

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

**MINUTES**

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**SEPTEMBER 13, 2016**

**MEMBERS PRESENT:** Gary Bazzano, Bart Pacekonis, Stephanie Dexter, Kevin Greer, Betty Kuehnel  
(arrived at 7:35)

**ALTERNATES PRESENT:** Michael LeBlanc, William Flagg, Teri Parrott

**STAFF PRESENT:** Michele Lipe, Director of Planning; Lauren Zarambo, Recording Secretary

**PUBLIC HEARING / COUNCIL CHAMBERS**

**CALL TO ORDER:** Chairman Bazzano called the Public Hearing to order at 7:30 p.m.

The Chairman appointed Alternate Commissioner Flagg to be seated for Kevin Foley and Alternate Commissioner LeBlanc to be seated for Commissioner Bonzani.

Secretary Commissioner Dexter read the legal notice as it was published in the Journal Inquirer on Thursday, September 1, 2016 and Thursday, September 8, 2016.

- 1. Appl. 16-44P, J & R Automotive LLC** - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for sale of used vehicles and general repairs and site plan approval for property at 96 Burnham Street, GC zone

Mr. Jonathan Hall, owner operator of J& R Automotive LLC presented the request for a Special Exception and DMV license for the sale of used vehicles and general repairs. General services will be offered such as oil changes and tune ups. All sales of vehicles will be done indoors. Most sales are in acted by word of mouth from his church's community and others.

Director of Planning Michele Lipe gave staff comments:

1. Request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for the retail sale of vehicles and automobile repairs, on property located at 96 Burnham Street, GC zone
2. Special exception criteria for used car sales in General Commercial Zones includes:
  - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
  - The application has met the requirements of the zoning regulations.
  - The land is physically suited to the proposed use.
  - Minimal, if any, adverse environmental impacts are created.
  - No traffic or other hazards will be created.
  - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
  - There will be minimal or no adverse effects on existing uses in the area.
  - Surrounding property values will be conserved.
  - The character of the neighborhood will be maintained or minimally disrupted.
  - The general welfare of the community will be served.

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- There is a balance between neighborhood acceptance and community needs.
- Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
- The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
- The architectural design is aesthetically pleasing and blends well into the surrounding area.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

3. The applicant's narrative indicates that the sales will be primarily internet auto sales. The intended hours of operation are from 9 a.m. - 5 p.m. Monday – Friday; 9 a.m. - 4 p.m. on Saturday and closed on Sunday. There will be no outdoor display of vehicles for sale. All vehicles offered for sale will be stored in the building.
4. With this request, the applicant is seeking approval for a used car dealer's license which is issued from the DMV after receiving local zoning approval. The applicant has provided a layout of the interior of the building, which shows a small office area, waiting room, car storage, and work area.
5. There are no site changes proposed. It should be noted that this property is subject to a 25' buffer requirement along the westerly side of the building. Based on the uses on the site, the number of parking spaces required are 7; 5 spaces have been shown. If additional parking spaces are needed, the applicant would have to stay outside of the buffer area.
6. The site is served by a septic system and public water. There are no floor drains located within the building
7. The Town of East Hartford was notified as required with all application within 500 feet of another town.

If this application is approved, the Planning Department has no additional comments.

Chairman Bazzano asked for public comment.

No one from the public spoke in opposition or support of the application.

Vice Chairman Pacekonis asked about floor drains and site lighting. Mr. Hall said there are no floor drains. Mr. George Szuki, owner of the building, described the outdoor lighting on site. The Vice Chair asked if Mr. Hall would like his hours of operation to be expanded. Mr. Hall stated he would prefer an 8 a.m. opening hour.

Commissioner Parrott asked if the business was presently located on the site and Chairman Bazzano asked where the business was operating presently. Mr. Hall replied it is in East Hartford

Vice Chairman Pacekonis stated verification of the exterior site lighting can be addressed under an approval condition.

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Mr. Hall submitted two letters of support to Director of Planning Lipe. Secretary Commissioner Dexter read the two letters from Pastor Ken Gustafson of Calvary Church on Deming Street and from Mr. Clifford Scott of King Street into the record (Exhibit A).

The Chairman closed the public hearing at 7:42 p.m.

- 2. Appl. 16-45P, Puzzle Theory LLC** – request for a Special Exception to Table 4.1.1A and Section 7.13 to operate an Indoor Recreation Facility known as an “Escape Room”, on property located at 46 Kennedy Road, Unit 1, I zone

Mr. Nicholas Toth, owner of Puzzle Theory LLC, presented the request for a Special Exception to create an ‘Escape Room’.

Director of Planning Michele Lipe gave staff comments:

1. Request for Special Exception to Article 7.13 of the zoning regulations and site plan to allow a recreational use, known as the Puzzle Theory, at 46 Kennedy Road, Unit 1A, I zone.
2. The business will occupy the first unit, approximately 1,600 sf. The applicant has provided a site plan highlighting the areas of the building as well as a layout of the area and description of the business.
3. Special exception criteria for indoor recreational use include:
  - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
  - The application has met the requirements of the zoning regulations.
  - The land is physically suited to the proposed use.
  - Minimal, if any, adverse environmental impacts are created.
  - No traffic or other hazards will be created.
  - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
  - There will be minimal or no adverse effects on existing uses in the area.
  - Surrounding property values will be conserved.
  - The character of the neighborhood will be maintained or minimally disrupted.
  - The general welfare of the community will be served.
  - There is a balance between neighborhood acceptance and community needs.
  - Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
  - The overall physical appearance of the proposed development is compatible with surrounding development and the Commission’s goals for the neighborhood/corridor.

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- The architectural design is aesthetically pleasing and blends well into the surrounding area.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above are satisfied.

4. The applicant is proposing to be open Thursday through Sunday from 6 p.m. – 12 a.m. The applicant hopes to expand these hours as the use grows in popularity
5. The indoor facility will not require any modifications as they will use the existing layout including small office areas, lounge changing area, handicap bathroom.
6. The parking requirement for indoor recreational use is one space per 250 sq ft, or 8 spaces. Currently there are 10 lines spaces on the site in front of the building, and the applicant will have access to the spaces behind the building as well.
7. The site is lit by building two pole mounted lights in the front parking area and two pole lights and building mounted lights in the rear of the site.
8. The Fire Marshal and Building Official have been consulted and the applicant is aware of the code requirements. Those requirements will have to be satisfied at the time a building permit is issued for the change of use.
9. The site is served by public water and public sewers.

If this application is approved, the Planning Department has no additional modifications to request and there are no engineering comments on the plan.

Chairman Bazzano asked for public comment.

No one from the public spoke in opposition or support of the application.

Commissioner Greer asked about the site and parking.

Vice Chairman Pacekonis encouraged the applicant to adjust his hours of operation in anticipation of the need to expand. Mr. Toth requested a full seven day work week, 3 p.m. to 12 a.m. weekdays, and 12 p.m. to 12 a.m. weekends. Pacekonis stated it is a welcome and different type of business in town.

Commissioner Kuehnel asked the applicant to describe an escape room experience. Mr. Toth stated escape rooms have been in Japan since 2007 but are new to the US. Groups of up to eight people enter rooms to problem solve through games and puzzles. Rooms are monitored by camera where clues can be feed guests. The goal is to get out as quickly as possible. Their model is not to be locked in to a room but to accomplish the goal that has been set for the guests.

Commissioner Flagg noted the age requirement of 13 and up and operating with up to 24 people at a time. He asked about parking. Mr. Toth described the parking spaces to include 10 spaces in front and 28 in back. He stated having full capacity will be rare.

The Chairman closed the public hearing at 7:52 p.m.

**REGULAR MEETING / MADDEN ROOM**

**CALL TO ORDER:** Chairman Bazzano opened the Regular Meeting at 7:56 p.m.

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**PUBLIC PARTICIPATION: none**

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

- 1. Appl. 16-46P, Cathy Paschetto LLC** – request for a 5-year renewal of a Major Home Occupation for an electrolysis office on property located at 89 Glenwood Road, A-30 zone

Ms. Cathy Paschetto presented the request for the renewal of a Major Home Occupation for her electrolysis office. She stated she would like to amend her hours of operation to start at 8:30 a.m.

Director of Planning Michele Lipe gave staff comments:

1. This is an application for the renewal of a 5-year major home occupation permit to operate an electrolysis office at 89 Glenwood Road, A-30 zone. This permit was originally issued in 2001, and has been renewed in 2006 and 2011.
2. At the time of the original application, the applicant indicated that she would have up to 10 clients a day.
3. In approving the original application, the PZC placed several conditions on the original approval including:
  - Operation of this salon is restricted to the present owner;
  - Hours of operation are limited to Monday – Friday, 9:00 a.m. – 5:00 p.m.; Saturday, 9:00 a.m. – 3:00 p.m.; Sunday and Monday closed.
4. The applicant is asking to modify the hours of operation to Monday - Friday, 8:30 a.m. – 5:00 p.m.
5. Public sewer and water serve the existing house.
6. The parking requirement is being met within the existing driveway.
7. The applicant has a 2 square foot wooden sign on the light post on the property.
8. If this application is approved, the applicant would also be required to return to this Commission for renewal upon expiration of the 5-year permit period.

Commissioner Pacekonis encouraged the hours to be expanding if wanted. Pacekonis fully disclosed that he had coached soccer with her husband.

Commissioner Greer stated he had painted the applicant's home.

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

1. Operation of the office is restricted to the present owner.
2. The permit will expire on 9/16/2021, and will have to be renewed at that time.
3. Hours of operation limited to: Monday – Friday, 8:30 a.m. – 5:00 p.m. and closed on Saturday and Sunday.

Commissioner Pacekonis seconded the motion.

The motion carried and the vote was unanimous.

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2. Change order request for Plasma Technologies to add a 25' x 125' concrete pad for equipment on property located at 694 Nutmeg Road North, I zone

Mr. Jim Aldrich of Aldrich Construction with Mr. Tim Stern of Plasma Technologies presented the change order request to add an exterior concrete pad for external equipment for their manufacturing process at their second location in South Windsor.

Plasma Technologies has been a long term resident of Rye Street making aerospace and commercial parts and putting thin coatings onto them. Demand for their products is growing within the aerospace industry. They have bought and are renovating an existing building. An exterior concrete pad is required for the exterior equipment necessary to their process. He described the location of the pad stating the highest piece of equipment would be 15' high.

Director of Planning Lipe stated the business is occupying a second building in the Industrial zone and although there is residential nearby the surrounding topography is suited to what they are proposing.

Vice Chairman Pacekonis asked how thick the concrete pad will be and footings. Mr. Aldrich replied it will be a floating 12" thick pad with rebar.

Commissioner LeBlanc asked about any noise generated from machinery. Mr. Aldrich stated technology has improved making the equipment significantly quieter than it used to be.

Chairman Bazzano clarified the location of the second facility.

Commissioners unanimously approved the change order by consensus.

3. **Appl. 16-44P, J & R Automotive LLC** - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for sale of used vehicles and general repairs and site plan approval for property at 96 Burnham Street, GC zone

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

1. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
2. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
3. The building street number must be included on the final plan.
4. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
5. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
6. No outdoor display of cars for sale is permitted; this approval is limited to six cars for display inside of the building.
7. In the event that additional parking is needed, the applicant shall provided additional spaces along the westerly side of the building.
8. The hours of operation are 8:00 a.m. to 5 p.m. Monday to Friday and 8 a.m. to 4 p.m. Saturday

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9. The outside lighting must be reviewed for compliance with zoning regulations.

- a. Special Exception form to be placed on file

Seconded by Vice Chairman Pacekonis.

Commissioner Kuehnelt abstained from voting because she was not present for the public hearing.

Motion passed 6 in favor and 1 abstaining. Roll call vote taken. Commissioners Pacekonis, Greer, LeBlanc, Dexter, Flagg, and Bazzano voting for and Commissioner Kuehnelt abstaining.

- 4. Appl. 16-45P, Puzzle Theory LLC** – request for a Special Exception to Table 4.1.1A and Section 7.13 to operate an Indoor Recreation Facility known as an “Escape Room”, on property located at 46 Kennedy Road, Unit 1, I zone

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

1. The building street number must be included on the final plan.
2. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
3. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
4. Hours of operation: 3 p.m. to 12 a.m. Monday through Friday and 12 p.m. to 12 a.m. Saturday and Sundays
5. Special Exception form to go on file

Commissioner Dexter seconded the motion

The motion carried and the vote was unanimous.

- 5. Informal discussion with Peter DeMallie** regarding a potential development in the South Windsor Center area

Mr. Peter DeMallie, president of Design Professionals, Inc., introduced Mr. Bob Knurek, realtor with Coldwell Banker, and Mr. Jim Newberry, resident of Petersen Way and owner of the subject properties. Mr. DeMallie showed a location map describing the properties on Petersen Way to Oakland Road up to the Rainbow Hill subdivision and stated no provisions were made over the years for the properties to be subdivided. Access from the subject properties to businesses and amenities of the town center were described.

A layout was shown of the 32 acres proposed to be developed on which there would be 59 units on 16 buildable acres by way of modifications to the North Center Overlay Zone. Mr. DeMallie stated they would request a greater percentage of residential single family homes than what is allowed in a multi-family zone. The proposal is for one, two, and three bedroom units.

Mr. Knurek described the single family homes as two bedrooms, or two bedrooms with an office, or one bedroom with an office. One floor living is proposed with the option of a 2<sup>nd</sup> floor loft. The market would be

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for those aged 50 and over wanting luxury homes. Mr. DeMallie indicated the roads would be private with no traffic into the Scott Drive neighborhood or into the Rainbow Hill Subdivision.

Vice Chairman Pacekonis asked how close the development would be to his residence and considered stepping down from discussing the project. It was determined to be over 500' from his residence.

The Vice Chair noted the majority of access would come from Oakland Road and asked about development under current zoning. Mr. DeMallie replied no subdivision would be possible because there are no road stubs and there would be the additional cost of 1,000' of street to get over the brook.

Of the 32 acres proposed to be developed Director Lipe asked how much is buildable. Mr. DeMallie replied there are 15.4 buildable acres.

Commissioner Flagg asked about the age restriction of 50 and above which Mr. Knurek described as cliental 50 and above and their children would have to be over the age of 21.

Director Lipe stated the Center North Overlay Zoning requirements (Section 5.7) has a requirement that no more than 67% of the land can be used for residential. The Center North was meant to create the Town Center in a village style. There can be up to 4.5 residential units per acre with a ratio of one to two bedroom units. There is also a 10% affordability component and a provision related to having a commercial mix to create the village concept. Mr. DeMallie stated built into those provisions is the ability for the commission to allow for modifications and noted the type of development they are proposing is meant to reinforce the town center and is contiguous with land already designed as Center North. He noted this development would require changes to the existing zoning text.

Commissioner Greer noted the access driveway onto Oakland Road would be located on a curve and could have 60 families exiting onto Oakland Road. Commissioner LeBlanc stated the layout seems tight and suggested coming in from the cul de sac from the north. Commissioner Flagg described the density of the area. Commissioner Dexter stated the Center North zone is what should be adhered to and Vice Chairman Pacekonis read from the regulations.

Chairman Bazzano stated it is ultimately only residential without any other kind of development and the amount of traffic from 59 homes will increase the traffic that much more. Commissioner LeBlanc stated the speed limit would have to be reduced to at least 30 miles an hour in order to create pedestrian friendly roads on thoroughfares that everyone uses.

Chairman Bazzano stated he is not favor in increasing the cap and not interested in making the development a DRZ but was complementary of the concept if it was redesigned for less units. Mr. Newberry stated they have put a lot of thought into an over 50 high end development to complement the town center.

Vice Chairman Pacekonis stated he does not see a need to change the zoning and emphasized the Town Plan of Conservation and Development supports the existing zoning and stated he is not in favor of the proposal. Commissioners Greer and LeBlanc voiced they were not in favor. Commissioner Dexter stated she is opposed to raising the caps on SRD's.



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Commissioner Parrott voiced concern that there were not stubs required onto a property as large as this one when the neighboring land was developed. The Chairman asked Mr. Newberry if he had any involvement when the cul de sacs were built. Mr. Newberry stated he never talked with a town official but spoke with U&R who gave a right of way through Darleen Drive after the approvals.

Commissioner Kuehnel stated she is not in favor to change the zoning but supports working within the current zoning. Commissioner Flagg agreed. Chairman Bazzano agreed and stated the Commission is in empathy to do something. Mr. DeMallie described how a single family subdivision could not make sense economically with infrastructure costs. Vice Chairman Pacekonis voiced concern over trying to develop land more than what it was intended to be developed. The density is increased for the town which changes the town's image.

The Commission unanimously voiced opposition to the plan as shown and to changing the zoning of the area. Commissioners encouraged the design of a new plan for consideration in accordance with the existing zoning of the area.

**6. Discussion regarding eliminating Design Residence Zone and Senior Residence Development regulations from the current Zoning Regulations**

Chairman Bazzano stated the Commission had a conversation about these regulations one month ago with the consensus of no more DRZ's and SRD's at this time but as long as you have DRZ and SRD in the regulations applications will continue to come forward. He asked the Commission on how to proceed.

Director Lipe indicated a text amendment could be made to eliminate them from the regulations and recommended relocating them to the Appendix so that existing DRZ and SRD's would not become non-conforming. It would be sent to CRCOG for a 35 day review and then go through a public hearing process where the community can weigh in with their comments Commissioner Dexter asked how CRCOG might react. Ms. Lipe stated there is an affordable component with the DRZ offered but the Commission is not compelled to take all land and create density through zone changes. Chairman Bazzano stated it is only fair to the developers so time and money is not wasted.

The Commission reached consensus to create a text amendment to remove DRZ and SRD's from the regulations and relocate them to the Appendix. Director Lipe indicated she will send it to CRCOG to start the process.

**BONDS: Callings/Reductions/Settings**

1. Appl. 15-28P, Regional Distribution E&S Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-.
2. Appl. 15-28P, Regional Distribution Stormwater Bond in the amount of \$10,000 to be reduced by \$10,000 to leave a balance of -0-.

Vice Chairman Pacekonis made a motion to reduce the above mentioned bonds. Commissioner Kuehnel seconded the motion. The motion carried and the vote was unanimous.

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3. Appl. 06-54P, Residence at South Windsor (Deming Plaza Subdivision) in the amount of \$96,000 to be reduced by \$96,000 to leave a balance of -0-.

Commissioner Greer made a motion to reduce the above mentioned bonds. Commissioner Dexter seconded the motion. The motion carried and the vote was unanimous.

**MINUTES: 7/11/16, 7/26/16**

Vice Chairman Pacekonis made a motion to approve the minutes of 7/11/16 and 7/26/16. Commissioner Flagg seconded the motion. The motion carried and the vote was unanimous.

**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 16-49P, Aman Subdivision** - request for a three lot subdivision of 13.3 acres to create two new lots, located at 99 Main Street (westerly side of Main Street, 575+/- feet northerly of the East Hartford town line, A-40 and FP zone
2. **Appl. 16-50P, McGuire Road Associates, LLC, dba Hartford Truck Equipment** – request for site plan approval for a 16,500 sf building, and a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, on property located at 95 John Fitch Boulevard, GC zone
3. **Appl. 16-51P, Tellier Properties, LLC, dba S.T.A.R. Center** – request for a three lot subdivision of 4.9 acres to create one new lot; request for Special Exception to Table 5.8.4.B.5 and Site Plan of Development for a 24,810 sf recreational facility on Lot #3, on property located at 2045 and 2063 John Fitch Boulevard (westerly side of John Fitch Boulevard, southerly of East Windsor Town Line), A-20 and Route 5 North Overlay Zone
4. **Appl. 16-52P, Unity of Greater Hartford Yoga Classes** - request for renewal of a two year temporary and conditional permit (Section 2.13.a) to allow yoga classes on a limited basis, on property located at 919 Ellington Road (Unity Church), RR zone

**OLD BUSINESS:**

Director Lipe indicated the recently approved change order for the fence at the High School may be coming back before the Commission. Information about different options was distributed to the commissioners.

**OTHER BUSINESS:**

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting at 9:47 p.m. was made by Vice Chairman Pacekonis  
Seconded by Commissioner LeBlanc  
The motion carried and the vote was unanimous.

Respectfully Submitted,  
Lauren L. Zarambo  
Recording Secretary