

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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SEPTEMBER 29, 2015

MEMBERS PRESENT: Bart Pacekonis, Viney Wilson, Elizabeth Kuehnel, Billy Carroll, Frank Bonzani

ALTERNATES PRESENT: Stephanie Dexter, William Flagg

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

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 15-48P, One Buckland Center** – request for a site plan of development approval for two commercial buildings totaling 17,853 sf, on property located southerly of Smith Street, on the westerly side of Buckland Road at the Manchester Town line, RC zone
2. **Appl. 15-49P, Parks and Recreation Commission (on behalf of the South Windsor Food Alliance) Winter Farmers Market** - request for renewal of a 2-year temporary & conditional permit to allow a farmers market weekly from October 31 through December 19, offering produce and other items such as vegetables, fruits, cheeses, meats, baked goods, soaps, candles, at the St Margaret Mary's Church, 80 Hayes Road, A-20 zone
3. **Appl. 15-50P, Christine Cassettari** - request for a 5-year renewal for a major home occupation 'Chrissy's Hair Studio' on property located at 1483 Ellington Road, RR zone

PUBLIC HEARING – Postponed to October 13, 2015 by applicant request.

1. **Appl. 15-46P, Evergreen Walk Lifestyles Center Drive-Through Text Amendment** – request to add Buckland Road Gateway Zone “Section 4.2.5.E under Permitted Uses” to allow drive through facilities subject to specific Design Standards listed; modify “Section 4.2.6.G Prohibited Uses” to delete the prohibition of Drive-through windows; and to add to “Section 10 Definitions” a Drive-Through definition (Continued from 9/8/15) **Postponed to October 13, 2015 by applicant request.**

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: The Chairman opened the Regular Meeting at 7:30 p.m.

PUBLIC PARTICIPATION: none

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

1. Election of PZC Secretary

Election of Secretary postponed until the next meeting on October 13th.

2. Discussion regarding Change Order #3 for Appl. 15-28P, Regional Distribution Center II, Lot 3, 175 Sullivan Avenue

Attorney Wayne Gerlt and Mr. Peter DeMallie of Design Professionals, Inc. distributed copies of a partial site plan showing proposed plantings along the frontage of 175 Sullivan Avenue. The requested change order will substitute the revised landscaping for an iron security fence which the tenant does not want or require. When the trees mature the loading dock areas will not be visible from Sullivan Avenue. At installation the trees will be 8' high and will fill in as they mature. Chairman Pacekonis recounted trees were proposed to be planted between the buildings as well. Mr. DeMallie indicated the view will be blocked by trees planted at the frontage though it will take five years for the trees to fill in and twenty years to maturity. Commissioner Dexter asked about the original intention for the fence. Mr. DeMallie stated the sole purpose for the fence was for security. Attorney Gerlt stated the regulations do not require a fence. Ms. Jill Marcotte of Scannell Properties stated it is easier for the tenant's drivers to get in and out without the security fencing but empathized with the Commissioners

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stating the drawing shows the trees at full maturity. The trees will provide screening for the building but the rod iron fence would not have offered screening. They will add an additional five trees to their plan. Chairman Pacekonis asked at the last meeting for an additional six trees to be staggered between the two buildings to act as visual screening to break up the view. Ms. Marcotte agreed to extend the trees between the buildings.

Commissioner Kuehnel made a motion to eliminate the fence and to install additional plantings as described. Commissioner Bonzani seconded the motion.

Chairman Pacekonis appointed Alternate Commissioner Flagg to be seated for Commissioner Foley and Alternate Commissioner Dexter to be seated for Commissioner Marrero's vacancy.

The motion carried and the vote was unanimous.

- 3. Appl. 15-47P, Mangino Temporary & Conditional Permit Renewal**— request for a renewal of the two-year temporary and conditional permit to allow two apartments on property located at 272 Pierce Road, RR zone

Mr. Joe Snyder representing Mr. Mangino presented the request for renewal.

Director of Planning Michele Lipe gave staff comments:

1. Request for the renewal of a two-year temporary and conditional permit for two in-law apartments at 272 Pierce Road, RR zone. These apartments were originally created through a temporary and conditional permit granted by the ZBA in 1989. The most recent approval expired in July of 2015. The applicant is now renewing that approval.
2. The wording of the Temporary and Conditional permit regulations is that "Temporary and conditional permits may be granted by the Commission for use which is not specified elsewhere in these regulations 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 with 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 allows for both accessory apartments and in-law apartments. However, the regulations do not allow for the creation of more than one accessory/in-law apartment. In addition, there are no provisions in our regulations for multiple apartments in single-family zones.

We would also request a condition requiring the applicant to file timely renewals or face a public hearing for future renewals.

Chairman Pacekonis asked who dwells in the apartments and Mr. Synder described the family members living in the units.

Commissioner Flagg made a motion to approve with modifications

- This approval is for two in-law apartments for a family member/relative only. When the in-law apartments are no longer occupied by a relative of the family, the apartments cannot be treated as a second dwelling unit. Instead, the kitchens must be removed and the living areas must be converted into other living space for the main dwelling.

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- This permit will expire in two years, on July 12, 2017, and will have to be renewed at that time if the use is to be continued. Owner(s) of the property must reside in an apartment or the main dwelling unit. Reaffirmation of occupancy by owner will be required every two years. This will be done via a letter from the Planning Department requesting the reaffirmation of occupancy.

Commissioner Kuehnel seconded the motion

The motion carried and the vote was unanimous.

4. Discussion with Demolition Delay Committee

Mr. Art Utay, Chairman of the Demolition Delay Committee (DDC), spoke with the Commission about the Town Center Analysis report which assessed the number of historically significant properties within the town center area and the general role the Committee plays when a demolition permit is applied for.

Chairman Pacekonis stated the Woodcock property at the corner of Deming and Buckland was the subject of a discussion before the Commission. The house is in disrepair and it may not be economically feasible to save the building. Mr. Utay stated the Town Center Analysis report did not make an assessment on the physical condition of the homes but is strictly a survey of those structures which are of an age 75 years or greater within the adjoining areas designated as the Town Center. There was an assessment as to what buildings have historical significance. The Woodcock property was determined to have historical significance because the original Buckland family who owned the property were pioneers in the area. If a demolition permit comes into the Building Department a complete assessment, including economic viability, will be made on the structure.

Ms. Lipe stated the historic value of a property is a consideration when evaluating a project within the new Village District regulations for the Town Center. The Town Center Analysis report is very helpful because it quickly identifies properties. The property owner was concerned to understand whether the Commission was expecting this particular building to be rehabbed as part of the Town Center or if another use could go there. The most the DDC can do is delay a demolition. Mr. Utay stated the DDC does not delay the demolition process when a structure is not sound or unsafe. The Chairman commended the work undertaken by the DDC and stated the Commission will not undermine anything they are trying to accomplish concerning demolition delay.

Ms. Lipe stated the goal of the demolition delay is to determine if there is opportunity for anything to be done to save, buy, or move the structure, or save usable elements from the building. Chairman Pacekonis asked if there is any benefit to have the DDC involved in an evaluation process for a demolition project sooner. Mr. Utay indicated the Committee is triggered to begin their process on a structure, 75 years or older, when an applicant applies for a building permit for demolition through the Building Department. It cannot hurt to have an applicant approach the DDC earlier in the process to discuss their plans for the best outcome possible.

Ms. Ginny Macro noted the Woodcock property is located on a very valuable corner but encouraged the Commission to keep in mind the vision for the center core and building character into the area which can be enhanced with historic properties. Chairman Pacekonis spoke about buildings that suffer demolition by neglect. The tobacco barns at Evergreen Walk were noted.

Mr. DeMallie noted a change in the environment for the historic buildings where there used to be interest in disassembly and reassembly of buildings to other places or for the use of parts of historic buildings. He suggested creating a list to identify those who may have an interest in the essential elements of buildings.

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Decisions on building projects are often made in quick order so a list of interested parties could serve to re-use building materials or to save the structures.

5. Discussion regarding the use of Container Units on Residential Properties (see attached request)

Mr. Thomas Fraize described two units he wants to place on his property and showed photos of container units being used around town. Director Lipe stated containers are used in industrial zones for storage but the regulations do not currently allow container units in residential zones. Accessory structures such as hoop houses are allowed. Commissioners discussed with Mr. Fraize potential permanent vs. temporary use of container units in residential and industrial zones and on farms. Council Liaison Steve Wagner stated there is a legitimate need for pods and dumpsters but the units should have time limits. Ms. Lipe will get input from the Building Department and research how other towns regulate them. The item will be placed on the October 13th agenda for further discussion.

6. Preliminary discussion with Toll Brothers, Inc. regarding residential development of two existing parcels totaling 46.5 acres at R022 and R024 Graham Road

Toll Brothers Division President, Mr. Jack Lannamann, and Senior Land Development Manager, Mr. Ted Merchant, described two parcels on Graham Road in RR and A20 zones on which to create an Open Space Subdivision of 53 lots. They intend to seek a rezoning from RR to A-30. Nineteen of the 46 acres would go to open space land and could be farmed for hay.

The Commission expressed support for the project. It was noted that ultimately the Town Council would make a recommendation to the PZC regarding ownership of the open space.

7. Discussion regarding building setbacks in the Industrial Zone.

Chairman Pacekonis began a discussion to look at the remaining industrial lots and potential development. Ms. Lipe showed an aerial of the Sullivan Avenue area which the Commission discussed. Mr. DeMallie commented. Ms. Lipe will look at other zones and landscaping standards and work on a regulation for Commission review.

BONDS: Callings/Reductions/Settings

1. Appl. 13-01P, Sullivan Place Centers, E&S Bond in the amount of \$2,000 to be reduced by \$2,000 to leave a balance of -0-

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

2. Appl. 13-01P, Sullivan Place Centers, Wetland Plantings Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-

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

3. Appl. 07-19P, ECHN II, Stormwater Structures Bond in the amount of \$10,000 to be reduced by \$10,000 to leave a balance of -0-

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

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The minutes of 9/8/15 and 8/25/15 were approved with the correction that at the 8/25/15 meeting Commissioner Bonzani was present and Commissioner Wilson was absent.

OLD BUSINESS: *see page 2*

OTHER BUSINESS:

Ms. Lipe distributed results from the Main Street Preservation Planning Study Survey and spoke about the final public meeting held with residents and consultants on September 28th.

A meeting has taken place with a farm on Rye Street holding farm to table events in a residential zone. The events could number up to four annually and the owner was suggested to come in for a temporary and conditional permit for the use.

A zoning text amendment to clean up the regulations will be forthcoming.

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 9:45 p.m. was made by Commissioner Carroll
Seconded by Commissioner Dexter
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren Zarambo
Recording Secretary