

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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JULY 12, 2022

MEMBERS PRESENT: Robert Vetere, Bart Pacekonis, Stephanie Dexter, Steve Wagner, Alan Cavagnaro, Michael LeBlanc

ALTERNATES PRESENT: Atif Quraishi, Carolyn Carey and Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann, IT Support; Caitlin O'Neil, Recording Secretary

PLEDGE OF ALLEGIANCE

Secretary Wagner read the legal notice into the record.

Chairman Pacekonis appointed Alternate Commissioner Bernstein for Commissioner Foley.

CALL TO ORDER:

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

1. PZC Sponsored Text Amendment - Add Section 8.2.E to establish criteria for the resubmission of applications within one year of Commission action (Cont. from 4/26/22)

Chairman Pacekonis asked for town staff comment.

Director of Planning Michele Lipe commented that at the Commission's request she had Town Attorney Richard Carella review the proposed changes and reviewed the minor changes made to the text language that he suggested.

Town Engineer Jeff Doolittle had no comment.

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis asked for Commission comments.

Commissioner Cavagnaro commented on the wording of material change. He questioned if an applicant changes the size of a warehouse, for example, would this be considered a material change. Michele Lipe responded that each resubmitted application would ultimately need to be reviewed by the Town Attorney to advise if the Commission could deny the resubmission or not if there was a question.

Commissioner LeBlanc commented that he would like to avoid the revolving door of applications being resubmitted. He added that he felt a year was an appropriate time frame for resubmission.

Commissioner Wagner commented that he believes the Commission should meet when an applicant resubmits an application and questioned how the Commission can determine whether to accept or deny a resubmitted application. Michele Lipe responded that if an applicant comes back within a year, the suggested wording requires that something be submitted in writing that shows the material changes to the application and then the Commission would vote on whether to accept the application. Commissioner Wagner commented that he felt language needed to be added that reviewed if application is resubmitted the Commission will need to vote on whether the application has material changes.

Commissioner Vetere commented that he felt the adjusted wording is adequate. Commissioner Vetere commented that it can be difficult to debate whether something is a material change but does feel the text amendment is as clear as it can be as it currently written.

Chairman Pacekonis commented that he understood Commissioner Wagner's point of view, however, he feels since the applicant would be required to submit a letter that reviews changes made to a plan, the Commission could review this with the Town Attorney and decide as a Commission if an applicant is

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allowed to resubmit. Chairman Pacekonis commented that he did not want get bogged down with the wording since there are so many possibilities.

Commissioner Wagner commented that the Commission's decision would be based on the advice of the Town Attorney to determine if something is a material change. Commissioner Wagner commented that he is suggesting that they add a sentence that Commission would determine if an applicant has submitted material changes based in part on the opinion of the Town Attorney. Chairman Pacekonis commented that he would not want to add this wording as the Town Attorney is advising the Commission, ultimately, the Commission would be taking a vote on whether they feel the changes are substantial or not. Chairman Pacekonis commented that he was comfortable with the updated text amendment as it has been submitted.

Commissioner LeBlanc commented on siding change on the Evergreen Walking application and how it relates to this text amendment. Commissioner LeBlanc commented that he did not want to degrades the quality of the product and does not think this should be considered a material change.

Chairman Pacekonis closed the public hearing at 7:18pm.

2. PZC Sponsored Text Amendment- Delete Section 7.1 Accessory and In-Law apartments and definitions; add Section 3.2.3 Accessory Apartments which establishes criteria for accessory apartments in single family zones; modify Table 3.1.1A Permitted Uses; and modify Table 6.4.3 Minimum Parking Requirements. PZC also proposes to opt out of Section 6 of Public Act 21-29 (Cont. from 4/26/22)

Chairman Pacekonis asked for town staff comment.

Director of Planning Michele Lipe commented on the few outstanding changes from the last public hearing. Ms. Lipe commented that the bigger question for the Commission to decide on is whether they want these accessory apartments to be owner occupied, this can be either occupying the home or the apartment. Ms. Lipe added that if the Commission wants these units to be owner occupied then they should add the reaffirmation of ownership language suggested, which is reflected in the current text amendment. Ms. Lipe reviewed the added language that relates to homes that currently have in laws, which states that anyone who currently has an in law that is larger than 1,000 square feet would become a legal non-conforming apartment. Ms. Lipe added that the decision for the Commission is whether these applications should be handled at staff level or by the Commission. Ms. Lipe reminded the Commission that part of this part of this process is to opt out of the Public Act by the state since they are creating their own regulations regarding accessory dwelling units.

Town Engineer Jeff Doolittle had no comment.

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis asked for Commission comments.

Commissioner Carey commented that she felt these properties should be owner occupied. She added that she wanted to avoid being inundated with rental properties in town.

Commissioner Dexter commented that she would also prefer the properties to be owner occupied. Commissioner Dexter questioned if there could be an exception that states if both the home and apartment are rented then one must be an affordable unit. Michele Lipe responded that this change could be accommodated if the Commission wanted it. Commissioner Dexter commented on language regarding

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the change in family situation, specifically a death of the owner. Ultimately, she supports one the units being owner occupied unless one of these units is affordable then both could be rented.

Commissioner Wagner commented that the family situation change clause only covers one example and feels there are other situations where an owner would move out of a property. Commissioner Wagner suggested changing the language to read death or departure of the owner. Michele Lipe commented that her intent with the changes was to make it read like an unusual situation, not a common place situation. Commissioner Wagner commented that he did not want to tie people's hands too much with their property, therefore, he could like to adjust the language in this section of the text. Commissioner Wagner commented that he did not feel paragraph 4 was needed because it is covered in the table. Commissioner Wagner questioned if they would want Architectural Design Review Committee to review these units. Commissioner Wagner questioned the time line for paragraph 3.3.3.2, the reaffirmation of ownership. Commissioner Wagner commented on paragraph 3.2.3.3 point A, he feels that if these units have already expired then they should be automatically turned into accessory apartment. Michele Lipe commented that she did not agree with this suggestion as the Planning Department is unaware if these units still exist since they never received confirmation. Commissioner Wagner understood Ms. Lipe's point. Ms. Lipe added that these units and whether they are active will likely be picked up by the Assessor during re-evaluation. Commissioner Wagner questioned if someone's unit expired in six months should it automatically become an accessory apartment unless they let the Planning Department know that this apartment no longer exists. Michele Lipe responded that her process as it stands is if an owner lets a use expire then they would have to come back and reapply.

Commissioner LeBlanc commented that he was comfortable with language as long as its owner occupied.

Commissioner Cavagnaro questioned if they approved this text amendment would the Commission be requiring a public hearing for accessory units. Michele Lipe commented that in the proposed text it would require a site plan review for attached units at the staff level for a zoning permit and any detached units would require a site plan approval from the Commission. She added that site plans do not require a public hearing, just approval from the Commission. Commissioner Cavagnaro commented that he thought he read public hearings were needed somewhere. Michele Lipe responded that the current regulations call for detached apartments to have public hearing, but with the proposed changes this would no longer be required. Commissioner Cavagnaro commented that he was not comfortable with mandating one of the unit's be owner occupied. Chairman Pacekonis clarified that the accessory apartment or the home can be owner occupied, it can be either one.

Commissioner Bernstein commented that he was going to recuse himself on this application. Chairman Pacekonis sat Commissioner Carey for Bernstein for this application.

Chairman Pacekonis commented that he was comfortable with the proposed text amendment language. He added that he understood Commissioner Wagner's concerns with family situation and suggested adjusting the language slightly to reflect something along the lines of "where family situation changes, such as the death of an owner or similar circumstances". Chairman Pacekonis commented that he was split on the owner occupied issue. He commented that if an owner is living on site then you would have someone with equity in the house and would therefore be more considerate of the home. Chairman Pacekonis commented that he ultimately felt this would be a good thing but would support the text either way. Chairman Pacekonis clarified that the Commission has to opt out of the Public Act by a 2/3rd majority vote and then Town council would also have to opt out by the same 2/3rd majority vote.

Commissioner LeBlanc commented that he also thought owner occupied units would be best.

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Commissioner Vetere questioned if they could add language that would make the owners liable for the maintenance of the property. Commissioner LeBlanc commented that it could be difficult to contact landlords if they live out of state.

Commissioner Carey reviewed why she felt owner occupied was important. She added that in her opinion the concept of accessory apartment would allow a homeowner to help pay their mortgage.

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

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

1. **Appl. 22-07P, Evergreen Walk, LLC Multifamily Text Amendment** – request to amend Specific Requirements for Multifamily Residential Use in the Buckland Gateway Development Zone - including Section 4.2.15 A.2.e to increase the number of units permitted to 365 units; and modify Section 4.2.15 A.2.c to modify the criteria for achieving the required 2:1 residential to commercial ratio for mixed use developments within this zone

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe commented that she sent out the updated text that reflected changes from the previous public hearing.

Town Engineer Jeff Doolittle had no comment.

Commissioner Wagner motioned to approve Appl. 22-07P text amendment:

Amend Specific Requirements for Multifamily Residential Use in the Buckland Gateway Development Zone - including Section 4.2.15 A.2.e to increase the number of units permitted to 365 units; and modify Section 4.2.15 A.2.c to modify the criteria for achieving the required 2:1 residential to commercial ratio for mixed use developments within this zone

The following text is approved:

Amend Section 4.2.15 (A)(2)(c) of the South Windsor Zoning Regulations to read:

- c. (i) The floor area of the aggregate of all residential units in the proposed development area shall be limited to: (a) a maximum ratio of 2:1 to the commercial area shown on the submitted Development Area Plan a General Plan of Development submitted contemporaneously with an application for special exception for multi-family use as provided herein, which commercial area shall be new to the submitted General Plan of Development; or (b) a maximum ratio of 1:1 to the commercial area when the commercial area is shown on a General Plan of Development approved on or after June 1, 2020 and prior to April 30, 2022; the proposed residential component provides for a minimum of 12.5.% of the housing units as “affordable” for individuals or families at the 80% median income level where there is a deed restriction for such component for a 40 year timeframe; and the General Plan of

Development is limited to real properties located on the westerly side of Tamarack Avenue Buckland Road; and (ii) when calculating the maximum ratio as provided hereinabove, Facilities for the sole purpose of support of a multifamily residential use, such as club house, meeting rooms, offices, garage

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space, etc., shall not be counted as either residential or non-residential floor area in determining compliance with the ratio.

(ii) If the number of affordable housing units equals or exceeds 12% 12.5% of the units shown on a General Plan of Development, the number of 2-bedroom residential units shown on that Final Plan or General Plan of Development may be increased to 62% of the total number of units, the deed restriction for affordability of the affordable units shall be reduced to a term of no less than 40 years, and the use of vinyl clapboard siding [excluded by Section 4.2.15(C)(2)(b)(iv)] shall be allowed as an acceptable exterior building material above 36 inches on the building.

1. The Planning and Zoning Commission finds that the zone text change is in conformance with the Town Plan of Conservation and Development and the Town's Affordable Housing Plan.
2. The effective date of the zone text amendment is July 31, 2022.

Commissioner Cavagnaro seconded the motion. Discussion ensued.

Commissioner Wagner commented that he felt this application was positive. Commissioner Wagner questioned the wording in paragraph ii regarding the reduction of terms for the 40-year deeded units.

Chairman Pacekonis commented that he felt paragraph ii needs to 15% affordable units instead of 12.5%. Chairman Pacekonis commented that he felt the developer would get a significant increase in two-bedroom units with no benefit to the town. Chairman Pacekonis commented that the end of the third line in paragraph ii should be crossed out as it repeats the language above. Chairman Pacekonis commented that he did not understand the purpose of the 12.5% in both paragraph i and ii. Michele Lipe responded that during the previous public hearing the original proposal for affordable units was 10% and the applicant increased this to 12.5% since the Commission wanted more affordable units. Ms. Lipe went on to comment that the applicant would exceed the 12.5% with 12.7% affordable units. Additionally, the applicant was clear that 15% is not an attainable figure for the project. Chairman Pacekonis commented that he still felt the applicant was receiving a large benefit for providing 12.7% affordable units. Chairman Pacekonis commented that unless paragraph ii reflects 15% then he cannot support the application.

Commissioner Vetere commented that the applicant went from 10% to 12.5%, which is an addition of four affordable units and to justify this cost the applicant is looking for more two-bedroom units.

Commissioner Vetere commented that he did not feel this is a total loss. Chairman Pacekonis commented that 15% would add another four or five units. Commissioner Vetere commented that he felt four more units was better than no additional affordable units. Chairman Pacekonis commented that he was trying to set a standard for affordable housing moving forward.

Commissioner Cavagnaro echoed Commissioner Vetere, the applicant was clear at the previous public hearing that the 15% affordable units would jeopardize this project. Commissioner Cavagnaro added that the applicant has given as many affordable units as possible. Commissioner Cavagnaro commented that in regards to the vinyl siding, the material being used would still be quality material and did not have a concern about this condition. Commissioner Cavagnaro summarized that this application brings the Commission closer to their affordable housing goal.

Commissioner LeBlanc reiterated that he supports quality material being used and did not think quality material should not be cut from this development.

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Commissioner Wagner commented that he heard several suggested changes and that he would be willing to accept removal of the deed restricted wording that is repeated in paragraph ii. Commissioner Cavagnaro also accepted this friendly amendment.

The motion was called. The motion passed 6-1. Roll call: Commissioner Dexter, Vetere Wagner, LeBlanc, Cavagnaro and Bernstein voted in favor. Chairman Pacekonis voted against the application.

2. **Appl. 22-08P, Evergreen Walk, LLC** – request to modify the Evergreen Walk General Plan of Development in accordance with Section 4.2.15 D.2 and a special exception to Section 4.2.15 D.1 for an 165 unit residential development, for a portion of 151 Buckland Road [within "Evergreen Walk"] known as Unit 7C, and being approximately 2,000 feet west of Buckland Road and 1,000 feet north of Smith Street, Buckland Road Gateway Development Zone

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe reviewed the draft approval conditions she submitted to the Commission. She explained that should the application be approved the next step for the applicant would be to submit a site plan of development.

Town Engineer Jeff Doolittle had no comment.

Commissioner Wagner motioned to approve Appl. 22-08P with the following conditions:

1. The Commission notes that this approval is for a General Plan of Development, Special Exception which does not address all engineering and site design details. Site Plan of Development approval is required prior to construction, per Section 4.2.15.D of the zoning regulations at which time the Commission will review all specific details of the project, including but not limited to the following concerns raised during the General Plan/Special Exception application process:
 - An Affordability Plan shall be submitted for the administration of the affordable units created through Section 4.2.15(A)(2)(e) of the zoning regulation
 - Sidewalk network and bike racks, with connections to existing sidewalks shall be included on the site plan; an interconnection to the existing apartment shall be accommodated
2. The following special conditions apply to the affordable components of this development:
 - 12.7% of the total number of dwelling units (i.e., 21 dwelling units) shall be reserved for occupancy by families earning 80% or less than the area median income (AMI).
 - The 21 affordable dwelling units will have a breakdown of 13 two bedrooms and 8 one bedrooms.
 - The deed restriction for affordability of the 21 dwelling units shall have a term of 40 years.
 - Unit 7C shall not be bound by Section 4.2.15(c)(2)(b)(iv) of the Zoning Regulations in order to permit vinyl clapboard siding as an acceptable exterior building material 36 inches from the ground. These materials shall be reviewed by the Architecture and Design Review Board.
3. No building permits will be issued until an updated OSTA Certificate is issued (per CGS §14-311).
4. All general approval considerations of the March 11, 2014 for Appl. 14-09P, Evergreen Walk General Plan of Development remain in effect.

Commissioner Vetere seconded the motion.

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Commissioner Wagner commented that he would like to remove the language that specifies where the affordable units would be located. Commissioner Vetere agreed to the friendly amendment.

Commissioner LeBlanc commented on concerns with the vinyl siding.

The motion was called. The motion passed 6-1. Roll call: Commissioner Dexter, Vetere, Wagner, Cavagnaro, Bernstein and Pacekonis voted in favor. Commissioner LeBlanc voted against the application

3. **Appl. 22-17P- Scannell Properties #644, LLC** – request for a minor Resubdivision for the redesign of the cul-de-sac at the northern end of Kennedy Road, I zone

Chairman Pacekonis asked for town staff comment.

Director of Planning Michele Lipe reviewed some of the approval conditions. With respect to reconstruction of Kennedy Road, this item was addressed in item 14. Ms. Lipe commented that she included Commissioner Cavagnaro's previous comments regarding trash on site and incorporated an approval condition that made sure the applicant cleaned up the site prior to acceptance by the town.

Town Engineer Jeff Doolittle reiterated that developer and the town would be willing to work together on a solution for the reconstruction of Kennedy Road.

Commissioner Dexter motioned to approve Appl. 22-17P with the following modifications:

1. This approval is for redesign of the cul de sac.
2. A five-foot Concrete sidewalk shall be installed along the Sullivan Ave. frontage to the west of Kennedy Road.
3. Drainage and construction for this subdivision is subject to the approval of the Town Engineer.
4. All lots shall be serviced by the Town of South Windsor sanitary sewer system and are subject to the approval of the Water Pollution Control Authority.
5. Water shall be supplied to this subdivision by CT Water.
6. This application is subject to the condition of approval of the Inland Wetlands Agency/Conservation Commission.
7. Street lighting shall be installed on streets, at intersections, and on cul-de-sacs in accordance with the policy established by the Chief of Police. Street lighting is to be coordinated with the Chief of Police (copy enclosed).
8. Street names and locations of fire hydrants are subject to the approval of the Fire Marshal of the Town of South Windsor. Street names and supporting posts shall be installed by the developer in conformance with the standards of the Town of South Windsor, at no expense to the Town.
9. A liability insurance policy shall be submitted to this Commission naming the Town of South Windsor as an insured, with a combined single limit for bodily injury and/or property damage in the amount of \$1,000,000.
10. Prior to commencement of any site work, a preconstruction meeting must be held with Town Staff.
11. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.

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12. All easements for conservation purposes, drainage or utilities, that may be required in connection with the approval of this subdivision, must be submitted on standard Town easement form where appropriate, to this Commission prior to filing the mylars and issuance of building permits. All deeds for open space, public improvements and roadways must be submitted prior to request for Town acceptance; all deeds must be in accordance with the policy for accepting deeds and must be approved by the Engineering Department and Town Attorney.

Quantity estimates must be submitted to the Town Engineer (on the enclosed form) for the purpose of determining subdivision bonding. All bonds shall conform to the enclosed bond policy and shall be posted prior to filing the final plans in the Town Clerk's office. If the developer chooses to submit a Letter of Credit for a one-year term, said Letter of Credit must be renewed on a yearly basis until completion of the development. If a new Letter of Credit has not been received within 30 days before the expiration date, the Commission may, at its option, call the Letter it is holding.

13. A deed combining the properties into one lot, as shown on the plans, is required.
14. The Town Engineer's review comments dated 6/7/22 must be incorporated in the final plans. With respect to the reconstruction of Kennedy Road and new cul de sac, it is the responsibility of the applicant to construct the new improvements associated with the new cul de sac. The applicant shall work the town to complete the balance of the needed Kennedy Road reconstruction.
15. The land to the east of the existing ROW and the 10-foot strip to the north of the ROW, offered to the town, shall be deeded to the Town of South Windsor. Before the acceptance of this land, the town shall inspect the property to ensure that any debris and/or trash has been removed
16. The zoning data table should be corrected to reflect the acreage reduction.

Chairman Pacekonis seconded the motion.

Commissioner Bernstein questioned if the reconstruction of Kennedy Road would be the entire road or just part of the road. Jeff Doolittle responded it would be for the entire road.

Commissioner Wagner questioned approval condition 15, since the town is being given the right of way is the applicant still meeting the requirements for impervious coverage. Michele Lipe responded yes.

The motion was called. The motion passed unanimously.

4. **Appl. 22-18P Scannell Properties #644, LLC** – request for a site plan approval for a 241,800 sq ft warehouse and distribution

Commissioner Wagner motioned to approve Appl. 22-18P 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 \$30,000 to ensure compliance with the erosion and sediment control measures and \$50,000 to ensure establishment of storm water system and \$50,000 to insure proper installation, follow-up inspection and maintenance of mitigation measures.

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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. This bond shall be held for three years to ensure survival of the plan material
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
10. The building street number must be included on the final plan.
11. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
12. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
13. Engineering comments dated 6/9/22 must be incorporated into the final plans.
14. Any buildings proposed to be demolished that are 75 years or older are subject to the Town's Demolition Delay Ordinance.
15. A waiver to Section 6.3.3.F has been granted to allow light poles within the truck courtyard to be 35 feet in height.
16. A deed combining all the properties into one lot shall be submitted. The property address shall be known as 67 Kennedy Road.
17. In accordance with Section 5.5.3 this application is subject to access management regulations including an easement allowing cross access to and from the adjacent property on Sullivan Avenue to the west of this site. The final location and size of the access easement shall be reviewed and approved by staff.
18. The applicant shall submit to staff the final rooftop screening plan once the final location of the units has been determined.
19. The zoning data block shall be updated to demonstrate zoning compliance based on the new acreage of the lot.

Commissioner Dexter seconded the motion.

The motion was called. The motion passed unanimously.

5. PZC Sponsored Text Amendment - Add Section 8.2.E to establish criteria for the resubmission of applications within one year of Commission action

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Commissioner Cavagnaro questioned if PZC sponsored text amendments would be exempt. Michele Lipe commented that these would be exempt since they do not follow the same time frame as other applications.

Commissioner Bernstein motioned to approve the zone text change as revised by the Town Attorney.

Add Section 8.2.E

No application, previously acted on by the Commission, may be re-submitted within one (1) year of said action unless based on facts presented in writing, that (i) material change of condition of the property has occurred since the Commission's prior decision, or (ii) other considerations materially affecting the merits of the application justifies a new hearing. This provision does not apply to applications that are withdrawn by the applicant prior to action by the Commission, or to applications which are revised to meet the regulations and address any objections or reasons for a prior denial.

1. The Planning and Zoning Commission finds that the zone text is in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone text amendment is 7/31/22.

Commissioner Cavagnaro seconded the motion.

Commissioner Wagner commented that he felt a sentence should be added that prior to approving a resubmitted application the Commission needs to determine whether it meets the resubmission criteria. Chairman Pacekonis commented that he felt the text language seemed fine as it is currently written and would feel more comfortable leaving it as is. Commissioner Dexter commented that she agreed with Chairman Pacekonis, especially since the Town Attorney had already weighed in on the wording.

The motion was called. The motion passed unanimously.

6. PZC Sponsored Text Amendment- Delete Section 7.1 Accessory and In-Law apartments and definitions; add Section 3.2.3 Accessory Apartments which establishes criteria for accessory apartments in single family zones; modify Table 3.1.1A Permitted Uses; and modify Table 6.4.3 Minimum Parking Requirements. PZC also proposes to opt out of Section 6 of Public Act 21-29

Commissioner Wagner commented on updating the wording about family situational changes in the text amendment. Michele Lipe clarified what kind of change would the Commission be interested in. She then suggested to just remove the family situation changes and just make it that the Commission needs approval for a dwelling to not be owner occupied. Commissioner Wagner asked for this section to read that the Commission may waive this requirement for personal or family situations.

Commissioner Dexter questioned if paragraph 4 would still be included. Michele Lipe commented that per Commissioner Wagner's request, they would delete this paragraph.

Commissioner Wagner motioned to approve the text amendment:

Remove Section 7.1 Accessory and In Law Apartments

Add Section 3.2.3 Accessory Apartments

3.2.3 Purpose

The purpose of this section is to encourage the provision of moderately priced housing by allowing accessory apartments in all single-family residential zones.

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3.2.3.1 Criteria for Approval

A. An application shall be made for a zoning permit for an attached accessory apartment prior to the issuance of a building permit and are subject to the following restrictions and conditions:

1. The primary dwelling unit or accessory apartment shall be owner-occupied. The Commission may waive this requirement in circumstances where the family situation changed (e.g. death of an owner). Upon resale of the property, the requirement of the house or unit being owner occupied would be in effect.
2. The usable floor area of the accessory apartment shall be no more than 30 percent of the usable floor area of the primary dwelling unit and/or shall be no more than 1,000 square feet (whichever is smaller). These areas shall be exclusive of garages, porches, or basements.
3. The accessory apartment shall have no more than two bedrooms.
4. When an accessory apartment is attached to a primary dwelling unit, the following shall apply:
 - a. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
5. Residential properties with accessory apartments are not allowed to be used as short-term rental properties. Conversion to a condominium is prohibited.

B. A detached accessory apartment application shall require the submission of a site plan to the Planning and Zoning Commission, must comply with above criteria A1 – A5, and is subject to the following restrictions and conditions:

1. Shall be located no closer than 30 feet from the property line;
2. Landscaping treatments may be required to provide a visual barrier along the property line to any adjacent residence located with 50 feet.

3.2.3.2 Reaffirmation of owner

All owners of dwelling units with approved accessory apartments shall reaffirm every 4 years to the Planning Department that 1 of the dwelling units is occupied by an owner of the property. This shall be done via a form letter that will be mailed by the Planning Department to the principal dwelling unit address. The Planning Department will generally provide such forms in summer of even-numbered years to all accessory apartment principal units.

3.2.3.3 Conversion of existing In-Law Apartments and Accessory Apartments

A. Upon expiration of the five-year permit period of a lawful in-law apartment, the apartment would be considered an accessory apartment and subject to these regulations.

B. Any in-law apartment or accessory apartment that was approved to be larger than 1,000 sf shall be considered a legal non-conforming accessory apartment.

1. The Planning and Zoning Commission finds that the zone text is in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone text amendment is 9/1/22.

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Commissioner Vetere seconded the motion. The motion passed unanimously.

PZC also proposal to opt out of Section 6 of Public Act 21-29

Commissioner Wagner motioned to opt out of Section 6 of Public Act No. 21-29.

The PZC feels the newly adopted Accessory Apartment regulation is intended to meet the spirit of the law and provides a process to allow accessory apartments in all of our single-family zones.

Commissioner Carey (seated for Bernstein who recused himself) seconded the motion. The motion passed unanimously.

BONDS: Callings/Reductions/Settings

Landscaping Bond

Appl. 20-37P Twin Manufacturing Landscape Bond in the amount of \$3,000 reduced by \$3,000 to leave a balance of -0-.

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Wagner seconded the motion. The motion passed unanimously.

IWA/CC Bond

Appl. 20-37P Twin Manufacturing E&S Bond in the amount of \$5,000 reduced by \$5,000 to leave a balance of -0-.

Appl. 20-37P Twin Manufacturing Stormwater Bond in the amount of \$10,000 reduced by \$10,000 to leave a balance of -0-.

Commissioner Cavagnaro motioned to reduce the above-mentioned bonds. Commissioner Dexter seconded the motion. The motion passed unanimously.

Appl. 17-04P SW Estates E&S Bond in the amount of \$50,000 reduced by \$50,000 to leave a balance of -0-.

Appl. 17-04P SW Estates Stormwater Bond in the amount of \$30,000 reduced by \$30,000 to leave a balance of -0-.

Appl. 17-04P SW Estates Wetland Plantings in the amount of \$10,000 reduced by \$10,000 to leave a balance of -0-.

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Vetere seconded the motion. The motion passed unanimously.

Appl. 21-04P Evergreen Walk Tamarack Ext. E&S Bond in the amount of \$20,000 reduced by \$20,000 to leave a balance of -0-.

Appl. 21-04P Evergreen Walk Tamarack Ext. Stormwater Bond in the amount of \$25,000 reduced by \$25,000 to leave a balance of -0-.

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Bernstein seconded the motion. The motion passed unanimously.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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JULY 12, 2022

Appl. 21-05P Evergreen Walk Unit 8 E&S Bond in the amount of \$10,000 reduced by \$10,000 to leave a balance of -0-.

Appl. 21-05P Evergreen Walk Unit 8 Crop Cover Bond in the amount of \$5,000 reduced by \$5,000 to leave a balance of -0-.

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Vetere seconded the motion. The motion passed unanimously.

Appl. 21-06P Evergreen Walk Unit 7C E&S Bond in the amount of \$10,000 reduced by \$5,000 to leave a balance of \$5,000

Appl. 21-06P Evergreen Walk Unit 7C Crop Cover Bond in the amount of \$5,000 reduced by \$5,000 to leave a balance of -0-.

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Vetere seconded the motion. The motion passed unanimously.

Appl. 12-41W Michaelson Residence Wetland Planting Bond

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Vetere seconded the motion. The motion passed unanimously.

Subdivision Bond

Appl. 20-56P UW Vintage II Subdivision Bond in the amount of \$10,000 reduced by \$670 to leave a balance of \$9,330, which is considered maintenance level.

Commissioner Cavagnaro motioned to reduce the above-mentioned bond. Commissioner Wagner seconded the motion. The motion passed unanimously.

MINUTES: 5/24/22 and 6/14/22- Chairman Pacekonis commented on some minor typos and the Commission accepted the minutes by consensus.

OLD BUSINESS:

Michele Lipe commented that there was no old business and reviewed the upcoming meeting schedule.

Ms. Lipe commented that all the subcommittees are actively meeting and suggested that at the August Planning and Zoning meeting an update be provided by the committees.

APPLICATIONS OFFICIALLY RECEIVED:

OTHER BUSINESS:

CORRESPONDENCE/REPORTS:

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourn.

Commissioner Vetere seconded the motion.

Meeting adjourned at 8:50pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary