

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-1-

APRIL 12, 2022

MEMBERS PRESENT: Stephanie Dexter, Bart Pacekonis, Alan Cavagnaro

ALTERNATES PRESENT: Carolyn Carey

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

PLEDGE OF ALLEGIANCE

CALL TO ORDER:

Chairman Pacekonis seated Alternate Commissioner Carey for Commissioner Foley

Chairman Pacekonis reviewed the order of business for the meeting.

Commissioner Cavagnaro read the legal notice posted in the Journal Inquirer.

PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 P.M

1. **Appl. 22-10P 1496 Realty Associates-** request for a two year temporary and conditional permit for use of approximately 4,500 sf of lawn area for outdoor storage of trailers, on property located at 1496 John Fitch Boulevard, I zone

Bruce LeFebvre owner of 1496 John Fitch Boulevard was present to review his application. Mr. LeFebvre commented that this temporary and conditional permit was for the storage of trailers for a friend that was originally storing these items at a different property. Unfortunately, this property is no longer available at this time and he has been using Mr. LeFebvre's property for storage. Mr. LeFebvre added that he was certain his friend would secure a new property for storage before the two-year permit expires.

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe read the Planning Report.

1. A request for a two-year temporary and conditional permit for use of approximately 4,500 sf of lawn area for outdoor storage of trailers, on property located at 1496 John Fitch Boulevard, I zone
2. This application resulted from zoning violation issued when it was determined the owner had exceeded the outdoor storage on the original plans.
3. The applicant has allowed storage of several truck trailers on approximately 4,500 sf and is requesting to be allowed to keep this storage on a temporary basis. With the last site plan approval in 2016, the impervious coverage at that time was proposed to be 64%; maximum allowed is 65%; therefore, a site plan modification to make this permanent would not meet zoning requirements.
4. Since the filing of the application, we contacted that applicant about the need for screening of the outdoor storage, and he has added fencing along the frontage to screen the trailers. In visiting the site, other changes on site appear to be the addition of two spot lights on the southern side of the building. Those lights do not appear to be dark sky compliant.
5. 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."

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-2-

APRIL 12, 2022

If this application is approved, we would request the applicant permit the new lighting that has been added to ensure that is dark sky compliant

Bruce LeFebvre questioned the suggested height of the fence and stated that the current fencing is approximately 5-6 ft. tall. Chairman Pacekonis commented that they would review this question in more detail during Commissioner remarks.

Chairman Pacekonis asked for public comment. No one from the public was present.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Cavagnaro, Dexter and Carey had no comment.

Chairman Pacekonis questioned how long the trailers had been on the property. Bruce LeFebvre responded since September 2021. Chairman Pacekonis asked Michele Lipe when he had first contacted Planning about the storage of trailers. Ms. Lipe responded sometime in the fall of 2021. Chairman Pacekonis questioned when the lights on the side of the building went up. Mr. LeFebvre commented that after multiple robberies on the property, shortly after Eversource offered a program for additional lighting, which would help deter future robberies. Mr. LeFebvre commented he thought he should be able to put shields on top of the light to help make them compliant. Chairman Pacekonis commented that the current lighting does not meet the conditions that were part of the original approval and feels the lighting should be removed. Additionally, the approval does not allow outdoor storage unless it is screened.

Chairman Pacekonis confirmed the trailers are for a friend. Mr. LeFebvre responded yes. Chairman Pacekonis commented that with the current fence height, the trailers would be covered by only 3 feet of fencing. Additionally, he did not feel the trailers should be located there as it is compromising the regulations because the applicant wants to help a friend. Chairman Pacekonis commented that he could not approve this application as he felt it would also send the wrong message to surrounding businesses.

Commissioner Dexter questioned if it would be appropriate to have the temporary and conditional permit last for less than a two-year period. Commissioner Dexter questioned if Chairman Pacekonis would consider a shorter time frame. Chairman Pacekonis responded that he felt the applicant had gone against his approval conditions and the Zoning Regulations. Additionally, he did not see a solution to the lighting issue, as he did not believe a hood would work on the lights to make them dark sky compliant.

Chairman Pacekonis closed the public hearing at 7:16pm.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

- 1. Appl. 22-09P Simmons Soccer Field T&C-** request for a renewal of a 2 year temporary and conditional permit (Section 2.13.a) to create two soccer fields, associated parking and temporary lights, at 225 West Road (southwesterly corner of West Road and Sullivan Avenue), GC zone

Tom Simmons, applicant, commented that the application remains the same as it has for the past ten years.

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe read the Planning Report.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-3-

APRIL 12, 2022

1. Request for renewal of a two-year temporary and conditional permit to allow two soccer fields and associated parking on property located at the southwesterly intersection of Sullivan Avenue and West Road, GC zone. Mr. Simmons has been operating at this location since 2011.
2. The applicant originally sought a T & C permit because outdoor recreation is not a permitted use in the GC zone, and the soccer use was originally intended to be a temporary use until such time as the owner proceeded with development plans.
3. The applicant has indicated in the past that the fields would typically be used Monday – Friday from 6:00 PM – 7:30 PM, with games on Saturday and Sunday. In 2014 Mr. Simmons requested approval to use portable lights to allow play after daylight savings time. The PZC granted permission to play with portable lights until 8:00 PM. The applicant is again requesting approval for the use of flood lights on Monday – Friday, from 6:00 PM – 7:30 PM.
4. A 4-foot fence has been installed along portions of Sullivan Avenue. The applicant supplies a port-a-potty and garbage can for the site. At the time of the last application, the applicant indicated requested to clean up the brush and scrub at the corner of Sullivan Ave and West Road. That has been completed and adds to the aesthetic of the field.
5. The PZC’s original approval limited play to one field at a time. To date, parking has not been an issue, however only one field has been utilized. The PZC has indicated that he could work with staff and his engineer to accomplish this additional parking if it becomes necessary and in the past we have made that a condition of approval.
6. The applicant put up a free-standing sign along West Road and banners along the Sullivan Ave. frontage. We would request the applicant permit the temporary signage in accordance with our regulations.
7. The last approval required that the two parcels be combined by deed, with a copy submitted to the Assessor’s office. This has not been done to date and we would request that it be completed with this application.
8. The wording of the T & C permit regulation is that, “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.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Cavagnaro, Dexter and Carey had no comments.

Chairman Pacekonis questioned what time the lighting shuts off. Mr. Simmons responded typically around 7:30pm or once the last child gets in their car with their parent/guardian. Chairman Pacekonis commented that he felt the applicant takes good care of the site.

Tom Simmons asked a question about renting the Wapping Church gym. Chairman Pacekonis suggested the applicant to work directly with town staff as there only focus this evening was the temporary and conditional permit in front of them.

Chairman Pacekonis reminded the Commission that with only four Commissioners the votes need to be unanimous for any approval.

Commissioner Dexter motioned to approve the application with the following conditions:

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-4-

APRIL 12, 2022

1. The Temporary and Condition permit will expire on April 12, 2024, and must be renewed before that time if the use is to continue.
2. 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.
3. Parking for this use is allowed on-site only. No parking is allowed on public streets or within the right-of-way of public streets, nor on the Town of South Windsor property on the easterly side of West Road. If the parking lot becomes inadequate, use of the fields must be discontinued until adequate parking is provided. If the applicant decides to expand the parking area, a plan must be submitted to Town Staff for review and approval.
4. A deed combining all the properties into one lot shall be submitted.

Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

2. **Appl. 22-12P, 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

Chairman Pacekonis commented that no one was present on behalf of the application. Michele Lipe commented that this application and the next two application have been in existence for many years. Chairman Pacekonis commented that he had questions and some issues with the current application and property. Ms. Lipe suggested they put this application on another agenda to allow the applicant to be present to discuss concerns with the Commission.

3. **Appl. 22-13P, 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

Director of Planning Michele Lipe read the Planning Report.

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. 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.”
5. There are no Engineering comments on this application.
6. If this application is approved, the Planning Department has no modifications to request.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-5-

APRIL 12, 2022

Chairman Pacekonis asked if any Commissioners had questions or comments. No questions or comments.

Chairman Pacekonis questioned Michele Lipe if there have been any issues with the temporary and conditional permit. Ms. Lipe responded there have been no issues.

Commissioner Cavagnaro motioned to approve the application with the following condition:

1. The permit is for a two year renewal and will expire on April 12, 2024. If this use is to continue beyond that date, a renewal will be required.

Commissioner Dexter seconded the motion. The motion passed unanimously.

- 4. Appl. 22-14P, 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

Director of Planning Michele Lipe read the Planning Report.

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 RR zone does allow for accessory apartments; however there is no provision for multiple apartments in separate buildings on a site.
3. This property is served by wells. The applicant is responsible to the Environmental Health Officer the testing of the well on an annual basis.
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.”
5. There are no Engineering comments on this application.
6. If this application is approved, the Planning Department has no modifications to request.

Chairman Pacekonis asked if any Commissioners had questions or comments. No questions or comments.

Commissioner Cavagnaro motioned to approve the application with the following conditions:

1. The applicant must work 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 12, 2024. If this use is to continue beyond that date, a renewal will be required.

Commissioner Dexter seconded the motion. Commissioner Dexter questioned if Michele Lipe thought the applicant would be willing to deed restrict the property. Ms. Lipe responded that she would ask. Commissioner Cavagnaro clarified the wording for item number one. Chairman Pacekonis called the motion. The motion passed unanimously.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-6-

APRIL 12, 2022

- 5. Appl. 22-10P 1496 Realty Associates-** request for a two year temporary and conditional permit for use of approximately 4,500 sf of lawn area for outdoor storage of trailers, on property located at 1496 John Fitch Boulevard, I zone

Chairman Pacekonis commented that he expressed how he felt about the application during the public hearing.

Commissioner Dexter commented that should the Commission deny the application, it would take the property owner some time to remove the trailers. Michele Lipe commented that she would agree this would likely not happen immediately. Additionally, there would be a period of time for Zoning Enforcement.

Chairman Pacekonis confirmed that the Zoning Enforcement Officer had already issued a complaint. Michele Lipe confirmed this and added that if this application is unsuccessful the Enforcement Officer would pick up where they left off.

Commissioner Carey commented while she understood the importance of staying in line with the Zoning Regulations, she acknowledged the hardships felt by many people during the pandemic. Commissioner Carey commented that she would be willing to allow for a three month temporary and conditional permit to allow the applicant's friend time to find another storage space.

Commissioner Cavagnaro commented that he agreed with Chairman Pacekonis, if it goes against Zoning Regulation than he would not be comfortable voting in favor.

Commissioner Cavagnaro motioned to approve application with the following conditions:

1. The permit is for a two-year temporary and conditional permit for the storage and will expire on April 12, 2022. If this use is to continue beyond that date, a renewal will be required.
2. A permit is required for the lighting that has been added to the southerly end of the building to ensure that it meets the zoning regulations and is dark sky compliant

Commissioner Dexter seconded the motion. Roll call was held. Commissioner Dexter and Carey voted in favor. Commissioner Cavagnaro and Pacekonis voted against. The motion failed.

- 6. Appl. 21-53P Miller Heights Subdivision-** request for two 90-day extension to file mylars in the Office of the Town Clerk

Chairman Pacekonis questioned if Michele Lipe had any comments on the request. Ms. Lipe responded that she had no comments. Chairman Pacekonis questioned the outcome should an applicant not file mylars within the 180 days. Michele Lipe commented that if an applicant does not file mylars within 270 days then the approval is no longer valid.

Commissioner Dexter motioned to approve the two 90-day extensions.

Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

BONDS: Callings/Reductions/Settings

MINUTES: 3/15/22 and 3/22/22 – accepted by consensus.

OLD BUSINESS:

Michele Lipe briefly reviewed the topic for next week's meeting. First, there would be an Executive Session at 6:30pm with a regular meeting to follow all in Madden Room to discuss regulations. Senior

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-7-

APRIL 12, 2022

Environmental Planner Jeff Folger would be present as well. Ms. Lipe added that they would be discussing future meeting dates for training.

Ms. Lipe commented that she distributed some news articles that she thought may be of interest to the Commission.

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 22-15P, Lightning Fitness Expansion**— request for a modification to the Special Exception approval to increase the recreational square footage from 24,000 sf to approx. 28,000 sf, on property located at 85 Nutmeg Road, I zone

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourn.

Commissioner Carey seconded the motion.

The meeting adjourned at 7:43 pm

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary