

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

**MINUTES**

**-1-**

**MARCH 22, 2016**

**MEMBERS PRESENT:** Gary Bazzano, Bart Pacekonis, Stephanie Dexter, Elizabeth Kuehnel, Frank Bonzani, Kevin Greer

**ALTERNATES PRESENT:** Bill Flagg, Teri Parrott

**STAFF PRESENT:** Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 16-18P, JFB Auto Repair & Tire LLC** - request for a DMV General Repairer's license to operate an auto repair facility, on property located at 825 John Fitch Boulevard, GC zone
2. **Appl. 16-19P, Mannarino Builders, Inc.** – request for a Zone Change of approximately 8.75 acres from Rural Residential to Designed Residence Zone and a General Plan of Development for a 22 unit development to be known as 'Clark Estates II', on property located on the easterly side of Clark Street, approx. 352+/- feet north of Burnham Street

**PUBLIC HEARING / COUNCIL CHAMBERS**

Chairman Bazzano called the public hearing to order at 7:30 PM.

Chairman Bazzano appointed Alternate Commissioner Parrott to be seated for Commissioner Foley.

Secretary Commissioner Dexter read the legal notice as it was published in the Journal Inquirer on Thursday, March 10, 2016 and Thursday, March 17, 2016.

1. **Appl. 16-12P, Boynton Zone Change** - request for a Zone Change of approximately 12.78 acres from Rural Residential to A-30 Residential Zone, on property known as R024 and R025 Abbe Road –owned by Anita Roy, located on the easterly side of Abbe Road and northerly of Maskel Road

Attorney Dorian Famiglietti of Kahan, Kerensky, & Capossela, LLP representing applicant Mr. Kenneth Boynton and son, Mr. John Boynton, presented the application with Mr. Russell Heintz, principle engineer from Tarbell, Heintz & Associates, Inc.

Attorney Famiglietti described the proposed zone change from RR to A-30 for two parcels measuring just over 12.5 acres on Abbe Road owned by Ms. Anita Roy. The originally submitted concept plans have been revised from open space subdivision plans to conventional subdivision plans. Plans were changed based on deliberation and decision made by the PZC for a previous zone change application.

Revised plans were shown with two concepts. One concept showed a seven lot conventional subdivision using the current RR zoning and a second plan was shown for the proposed A-30 zone change showing a conventional subdivision with nine lots. Both included the extension of Maskel Road to Abbe Road.

Attorney Famiglietti indicated a conventional subdivision under current RR zoning with six or seven lots is unlikely to happen because of road and infrastructure costs. Regulations and town staff encourage the connection of Maskel Road to Abbe Road but to do so will require a development with enough lots to make the project economically feasible in order to absorb road costs. The Attorney stated their proposal would provide an extension of Maskel Road to Abbe Road. Presently the cul de sac of Maskel Road is 1,500 feet from the intersection with Frazer Fir Road which is the maximum length a cul de sac can be extended under regulations. Connecting the two roads will improve traffic circulation and provide another outlet for emergency vehicles. Road connections are encouraged in the subdivision regulations and in the Town Plan of Conservation and

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

**MINUTES**

**-2-**

**MARCH 22, 2016**

Development (POCD) Chapter 12, Enhancing Road Connectivity. The connection also has the potential of improving an existing drainage problem along Abbe Road by constructing a detention basin to decrease site drainage by approximately 50%.

The attorney explained the proposed zone change to A-30 would maintain established residential density and pattern of the current split zoning of A-20 and A-30 in the area. Four acres of open space would be provided at the rear of the parcels acting as a continuation of the existing town owned open space corridor and exceeding the 20% requirement for open space for a conventional subdivision. The Attorney stated the development would satisfy the need for building lots in South Windsor and is consistent with the goals and recommendations of the POCD, zoning and subdivision regulations. The developer, Boynton Construction, a local builder was described as building since 1985 having built other developments in South Windsor, Vernon, Durham, Ellington, and Manchester. Previously submitted photographs were shown of the single story 2,400 sq ft homes at Ogden Brook in Vernon geared toward empty nesters and downsizing families. Only six of the forty-one homes constructed at Ogden Brook have school aged children.

Director of Planning Michele Lipe gave staff comments:

1. Request for a Zone Change of approximately 12.78 acres from Rural Residential to A-30 Residential Zone, on property known as R024 and R025 Abbe Road –owned by Anita Roy, located on the easterly side of Abbe Road and northerly end of Maskel Road.
2. I have provided a copy of the Zone Change criteria from the regulations; a copy of the lot size requirements for subdivisions being developed with conventional lots and a zoning map showing the surrounding area.
3. Section 8.3 includes criteria for zone 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.

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

**MINUTES**

**-3-**

**MARCH 22, 2016**

4. To illustrate the lot yield difference under the two different zoning scenarios, the applicant has provided a subdivision layout under conventional zoning, the minimum lot size required in the RR zone is 40,000 sf with 175 ft of road frontage showing 7 lots compared to an A-30 zone subdivision where the minimum lot size is 30,000 sf with 120 ft of road frontage, yielding 9 lots.
5. It should be noted that the subject property is NOT included in the town's master plans as desirable for preservation; however there is a 20% open space requirement in the Subdivision Regulations. This property is adjacent to existing open space that the town owns.
6. As part of the subdivision review process, any proposed open space is evaluated by the Open Space Task Force as to its desirability for town ownership. Their findings are referred to the Town Council for the Council's recommendation regarding future ownership of the land.
7. Other consideration with a zone change requests are the impacts on the town's existing infrastructure. The applicant's traffic statement indicates that the area roadway network is sufficient to accommodate traffic generated by the proposed development.
8. The applicant intends to extend Maskel Road. This extension is something we cited in the most recent POCD as a goal – to extend and connect roads as new subdivision are approved; minimizing cul de sacs. This is also reflected as a single family residential area in the town plan.

There are no other Planning comments on this application at this time.

Town Engineer Jeff Doolittle gave no additional staff comments.

Attorney Famiglietti reiterated the advantages of development under the proposed zone change.

The Chairman asked for public comment.

Mr. Stephen Straight of 427 Abbe Road spoke in opposition to the proposed zone change describing a 'bait and switch' for those assembled to advocate against the originally submitted plans which were substituted two days ago with a new plan. Mr. Straight strongly objected to the zone change as detrimental to the neighborhood and town and criticized the quality of the plans submitted. The primary problem lies with Lots 1 and 2 proposed between the houses on Abbe and the houses on Maskel. There is a stream on the property that runs through the middle of where the connecting road is proposed with a three to four foot deep, ten foot wide gully where the stream seasonally runs and ends in a catch basin on Abbe Road. Hundreds of trees would have to be removed to build the road. Proposed lots on the east side of Maskel Road appear small because the Eversource power lines would be directly in the back yards. Having walked the area and seen the hundreds of oak and birch trees, the stream, and woodlands acting as buffer to the Eversource area, Mr. Straight suggested turning the area into a walking trail area similar to the Major Donnelly preserve.

Mr. Edward Michalski, twenty year resident of 416 Abbe Road, described their neighborhood as a safe area where kids can grow, roam, and play, and stated plans which were submitted weeks ago suddenly have changed and no one has had time to look them over. Land in South Windsor is scarce. Wildlife of the area was described. The right of way area for Eversource has become overgrown and water collects from the east and south and overflows down Abbe Road and Robert Drive. The plan now shows nine more houses. Mr. Michalski asked the commission to be obligated to residents and look for a lesser amount of houses to be built. He described the neighboring property as a farm with children, chickens, and goats which could be the subject of complaints from the nine houses which will be crammed into the area.

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

**MINUTES**

**-4-**

**MARCH 22, 2016**

Ms. Monica Rich of 426 Abbe Road described the area as exceptionally beautiful filled with trees and wildlife. Three of their six children have prepared statements to read against the application. The zone change is described as keeping in line with the zoning of the area but it neglects the adjacent rural residential zoned property in the area. Ms. Rich described their property as just under ten acres of farmland and bordering a twenty five acre Christmas tree farm and stated there have been generous proposals to purchase the land to build considerably less houses at the end of the cul de sac which would eliminate the need to destroy forest area. Ms. Rich described the parcels as very narrow which would create a sharp corner to maneuver for access. Ms. Rich offered the Graham Road acreage as already cleared farmland and ready to develop to address the need for more houses. She spoke against clear cutting beautiful forest to cram in nine small lots.

Mr. Bryan Mathaisel of 450 Abbe Road spoke to address the need for new housing in town stating they recently purchased their new home on Abbe Road which had been on the market for 18 months and reduced in price by \$110,000 and that the area which is gorgeous should not be developed for another complex of homes.

Mr. Adam Rich of 426 Abbe Road spoke in opposition to the rezoning proposal and building a road from Abbe to Maskel Road, and to the developers proposal to put houses so close to the power lines and directly on top of two streams, and to the removal of 12.5 acres of trees. The wetlands on the property and power lines are not conducive to mid or high density housing. No one has a right to dictate what the property owner does with her land provided the plans are lawful but they have the right to expect the town to preserve the value of their property by not changing the zoning on the two parcels. Mr. Rich stated they bought their rural residential lot surrounded by other rural residential properties and expects the zoning to remain the same. If this development occurs their land will become a corner lot and their property value will drop. He spoke about the tree line where the road is proposed and stated if the development were to occur he would defend the trees on his property and hold those responsible for any damage to them. He suggested one or two houses to be built on the existing cul de sac without unnecessary road construction which would extend the feel of the community from north and south and not reduce the value of the homes on Maskel Road. He questioned how saving a few acres of open space would be preferable to a different plan that could save more of the wooded land. He stated there is no traffic congestion requiring new roads and offered his abutting driveway for use as emergency access to the cul de sac. He suggested that the idea of marketing to empty nesters was out of touch with the community of families raising children in a town with excellent schools.

Mr. Ajay Sharda of 240 Maskel Road which is adjacent to the land to be developed stated he was not notified about the proposal until told about it by neighbors. They appreciate the area as a good place for their daughter to play and spoke in opposition to the construction of the road because there is not much traffic in the area.

Ms. Grace Rich of 426 Abbe Road stated they live right next to the property proposed to be developed which has wetlands on it. The proposed road would be built right over a stream which extends into another stream in the woods. Power lines would be in the yards or over the yards of Lots 4, 5, and 6. If the road is extended those living on the cul de sac would lose their cul de sac. If the property is developed hundreds of trees will be cut down. Deforestation is a cause of climate change. The amount of carbon in the air will be reduced by keeping the forest. Ms. Rich spoke of the beauty of the forest and that by keeping it will positively affect her, the town, the country, and the world.

Ms. Tejaswi Ponnada of 224 Maskel Road which she and her husband purchased in December of 2015 after it had been on the market since April. She questioned whether a 55 and older community would be comfortable with power lines as close as they are shown on the plan. She asked for a supply demand analysis done on the project for the older empty nester market predicted. She stated there is presently no traffic congestion in the area

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

**MINUTES**

**-5-**

**MARCH 22, 2016**

but adding nine homes and opening Maskel to Abbe Road will increase traffic. Two to three new homes would be more conducive to what exists in the community than the nine houses proposed.

Mr. Michael Mundo of 249 Maskel Road explained the reason nine houses are being proposed is because of the value of the land and how to make it profitable for the builder. Seven lots will not make it feasible but to jam nine houses in makes it controversial. He stated there is no need for a zoning change and described alternate building options. Mr. Mondo described the 3,000 to 3,500 sq ft homes on Maskel Road valued at \$500,000 to \$600,000 dropping down to the proposed 2,300 to 2,400 sq ft homes valued at \$300,000 to \$400,000 homes which will hurt current property values and the town. On the subject of demand Mr. Mondo described two other developments coming to South Windsor and asked if there are any letters of intent for this project. It can be developed without a zone change and without getting rid of the cul de sac. Extending roads will be expensive and require more road maintenance for the town. There is presently no traffic congestion or issues with emergency access.

Mr. Mark Pelletier of 208 Maskel Road spoke in opposition to the proposal on behalf of himself and his wife Donna. The idea of a 55 and older development proposal appears to be made to appease the commission but the neighbors and their families want the cul de sac to remain a cul de sac. The Chairman asked Mr. Pelletier about the location of their home.

A letter was submitted to the Commission to be read into the record which had previously been received and will be read into the record by the Secretary.

Mr. Mondo indicated the value of the proposed lots will be reduced because the power lines will be directly in their backyards and inside the CLP right of way.

Secretary Commissioner Dexter read two letters written in opposition into the record from Ms. Erica C. Botti of 462 Abbe Road and Mr. Louis Westfall of 232 Maskel Road (Exhibit A).

Chairman Bazzano asked about revised plans and Director Lipe clarified the revisions made no change to the zone change request.

Vice Chairman Pacekonis asked the Town Engineer about any review of potential future issues with the stream on the property and putting a road there. Mr. Doolittle stated wetlands have not been flagged and described the stream as a drainage channel created on the lot or perhaps that it was created naturally but there has not been a review to date. Additional drainage would be required. The Vice Chair asked about notifications to abutting properties. Director Lipe stated notification would include the immediate adjacent abutters, only those properties which touch the subject property. Application pending signs were posted at Abbe Road and at the end of the Maskel Road cul de sac. Attorney Famiglietti verified required signs were posted and letters sent by certificates of mailing.

Concerning the review criteria, Vice Chairman Pacekonis asked about the physical suitability of the land for the proposed zone given its proximity to the power lines and the potential of future drainage issues. He noted there had not been any professional testimony regarding the effect on surrounding property values. It has been clearly communicated there is not neighborhood acceptance weighed against community need and the main reason to change the zone is for profitability.

Commissioner Dexter asked about connecting Abbe Road to Maskel Road and sight line issues. Mr. Doolittle stated it would be a straight stretch with no significant sight line issues however it has not yet been analyzed.

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

**MINUTES**

**-6-**

**MARCH 22, 2016**

Commissioner Kuehnel asked if there has been any concern getting emergency vehicles in and out of the area based on the roads today. Mr. Doolittle stated he has not heard of any issues getting in and out of Maskel Road but the cul de sac is at its allowable limit of length. Director Lipe stated a cul de sac is allowed to be up to 600 feet unless the commission allows it to be longer with the intention of it being potentially connected in the future.

Commissioner Flagg voiced concern about the valuation of the existing homes if nine more houses of lesser value were added. He stated it is not Town or the Commission's position to devalue homes and this should be discussed.

Chairman Bazzano asked if the Maskel Road subdivision was zoned RR when built. Director Lipe stated the existing zoning of Kilkenny Heights which created the Maskel Road extension was a combination of A-20 and A-30 zoning and received approval in 2007. The Dzen Tree Farm was approved at the same time under RR open space zoning in combination with some A-30 lots. Director Lipe commented about power lines stating in the zoning regulations there is a buildable square requirement for every residential zone requiring a 10,000 sq ft by which a 90' x 90' square can fit exclusive of wetlands, floodplain, or easements of any kind.

Chairman Bazzano asked if all the lots proposed have a minimum of 120' of frontage. Mr. Russell Heintz described the lots proposed being in excess of 30,000 sq ft with lot frontages in excess of 120' with the exception of Lot #1 which has 120' of frontage. The Chairman asked about the detention basin which Mr. Heintz described to be designed by size to take care of the excess runoff. Mr. Doolittle stated wet basins are not typically used in residential areas but will stay wet for a few days and are designed to drain out. The length of the cul de sac was discussed. Chairman Bazzano asked if there is a right of way for Eversource from Abbe Road. Director Lipe had no knowledge of a right of way except for the one shown on the plans on the eastern portion of the lot.

Commissioner Parrott asked about the public sewers and public water for the development. Director Lipe confirmed it would be serviced by public water and public sewers and include storm sewers in the road. She clarified the proposal was not for a 55 and older development but rather a residential subdivision with market rate type lots to be sold to anyone.

Vice Chairman Pacekonis asked about frontage on Abbe Road at the proposed entrance. Mr. Heintz replied in excess of 55 feet. The Vice Chair asked about a hypothetical concept of two lots off the cul de sac and another rear lot which the Director Lipe indicated would have to be demonstrated through an interior lot proposal.

The Chairman asked for additional public comment.

Mr. Sharda of 240 Maskel Road stated he did not receive a letter of notification. Ms. Lipe stated there is a property between 240 and the subject property and he would not have received a letter. Mr. Sharda also voiced concern about diminishment of the property value of his home.

Mr. Edward Michalski repeated opposition to the plan proposed and how changes were submitted last minute.

Mr. Michael Mondo noted according to the town's GIS the frontage at Abbe Road reads 55-S which does not indicate an excess of 55' as stated by the developer. Director Lipe clarified an A-2 survey has not been recorded on the property so the 'S' indicates it is not survey quality. At the time of a zone change an A-2 survey is not required.

Attorney Famiglietti gave a closing statement recognizing neighbors' concerns and clarifying the owner's right to develop the land according to regulations. Addressing the idea of a 'bait and switch' the attorney stated the

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

**MINUTES**

**-7-**

**MARCH 22, 2016**

application for the zone change has not changed. The revised concept plans takes away two lots from their initial plan which was for an eleven lot open space subdivision. The primary reason the applicant is seeking the zone change from RR to A-30 is because a conventional, as of right, subdivision under current zoning would yield 6 or 7 lots and under A-30 would yield nine lots. The three additional lots are economically critical in order to give the town a through road from Maskel Road to Abbe Road which has been encouraged by town staff and is supported by regulations and the POCD. The attorney stressed the continuation of the pattern of development in the area, the low impact to property values, the benefits of adding the detention basin, and the addition of more than four acres of open space to the existing corridor of open space in the area. If the zone change is approved a subdivision application would be applied for to evaluate all wetlands and provide engineered drainage and road design.

Chairman Bazzano noted the misspelling of 'Open Space' on their revised plans and clarified development can occur with the existing RR zone.

The Chairman closed the public hearing at 9:16 p.m.

**REGULAR MEETING / MADDEN ROOM**

CALL TO ORDER: The Chairman opened the Regular Meeting at 9:21 p.m.

PUBLIC PARTICIPATION:

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

1. **Appl. 16-06, Keystone Novelties Distributors, LLC** - request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow for "tent" sale of fireworks from June 23 – July 5, 2016, on property located at 395 John Fitch Boulevard, GC zone

Mr. Neil Shaw representing Keystone Novelties Distributors, LLC presented the request stating no changes are requested.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a temporary and conditional permit to allow the sale of fireworks from June 23 – July 5, 2016 on property located at 395 John Fitch Boulevard, GC zone. The T&C permit was originally issued in 2014.
2. The applicant is proposing to erect a 20' x 40' tent. The tent will have 2 exits, and be posted with "No Smoking" signs. In addition, there will be an ABC fire extinguisher and a water only fire extinguisher in the tent.
3. The applicant is estimating 2-3 cars at a time in the parking area and 5-10 people in the tent at any given time.
4. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, 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." Renewals may be permitted without a public hearing.

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

**MINUTES**

**-8-**

**MARCH 22, 2016**

Commissioner Kuehnel made a motion to approve with the following conditions:

1. The Temporary and Condition permit will expire on May 27, 2018 and must be renewed if the use is going to continue.
2. This approval is for sale of Fireworks at 713 John Fitch Boulevard from June 23 – July 5, 2016. If the applicant decides to sell from this property next year, the dates must be submitted to the Planning Department.
3. Building Department and Fire Marshal's office must be consulted and proper permits obtained to for the outdoor storage tent.
4. If there are buildings, structures, signs or other items that require a building permit or other Town approvals/permits, all such approvals or permits must be obtained prior to construction or use of the site. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.

Commissioner Pacekonis seconded the motion

The motion carried and the vote was unanimous.

- 2. Appl. 16-07, J.E. Shepard Company**– request renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow a two-family house on property located at 2019 John Fitch Boulevard, I zone

Mr. David Fresk representing the J.E. Shepard Company presented the request for renewal of their temporary and conditional permit which was first granted in 2006.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a temporary and conditional permit for an apartment in the existing house at 2019 John Fitch Boulevard, I zone. There is also an existing industrial building on the site that is currently not in use.
2. The applicant applied to the ZBA in October 2005 to make this into a permanent two family house, however, the applicant was denied a variance as the Board did not think there was any hardship demonstrated. The applicant then applied to this commission for a T & C permit, which was granted in April 2006 and renewed in 2008, 2010, 2012 and 2014.
3. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed two years. Such approval may be given after a Public Hearing if, in the judgment of the Commission, 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."

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

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

1. The two-year temporary and conditional permit for this apartment will expire on April 8, 2018. If this use is to continue beyond that date, a renewal will be required.

Commissioner Pacekonis seconded the motion



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

**MINUTES**

**-9-**

**MARCH 22, 2016**

The motion carried and the vote was unanimous.

- 3. Appl. 16-08P, J.E. Shepard Company**– request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow a modular office at 185 Governor’s Highway, I zone

Mr. David Fresk representing the J.E. Shepard Company presented the request for renewal of the temporary and conditional permit for an 884 sq ft office. Approval was first granted in 1991.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a two year temporary and conditional permit for a modular office at 195 Governor’s Highway, I zone.
2. This temporary and conditional permit was originally granted in 1991. The office area is approximately 880 sq ft. (40’ x 22’) and it is located slightly outside the building line along Governor’s Highway.
3. The wording of the T & C permit regulation is that, “Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, 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.”

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

Commissioner Parrott made a motion to approve with the following conditions:

1. The permit is for a two year renewal and will expire on April 8, 2018. If this use is to continue beyond that date, a renewal will be required.

Commissioner Dexter seconded the motion

Vice Chairman Pacekonis noted the permit is for temporary and conditional use and the applicant should look for a more permanent alternative in the future.

The motion carried and the vote was unanimous.

- 4. Appl. 16-09P, J.E. Shepard Company**– request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow an office for the “Inspiration House Publishers” at 1865 Main Street, A-40 zone

Mr. David Fresk representing the J.E. Shepard Company presented the request for renewal of the temporary and conditional permit for the East Windsor Hill post office originally permitted in 1974.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a temporary and conditional permit that had originally been granted by the ZBA in 1974 for an office for Inspiration House Publishers in the existing Post Office building at 1865 Main Street, A-40 zone.
2. This property is owned by the applicant and currently houses the East Windsor Hill Post Office as well as an apartment. The applicant has used this location in the past for Inspiration House as well as for the Giving Tree (a card, gift and book shop) approved through a ZBA temporary and conditional permit.

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

**MINUTES**

**-10-**

**MARCH 22, 2016**

The current use is the inventorying of the cards and books of the “Inspiration House Publishers.” There are no retail sales and all shipments are made directly from the East Windsor Hill Post Office.

3. The applicant’s previous description indicates that the level of activity is approximately 4 hours a week and would entail the owner’s car being parked in the East Windsor Post Office parking area.
4. The wording of the T & C permit regulation is that, “Temporary and conditional permits may be granted by the Commission for a period not to exceed two years. Such approval may be given after a Public Hearing if, in the judgment of the Commission, 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.”

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

Commissioner Bonzani made a motion to approve with the following conditions:

1. The permit is for a two year renewal and will expire on April 8, 2018. If this use is to continue beyond that date, a renewal will be required.

Commissioner Kuehnelt seconded the motion

The motion carried and the vote was unanimous.

- 5. Appl. 16-10P, J.E. Shepard Company**– request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow two apartments, known as Home Farm Apartments, on property located at 176 Windsorville Road, RR zone

Mr. David Fresk representing the J.E. Shepard Company presented the request for renewal of the temporary and conditional permit for two apartments. There are six structures on the property one of which has the two apartments which received approval originally in 1993. Annual testing of the well is required and the report has been supplied.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a temporary & conditional permit for two apartments located at 176 Windsorville Road, RR zone. The original approval was granted in January 1993. The building was constructed in 1911, and the subject building had been used for a variety of nonconforming uses in the past, including a boarding house, teen center, manufacturing and apartment, and studio.
2. The wording of the T & C permit regulation is that, “Temporary and conditional permits may be granted by the Commission for a period not to exceed two years. Such approval may be given after a Public Hearing if, in the judgment of the Commission, 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.”
3. The RR zone does allow for accessory apartments; however there is no provision for multiple apartments in separate buildings on a site.
4. This property is served by wells. The Environmental Health Officer has been in contact with the owner regarding the testing of the well on an annual basis. He has complied and the results have been submitted to the health department.

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

**MINUTES**

**-11-**

**MARCH 22, 2016**

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

Town Engineer Doolittle had no comments.

Commissioner Pacekonis made a motion to approve with the following conditions:

1. The applicant must test the water annually and provide the results to the town's Environmental Health Officer.
2. The permit is for a two year renewal and will expire on April 8, 2018. If this use is to continue beyond that date, a renewal will be required.

Commissioner Bonzani seconded the motion

The motion carried and the vote was unanimous.

- 6. Appl. 16-13P, John Fitch 1505 LLC** – request for site plan of development for an 8,200 sf building to be used for automotive repairs, on property located at 1505 John Fitch Boulevard (northerly of Kimberly Drive), I zone

Architect Peter Argios from Colchester showed photographs of the 8,200 sq ft proposed building to be used for automotive repair and a body garage. Mr. Mark Peterson of Gardner & Peterson Assoc., LLC representing applicant John Fitch 1505, LLC presented the request describing the site plan. An overview of topography and drainage was made. Sedimentation and erosion controls have been provided and shown on the plans. Lighting design for six 18' high pole locations and landscaping for the site were described. ADRC and IWACC approvals were previously received. Site plan approval is presently sought.

Director Lipe gave staff comments:

1. Request for a site plan of development for a new building 8,535 sf building including 600 sf office space and remainder for auto repairs, on property located at 1507 John Fitch Boulevard, I zone. The applicants' intent is to remove the existing building on site, close one of the Route 5 curb cuts, and obtain an access and utility easement from the property owner to the west (Mellen Marine) who owns the access strip along the Kimberly Drive frontage. With this proposal, an existing curb cut on Route 5 along the northern edge of the site is being eliminated.
2. Maximum impervious coverage allowed is 65%, 60% proposed. Front yard setback is 36 feet, 35 feet required. Lot coverage 22.6%; 50% allowed.
3. The site will be serviced by public sewers and public water. WPCA is required.
4. Parking requirements breakdown requires 3 spaces for the office use and 11 spaces for the industrial use, totaling 14. Sixteen spaces have been provided. There is an area of the site to the rear that is proposed to be fenced with a 8 foot high chain link fence with slats.
5. Lighting on the site will include wall paks along the front and six 18 foot high pole lights in the parking lot. A cut sheet of the LED lights proposed was submitted as well as an isometrics diagram illustrating the proposed lighting levels.
6. The building has 49 sq ft of frontage which will allow for 98 sq ft of signage which was illustrated on the architectural plans. Signage will be lit. There is no monument sign proposed at this time.

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

**MINUTES**

**-12-**

**MARCH 22, 2016**

7. The applicant's landscape plan proposes to add back some shade trees as well as foundation plantings. The area of any outdoor storage would be screened by the existing fence with the addition of slats.
8. The applicant went to the ADRC in January and again on February 18. The members had requested the applicant to revisit the front of the building to which the applicant addressed the concern by adding a block foundation wall. They were pleased the architectural and landscaping plans as presented.
9. There is a small area of regulated wetlands on the adjacent property and there is over ½ acre of proposed disturbance requiring an approval for the IWA/CC. This application was heard on March 2 and approval was granted including a bond in the amount of \$5,000 to ensure proper placement and maintenance of erosion and sediment controls and \$5,000 for the installation and maintenance of the stormwater structures.
10. The Health Department has reviewed the plans and has commented that any ventilation on the north side of the building will need to be evaluated by her office; as she is concerned with the close proximity of the motel on the adjacent property. A note has been added to the plans addressing that concern.

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

Town Engineer Doolittle gave staff comments stating the existing building is not recorded as being connected to the sewer and is required to be with WPCA approval.

Commissioner Greer asked if the footprint of the building remains the same.

Vice Chairman Pacekonis asked about floor drains which Mr. Peterson verified and also asked about the existing entrance to be eliminated which is partially on the northerly neighbor's property. Mr. Peterson stated it has not been discussed with the neighbor but grass may be planted if it supports the horseshoe driveway to go around the building. Fencing was discussed.

Commissioner Greer made a motion to approve with the following conditions:

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 \$5,000 to ensure proper placement and maintenance of erosion and sediment controls and \$5,000 for the installation and maintenance of the stormwater structures.
4. A landscape bond in the amount of \$5000 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.

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

**MINUTES**

**-13-**

**MARCH 22, 2016**

9. The building street number must be included on the final plan.
10. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
11. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
12. If a State Traffic Commission certificate is required, no building permits will be issued until the certificate has been issued (per CGS §14-311).
13. Engineering comments dated 3/16/16 must be incorporated into the final plans.

Commissioner Kuehnel seconded the motion

The motion carried and the vote was unanimous.

- 7. Appl. 16-15P, Forty Eight Patria Road Associates, LLC** – request for a site plan approval for expansion of the existing business including outdoor storage and temporary structures, on property located at 48 Patria Road, I zone

Mr. Russell Heintz from Tarbell, Heintz & Associates, Inc. with Mr. Jason Yerke of Distinctive Tree Care presented the request. Since 2006 Distinctive Tree Care has been located on Patria Road and is expanding by purchasing property from South Windsor Technologies LLC. In order to combine the two lots they are bringing the new property into compliance with an existing condition plan showing an existing building, two existing hoop buildings, a hoop storage shed, and pavement. They propose to install a gravel parking area and separate equipment storage area. Existing wetland issues will be brought into compliance with a biofilter area and drainage swale at the upper portion of the wetlands to tie into the biofiltration trench. An easement across the southeastern portion of the property will be given to the town to accommodate existing roadway drainage that has historically drained over this lot.

Director Lipe gave staff comments:

1. Request for site plan approval for the expansion of an existing landscaping business at 48 Patria Road, I zone. The applicant is acquiring a 1.4 sf parcel of land from the adjacent property owner and expanding his work area. A need will need to be filed combining these properties.
2. This application will result in resolving several outstanding issues.
3. The property immediately to the south owned by Mr. Caron and previously approved as a large industrial subdivision, was the subject of a wetlands violation that has received remediation approval. The IWA/CC approved the application on December 4, 2013 including bonds in the amount of \$2,000 to ensure adequate erosion and sediment controls are constructed and maintained through the construction process; a bond shall be collected in the amount of \$5,000 for the establishment of the proposed stormwater structures; and bond in the amount of \$3,000 for the establishment and maintenance of the proposed habitat plantings.
4. There will be outdoor storage of landscaping materials on the southern side of the building and site. If after construction the outdoor storage area is visible from the street, the applicant will need to screen it from the public way.
5. The general parking requirement for this site is 16 spaces. The applicant has shown 16 spaces. Impervious coverage is proposed at 46%; 65% allowed. Part of the area that needs to be restored is

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

**MINUTES**

**-14-**

**MARCH 22, 2016**

currently being used for parking and so that parking area will have to be pulled back, graded and seeded as per the approval condition from IWACC.

6. There is no new building construction with this site; however the applicant will need to get building permits for the three temporary structures that have been installed.
7. Once the land is conveyed a new deed will be required combining the property into one piece.
8. Additional information is required regarding the new lighting poles that are proposed and lighting levels.

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

Town Engineer Doolittle gave staff comments stating the erosion and sedimentation detailed plan will need to be part of final plans. The end of Patria Road has no place to drain although it was designed to drain to the west and needs to be corrected. The location of the swale can be adjusted in the field to work with the land around it and avoid removal of too many trees. The final location and dimension of the drainage and access easements needs to be adjusted based on the final location of that swale. The easements should be assessable by the Town through the driveway and can be worked out with the applicant.

Director of Planning Lipe stated there are existing light poles that are not to current regulations. Lighting cut off level's need to be submitted for any lighting that is to be replaced to be in compliance.

Commissioner Kuehnel made a motion to approve with the following conditions:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. Building permits are required for all unpermitted temporary structures on site. 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 dated Dec. 4, 2013 including bonds in the amount of \$2,000 to ensure adequate erosion and sediment controls are constructed and maintained through the construction process; a bond shall be collected in the amount of \$5,000 for the establishment of the proposed stormwater structures; and bond in the amount of \$3,000 for the establishment and maintenance of the proposed habitat plantings. The planting bond will be held for two growing seasons with an annual report submitted to the Town by the environmental consultant on the status of the growth of the plantings.
4. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 8.1.11 of the Zoning Regulations.
5. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
6. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
7. The building street number must be included on the final plan.
8. Pavement markings must be maintained in good condition throughout the site drives and parking areas.

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

**MINUTES**

**-15-**

**MARCH 22, 2016**

9. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
10. If a State Traffic Commission certificate is required, no building permits will be issued until the certificate has been issued (per CGS §14-311).
11. The final location and dimensions of the proposed drainage and access easements are subject to Town review and approval.
12. The properties of 48 Patria Road and land to be deeded by the South Windsor Technologies Center are combined into one property with this site plan approval and a new deed filed on the land records.
13. Lighting details of the proposed pole lighting in the work areas is required to demonstrate compliance with the zoning regulations.

Commissioner Pacekonis seconded the motion. The motion carried and the vote was unanimous.

**8. Request for final 5 year extension for Appl. 07-25P, Webster Commons**

Director Lipe described the request from Mr. Peter DeMallie of Design Professionals, Inc. on behalf of Connecticut Valley Properties / Robert Urso for a final 5 year extension.

Vice Chairman Pacekonis made a motion to approve the request with all previous approval conditions.

Commissioner Dexter seconded the motion. The motion carried and the vote was unanimous.

**MINUTES:**

Commissioner Dexter made a motion to adopt the Minutes of 3/8/16

Commissioner Kuehnel seconded the motion. The motion carried and the vote was unanimous.

**OTHER BUSINESS:**

Appl. 16-16P, Evergreen Walk Zoning Text Amendment – request by Evergreen Walk, LLC for a text amendment to add new Article 5, Section 5.9 Residential Infill Overlay has been withdrawn.

Commissioner training will be held at a Special Meeting on April 5th at 7:30 PM

**CORRESPONDENCE / REPORTS:**

The Main Street Preservation Study was distributed and will be put on a later agenda for discussion.

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting at 10:00 PM was made by Vice Chairman Pacekonis

Seconded by Commissioner Dexter

The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren Zarambo

Recording Secretary