe Road Extension and Oxford, and traffic to her business would not disturb the Oxford Drive circle. She said the State has cleared her to operate the business at this location, and working two out of every eight weeks would not allow her to rent office space at a different location. She said commercial trucks often pass through the area and that she would monitor the traffic coming to her home to ensure it does not enter the circle. She offered to provide proof of her and her daughter's licensing.

Jeff Trachtenberg said the office spaces Bajwa said she could not rent are likely around 200 sf, and the Rosewood Building has available spaces around the same size that are more affordable.

Curtis Mighty of 140 Oxford Drive said a driver who makes a wrong turn would end up on a cul-de-sac where a number of children play. He concurred with Trachtenberg that there are other options for office rentals.

The Chair asked for Commission questions and comments.

Commissioner Bernstein asked about the office's schedule. Bajwa said she would not be the person seeing the patients, and her daughter, a medical aesthetics specialist, would travel to Connecticut for two weeks every other month. In response to a question from Commissioner Vetere, she said the business would maintain a steady schedule of two weeks open and six weeks closed.

Commissioner Bernstein asked about the aesthetics procedures that would take place. Bajwa said her daughter performs anti-aging procedures such as Botox, tightening, fillers, and topicals. The procedures are medical but not surgical and sometimes involve injections with a very small needle. Lipe said approval from the Health Department is not required. Bajwa said she has a contract for disposal of medical waste, which would be disposed of in the same manner as waste from any doctor's office. The risks of the procedures are minimal, and she said her daughter has never had to call an ambulance for a patient in three and a half years of practicing.

Commissioner Bernstein asked about traffic. Bajwa confirmed that the business would generate traffic only during the two weeks out of every eight weeks when it is open. She would monitor the scheduling to ensure only one car at a time is in her driveway; if a procedure runs late, she would try to inform the next patient so they would not park on the street.

Commissioner Cavagnaro asked how Bajwa came up with the estimate of 5-10 trips per day. Bajwa said she would not increase the weeks of operation and that 10 is the maximum number of patients the office could take per day while allowing time to prepare the room in between appointments. She said the business would take time to build up a client base and that not every time slot would necessarily fill up. She is a physiatrist but has seven years of experience in medical aesthetics, though the field has evolved since then.

Commissioner Cavagnaro asked if the business would have recurring clients. Bajwa said Botox is typically administered every six to twelve months to women and every three months to men; the range of 5-10 patients per day was intended to account for the possibility of regular clients. Commissioner Cavagnaro noted that Bajwa intends to see patients one Saturday per month and asked if this could be expanded if a client who usually comes on Saturdays needs to postpone to the following week.

Commissioner Vetere asked if the applicant would be able to project a schedule for the first year of operation. Bajwa agreed to schedule the first six months to one year in advance. Commissioner Vetere asked if the microneedling equipment would be the only medical equipment needed. Bajwa said dermabrasion and resurfacing equipment would be used and offered to send more information; she stressed that none of the instruments would go under the skin.

Commissioner Foley asked if any patients would be anesthetized. Bajwa said she would use topical numbness cream but not anesthesia. Commissioner Foley asked if the regulations would allow her daughter to run the business. Lipe said the regulations allow for one non-resident employee at a Major Home Occupation. Bajwa said the business would be in her name but her daughter would perform the services.

Commissioner Wagner read letters from support from six residents into the record.

Commissioner Wagner noted that a 5-year renewal will be required if the permit is granted. He asked about the bus pickups. Grace Mighty said the middle and high school pickup is on the same corner as the applicant's home, and the elementary school pickup is on the corner of Oxford and Windshire. Elementary school pickup occurs between 8:10 and 8:15 am, and middle and high school pickup is earlier; drop-offs after school would occur during the proposed business hours.

Commissioner Dexter said the Town currently has hair salons, chiropractors' offices, dental offices, group homes, and dog grooming businesses operating in residential neighborhoods. She asked Bajwa if the business would exist without her daughter; Bajwa said it would not. She asked Bajwa how the business would help her as

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she approaches retirement; Bajwa said it would provide her with supplemental income to allow her to reduce her work hours. Commissioner Dexter said there are sidewalks on both sides of the street. She asked if the applicant would be open to a renewal period of less than five years. Bajwa said she would be open to a 2-year renewal but would prefer a 3-year renewal.

Commissioner Quraishi said if no one is monitoring cars coming in and out of the driveway, he assumes some would park on the street and is unsure if the applicant can control this. He asked how Bajwa would handle expanding the hours or days of operation if she chose to do so. Bajwa said the scheduling would be very controlled and the time between patients would give her time to monitor the driveway. She would be willing to share her schedule for the first month or two.

In response to a comment from Commissioner Carey, Lipe said the original application had stated different hours of operation. Commissioner Carey asked how parking would be affected if a patient is early or late. Bajwa said instructions could be provided for where to park if there is already a car in the driveway, and people who come early would have to wait in their cars.

Commissioner Wagner showed an aerial photograph from 2019 and asked if the driveway has been expanded since then. Bajwa pointed out the parking area on the photograph.

Commissioner Quraishi asked how Bajwa would prevent people from parking on the street. Bajwa said she could give instructions and put up a sign directing clients not to park on the street.

Chair Pacekonis asked if the applicant would be open to a 1-year approval given the neighborhood opposition. Bajwa said a 2-year approval would be better since it takes time to establish a new business. Chair Pacekonis asked how often medical waste would need to be picked up. Bajwa said the company she has signed with is on call; she would call them once waste storage reaches capacity and they would come within 24 hours.

Commissioner Carey asked where the medical waste would be kept. Bajwa said it would be against the wall of the treatment room.

Heather Trachtenberg asked how many needles would be disposed of. Bajwa said the needles are not isolated and the pack of needles would be removed like a battery. She is unsure of the number of needles in a pack, but would ask for a larger disposal container if necessary. The needles are solidly embedded on a panel.

Mia Valente said the applicant never addressed the fact that she cannot prevent cars from parking on the street or guarantee that people will obey any signs. She feels it is unfair to compare the increase in traffic to drivers from Amazon and other companies, which hold their employees to certain standards. She said if the application is approved, nothing would prevent the hours from being expanded, and business owners typically seek to expand.

The public hearing was closed on this item at 8:42pm.

2. **Appl. 23-25P The Metro Realty Management Corporation** – request for a zone change of approx. 4.82 acres from Buckland Gateway Development Zone to the Multifamily Assisted Housing (MAHZ) to include a portion of 240 Deming Street (4.82 ac) and a portion of 440 Buckland Road (.36 ac), including conceptual plan in accordance with Sec 7.22.2.A.

Chair Pacekonis opened the public hearing at 8:43pm. The Commission decided to hear the applicant's presentation at this public hearing and then continue the hearing to July 25 for the purpose of hearing public comment.

Attorney Tim Hollister, Hinckley Allen, represented the applicant. He noted Metro Realty's track record, including multiple developments in South Windsor. He introduced Benjamin Tripp, Metro Realty; Kevin Zingler, President & CEO, MARC, Inc. of Manchester; and Mark Vertucci, Senior Traffic Engineer, Fuss & O'Neill, to present the specifics of the application. The applicant team submitted Exhibit A.

Tripp briefly outlined Metro Realty's mission and said they operate over 30 properties in central Connecticut, including 19 affordable housing communities, five of which are in South Windsor. During the Town's recent moratorium on new residential applications, the regulations were changed to allow the MAHZ to be applied to more locations in town; the Commission also approved an Affordable Housing Plan around the same time. Tripp highlighted a section of the plan that recommends placing housing developments in walkable mixed-use areas supported by public water and sewer and public transportation, and said the proposed site is within such an area.

Tripp showed an aerial with 240 Deming Street delineated and said a portion of it is currently zoned AA-30; the rest is part of the Buckland Gateway Development Zone. A portion of the Berry Patch property would be added to the proposed MAHZ parcel, while the existing AA-30 zone would remain as such and be subdivided. He outlined the benefits of the location, including the existing sidewalk network, public water and sewer, and nearby higher-density residential developments.

Tripp then showed the conceptual site plan, consisting of 38 2-bedroom and 34 1-bedroom apartments and a large central green. Each building would be two stories, with private individual entrances. He outlined the neighborhood outreach the applicant engaged in and said the most commonly expressed concerns were about traffic; he noted that the area is currently zoned Buckland Gateway Development, which allows for uses that would generate more traffic than multi-family housing. He showed photographs of what the exteriors and interiors of similar apartments and outlined the sustainability and energy efficiency targets. The development is proposed to be 80% affordable and 20% market rate. Tripp said the applicant would pursue a highly competitive low-income housing tax credit and outlined why he feels they would score highly in the application process.

Tripp introduced Zingler to speak about the plan to reserve 20-25% of the units for individuals with intellectual disabilities, for which the applicant has partnered with MARC, Inc. and the Department of Developmental Services. Zingler noted that housing is the most significant issue this population faces and said the proposed community would help them gain independence and become part of the community, as has been the case at Watson Farms. He noted the site's proximity to Evergreen Walk, the medical facilities, and pedestrian, bike, and bus access. Support services would be provided based on individuals' levels of need. Zingler said this project is a priority for the Department of Developmental Services.

Tripp introduced Vertucci to present the traffic study. Vertucci showed the proposed location of the driveway and said the study reviewed the driveway intersection and the Buckland Road-Deming Street intersection. He outlined the methods and findings of the study; he said his team also analyzed other uses that could be built in the existing Buckland Gateway Development Zone, including a medical office and a retail and restaurant development, and found that they would generate more trips. He said adding a right-turn lane on the Deming Street westbound approach to Buckland Road is not warranted as the study indicated it would not substantially improve the level of service. Sight distances coming out of the driveway were also analyzed, as well as data from the UConn Crash Data Repository. Vertucci said the conclusion of the study is that the proposed development would have no significant impact to traffic operations or safety within the studied area.

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A motion to continue the public hearing to July 25, 2023, with the location pending, was made by Commissioner Wagner. Commissioner Vetere seconded the motion. The motion passed unanimously.

REGULAR MEETING

CALL TO ORDER: Chair Pacekonis called the regular meeting to order at 9:28pm.

PUBLIC PARTICIPATION: None

MINUTES: 6/27/23

The minutes were approved by consensus.

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

1. **Appl. 23-11P Industrial Flex Space** – request for site plan approval for 39,850 sf of “flex” space contained within multiple buildings, on property located at 75 Connecticut Avenue, I zone.

A motion to approve was made by Commissioner Wagner 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 \$25,000 to ensure compliance with the erosion and sediment control measures and \$50,000 to ensure establishment of storm water system and \$25,000 for the installation and establishment of wetlands 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 addresses numbers must be included on the final plans.
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 6-12-23 must be incorporated into the final plans.
14. An arborist and landscape architect, accompanied by town staff, shall review the health of the trees within the buffer to determine whether or not trees should remain. Interplanting within the fifty-foot buffer shall be located to maximize screening from the adjacent residential properties.
15. Additional signage related to recommended maximum size of trucks to access the property shall be added to the site.
16. No outdoor storage is permitted without further approval from this Commission.
17. All dumpsters shall be picked up and emptied between the hours of 8am – 6 pm.
18. The twenty-inch maple tree in the northeastern corner of the property shall be protected during construction.

19. The landscape buffer shall be installed prior to the issuance of a building permit.

Seconded by Commissioner Cavagnaro. Motion passed unanimously.

2. **Appl. 23-23P Raghubinder Bajwa DBA Bajwa Aesthetics** – request for 5-year Major Home Occupation for a medical office on property located at 20 Oxford Drive, AA-30 zone.

Commissioner Quraishi expressed concern about parking management. Chair Pacekonis said if the application is approved, the applicant is required to manage parking on site. The Commission discussed the timeframe for the permit, ultimately deciding to grant a 2-year approval to provide an adequate sample size to evaluate the reception of the business while considering the needs of the residents. Some Commissioners said the application is not substantially different from other home occupations in town, with Lipe noting that chiropractic, therapy, and other wellness offices have been approved as home occupations. Commissioner Dexter suggested that the hours of operation be limited to one Saturday in each two-week period.

A motion to approve a 2-year Major Home Occupation was made by Commissioner Wagner with the following conditions:

1. The business must be operated by the homeowner.
2. The permit will expire on July 11, 2025, and will have to be renewed at that time.
3. Only one non-resident employee can be hired.
4. Hours of operation Monday – Friday 10:00 am – 6:00 pm, and one Saturday from 10:00 am – 3:00 pm. These hours are limited to two weeks out of every 8 weeks with only one Saturday included.
5. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
6. Any new building, or alteration/additions to existing buildings, requires a building permit prior to start of construction.

Seconded by Commissioner Cavagnaro. Motion passed unanimously.

BONDS: Callings/Reductions/Settings

<u>Landscaping Bond</u>	<i>AMOUNT</i>	<i>REDUCTION</i>	<i>BALANCE</i>
17-04P, Estates at South Windsor – street trees	\$10,000	\$10,000	-0-

Commissioner Cavagnaro made a motion to release the landscaping bond for Appl 17-04P. Commissioner Wagner seconded the motion. Motion passed unanimously.

OLD BUSINESS

Commissioner Wagner said the PZC asked the Energy Committee to examine the impact of changes in the building codes on the Town's solar and EV charging regulations. The Committee has reviewed a draft set of regulations and referred them to the Director of Planning and the Town Engineer.

APPLICATIONS OFFICIALLY RECEIVED: None

OTHER BUSINESS: None

CORRESPONDENCE/REPORTS: None

ADJOURNMENT

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The meeting adjourned by consensus at 9:55pm.