

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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NOVEMBER 15, 2016

MEMBERS PRESENT: Gary Bazzano, Bart Pacekonis, Stephanie Dexter, Kevin Foley, Kevin Greer

ALTERNATES PRESENT: Michael LeBlanc, William Flagg

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

PUBLIC HEARING / COUNCIL CHAMBERS

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

Chairman Bazzano stated the Commission sends their thoughts and prayers to Commissioner Betty Kuehnelt whose daughter passed away unexpectedly this weekend.

1. **Appl. 16-55P, Manchester Property Group LLC dba Mike & Tony Auto Repair Inc.** - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for general repairs and retail sale of vehicles; and site plan approval on property located at 1161 John Fitch Boulevard, I zone. Continued from 10/25/16.

Director of Planning Michele Lipe stated a letter was received from the applicant requesting an extension of time to hold the public hearing open. Secretary Commissioner Dexter read a letter from the applicant into the record.

Chairman Bazzano appointed Alternate Commissioner LeBlanc to be seated for Commissioner Bonzani and Alternate Commissioner Flagg to be seated for Commissioner Kuehnelt.

2. **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. Continued from 10/25/16.

Mr. Ben Wheeler from Design Professionals, Inc. representing the applicant went over outstanding issues from the October 25th public hearing referencing their letter dated November 10, 2016.

In regard to the firewood business, the applicant has indicated they will continue to process and sell the firewood currently on site until it is gone when they will stop the firewood operation entirely. This is expected before the certificate of occupancy is issued for the new building. A temporary and conditional permit would need to be applied for if it is continued beyond that time.

Regarding the construction and farming equipment stored on site, the applicant has indicated over half the equipment is not related to the farming operation and will be removed prior to the certificate of occupancy for the new building. The remaining equipment will be stored in a new structure to be placed on the residential house Lot 3 at 2045 John Fitch Boulevard. It will have a separate permit and will conform to zoning regulations.

Mr. Wheeler stated the rooftop units are being discussed by Capital Studio Architects and Aldrich Construction in order to find a solution to screening the units from view from Route 5. Mr. Tellier distributed sight line elevation drawings to the commissioners showing views from the north side. Mr.

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Wheeler explained how the visual impact from Route 5 is lessened as demonstrated by the three sight line elevations. The tree buffer on the adjacent property to the north will also lessen the impact.

Director of Planning Michele Lipe had no additional staff comments but indicated there are several approaches the applicant could pursue in handling the firewood business in the event it were needed.

Town Engineer Jeff Doolittle gave the following additional comments:

- The access between the southern part of the lot for the Star Center and Lot 3 has a lot of paved area and gravel area which may have to do with the fire wood operation on the lot. We will need clarification of the use for Lot 3.
- The rainwater storage tank is a great idea but we will need calculations and sizing information before it gets installed.
- Calculations regarding the outlet for the stormwater system are also required.

Chairman Bazzano asked for public comment.

Mr. Robert Dickinson resident Birch Road spoke in favor of the development stating recreation centers are badly needed. He asked since sidewalks are not proposed along Route 5 that the first 8' or 10' near the edge of the road be smoothed out so that people can walk safely.

No one spoke in opposition.

Chairman Bazzano asked Mr. Wheeler for the height of the building. Mr. Wheeler stated the first bay is 26' 8" and there is 31' 8" to the eave on the rear portion of the building. The Chairman asked the Director of Planning if she was satisfied about the handling of the rooftop mechanical units. Ms. Lipe stated the applicant has done the best they can by pushing the units back as far as possible from the northerly side but it is unfortunate there is no screening that can be accomplished. Chairman Bazzano described screening methods used at Evergreen Walk. Mr. Wheeler stated because the type of the standing seam roof used on this project many of the screening products void the warranty and the applicant is not prepared to void the warranty given the cost. The Chairman suggested placing a parapet at the east elevation to screen the view. Mr. Wheeler stated they would be willing to accept a condition of approval to consider a reasonable and cost effective solution for screening the units after they are installed.

The Chairman noted the east elevation of the building is better and will support it but was hoping for a better elevation from Route 5. Mr. Wheeler indicated the landscaping will soften the look of the Route 5 façade.

Director Lipe asked if the rooftop units can be painted to match the roof. Mr. Wheeler stated they will be happy to paint them with something close to the roof color as possible. Their expectation is that visibility will be minimal from the ground. Vice Chairman Pacekonis verified it will be made a condition of approval.

The Chairman closed the public hearing at 7:47 p.m.

REGULAR MEETING / COUNCIL CHAMBERS

CALL TO ORDER: Chairman Bazzano opened the Regular Meeting at 7:51 p.m.

PUBLIC PARTICIPATION: none

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

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Vice Chairman Pacekonis made a motion to suspend the regular order of business and move Appl. 16-51P to the first item on the regular meeting agenda.

Seconded by Commissioner Flagg

The motion carried and the vote was unanimous.

- 1. 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

Director Lipe stated there will be two separate approvals for the subdivision and site plan.

Vice Chairman Pacekonis made a motion to approve the subdivision with the following modifications:

1. This approval is for three (3) lots, numbered 1 - 3.
2. Drainage and construction for this subdivision is subject to the approval of the Town Engineer.
3. All lots shall be serviced by septic system and are subject to the approval of the Town Sanitarian.
4. Water shall be supplied to this subdivision by public water.
5. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission.
6. Prior to commencement of any site work, a preconstruction meeting must be held with Town Staff.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. 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.
9. Septic system must be submitted to and approved by the Environmental Health Officer prior to filing of mylars and issuance of building permits.
10. If, for any reason, finished grading and other individual lot site work is not completed, the Town Engineer shall determine the amount of a cash bond to ensure final grading and site work. This cash bond must be submitted prior to issuance of a Certificate of Occupancy.
11. 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.

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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.

12. A drainage assessment fee in the amount of \$50.00 shall be submitted to this Commission.
13. The Town Engineer's review comments dated 10/14/16 must be addressed to the Town Engineer's satisfaction.
14. No building permits will be issued until all modifications have been complied with, and the final plans have been filed in the Town Clerk's office.

Commissioner Foley seconded the motion.

Vice Chairman Pacekonis stated the applicant has done their best to abide by the regulations and is in favor of approving the application.

Commissioner Greer asked about the applicant's plan to connect to the sewer system in East Windsor. Director Lipe explained WPCA and East Windsor's perspectives did not look favorably at connecting to sewers and the lots would remain on septic systems.

The motion carried and the vote was unanimous.

Vice Chairman Pacekonis made a motion to approve the site plan 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 \$20,000 to ensure proper placement and maintenance of erosion and sediment controls, \$25,000 for installation of stormwater structures and \$10,000 for slope plantings and stabilization plantings
4. A landscape bond in the amount of \$7,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the septic system, which can only be granted by the Town Sanitarian.
9. The building street number must be included on the final plan.

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10. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
11. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
12. If a State Traffic Commission certificate is required, no building permits will be issued until the certificate has been issued (per CGS §14-311).
13. Engineering comments dated 10/14/16 must be incorporated into the final plans.
14. The fire wood business shall cease prior to the issuance of the certificate of occupancy on the new commercial building.
15. No outdoor storage of material and equipment is approved on the commercial lot. All of the farming equipment associated with the tree farm shall no longer be stored on the single family house lots or commercial building lot other than in permitted accessory structures.
16. Hours of operation are limited to Monday through Thursday 7 a.m. – 10 p.m., and Friday, Saturday, Sunday, and holidays 7 a.m. to midnight.
17. In accordance with Section 6.4.9, the Commission has granted a modification to the required number of parking spaces based on the uses presented, allowing 93 spaces.
18. Roof top mechanical units shall be painted to match the existing roof. Once installed, the units will be evaluated to determine if additional screening is required to be added.
19. No outdoor storage of material is approved. All the farming equipment associated with the tree farm shall no longer be stored outdoors on the single family house lots or commercial building lot.

Secretary Commissioner Dexter seconded the motion.

Vice Chairman Pacekonis stated the applicant has done their best to hide the roof top units and Chairman Bazzano complemented them for continuing to work on their plan over the past three years.

The motion carried and the vote was unanimous.

2. Appl. 16-58P, Able Tool & Equipment – request for a site plan modification for a 2,400 sf addition on property located at 410 Burnham Street, I zone

Design Engineer Mr. Kenneth Pudeler representing the applicant Able Tool & Equipment presented the application stating the site plan modification is for a small 2,400 sq ft addition which will be added to the back of the building. It will house a wash rack and cold storage. The same paved area will be used so there is no additional drainage but maintenance will be done on the detention pond located to the rear of the site.

Director of Planning Michele Lipe gave staff comments:

1. Request for site plan approval to build a 2,400 sq ft addition to the building for an equipment washing facility at 410 Burnham Road, I zone.

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2. This addition is proposed on existing pavement to the rear of the existing building on the site. Maximum impervious coverage allowed is 65%, 41% existing.
3. Proposed building height for the new building is one story and will be slightly lower than the existing building. There will be a 12 foot overhang on the easterly side of the building. Front yard setback is about 35 feet and the building currently sits at 61 feet.
4. There are four storage containers that will remain on site and are considered outdoor storage. Staff suggests the applicant add some evergreen plantings along the westerly property line to provide appropriate screening.
5. Our parking requirement for this building is 16 spaces, 10 provided with an additional 6 spaces shown in reserve.
6. There are new building mounted wall pack lights shown. A cut sheet should be provided showing the fixtures are dark sky compliant and an isometric diagram showing lighting levels.
7. There are no regulated wetlands on this lot; however no new impacts are anticipated. A minimal impact permit was approved on 11/9/16.
8. The site is served by public water and septic systems. Heather Oatis, Town Sanitarian, has reviewed and approved the proposal.
9. The Town of East Hartford was notified as required. They have not expressed any concerns on the plans.

If this application is approved, in addition to previous comments, staff recommends that the dumpster be shown on a concrete pad and screened.

Town Engineer Jeff Engineer commented the applicant is not changing the impervious coverage. The trailer on the eastern property line in the back of the gravel area is not identified on the plan. Applicant Mr. Derek Bauer for Able Tool and Equipment stated there are several containers on site some of which will be eliminated when the addition is built.

Secretary Commissioner Dexter asked about the addition which Mr. Bauer described.

Vice Chairman Pacekonis asked Director Lipe about the four containers to remain on site. Ms. Lipe stated they are considered outdoor storage and will be screened from the public way. Evergreens could be added to the western border but they are presently not viewable from the road.

Chairman Bazzano asked what is scattered all over the site in the aerial photograph. Mr. Bauer stated trucks and equipment are on site which come and go.

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

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission.

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4. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
5. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
6. The building street number must be included on the final plan.
7. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
8. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
9. A cut sheet should be provided showing the fixtures are dark sky compliant and an isometric diagram showing lighting levels.
10. Dumpster location to be shown on the plans. It should be placed on a concrete pad and screened.

Commissioner Foley seconded the motion.

The motion carried and the vote was unanimous.

- 3. Appl. 16-55P, Manchester Property Group LLC dba Mike & Tony Auto Repair Inc.** - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for general repairs and retail sale of vehicles; and site plan approval on property located at 1161 John Fitch Boulevard, I zone

No action was taken; public hearing remains open

- 4. Appointment of Demolition Delay Committee representative**

The Chairman asked for a commissioner to volunteer to be the PZC representative on the Demolition Delay Committee to replace Alternate Commissioner Parrott whose term expires 12/31/16. Commissioner LeBlanc volunteered to consider the appointment and asked for information about the committee to be sent to him for consideration.

- 5. Discussion regarding possible I-291 Corridor Development Zone text amendment**

Chairman Bazzano referenced the letter he had written to the Town Council and Town Manager regarding the casino proposal stating the proposal is more than a land use issue. It is a policy decision for the town regarding economic development and much more. The letter asked for the Town Council to take the subject up at a meeting. The Chairman asked for commissioners' comments.

Director Lipe stated she was contacted by the Town Attorney's office related to what the Commission would be looking for in a zoning text amendment. Ms. Lipe stressed to them that the Commission is looking for a legal opinion which was requested through the Town Manager.

The Chairman asked about the Redevelopment Agency. Ms. Lipe stated she attended a meeting of the Redevelopment Agency two weeks ago where the Town Manager introduced the project. The area of 22

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acres is under a municipal plan like that of the Connecticut Studios project. The Redevelopment Agency would be looking for information related to all aspects of the project to weigh in on whether this is a good project for the town or not regarding crime, taxes, and impact on services. If a new municipal plan was to be created it would go through a public hearing, and then go to PZC for an opinion, then to the regional planning agency (CRCOG) for an opinion, and ultimately go to the Town Council for action. This would all happen before a site plan or zoning application would come before the Planning & Zoning Commission.

Chairman Bazzano stated an email was distributed to South Windsor residents regarding a Town Councilor wanting a resolution on the table for next Monday's Town Council meeting and inviting residents to come.

Town Council Liaison Jan Synder stated there was an email distributed to residents through social media that there would be a resolution brought forward at next Monday's meeting. She thanked the Chairman for his letter which puts the responsibility on Town Council which can give guidance on how the PZC will want to move forward. Ms. Synder emphasized that South Windsor has not yet been selected as the site and there is no information on the project to review. When the Town Council originally discussed it, they gave approval to the Town Manager to seek more information. It is now still in the RFP stage, a silent period where no information is forthcoming, until a decision is made. It is premature to move forward without knowledge of the project regarding the impacts on taxes, crime, services, police, and fire. The decision will not be made in a vacuum and the Council looks to partner with PZC to give a clear path on how to move forward. Liaison Synder asked for the Chairman to let her or the Clerk of the Council Deb Reid know whether PZC would be interested in having a public hearing in partnership with Town Council to hear what the public has to say.

Chairman Bazzano agreed the public needs to be heard from and the project vetted before any decisions can be made on such a major project. The Commission is not interested in taking action without knowing the scope of the project or knowing whether the Town Council is for or against the project. Liaison Synder asked if anyone received a ruling from the Town Attorney on land use regulations. Director Lipe stated they are waiting for that legal opinion from the current Town Attorney.

Commissioner Foley agreed whole heartedly with Liaison Snyder and Chairman Bazzano and thanked him for steering the Commission in the right direction.

Commissioner Flagg asked if there is a time frame for a decision to be made from the Indian tribes. Liaison Synder stated there is no time frame but the Town Manager is expecting a decision from the Mohegan and Pequot partnership in the next few weeks.

Commissioner Leblanc agreed it is a weighty subject with a great deal at stake and agreed with Liaison Synder that it is the right path to take.

Vice Chairman Pacekonis stated the process of changing regulations is long and arduous. To start that process before it is known whether the Council would be in support or if the project is of benefit to the town is premature. The current regulations do not allow for it and as Planning Commission for the town PZC could start the process, but if it is not supported by the Council, it is a waste of time.

Commissioner Greer commented the Town Manager gave the impression of a rush project in need of quick decision. It is difficult to make decisions without any idea of what the plan will look like and knowing, if it is to be built in phases, whether all phases will be built. Liaison Synder stated the Council has not seen a plan

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either. Plans and statistics need to be had before making a decision based on the gravity of the subject. Commissioner Foley asked there will be opportunity for the police and fire chiefs to be involved with the meeting on Monday with Town Council.

BONDS: Callings/Reductions/Settings

1. Appl. 15-03P, Regional Distribution Facility, 135 Sullivan Avenue Landscaping Bond in the amount of \$10,000 to be reduced by \$10,000 to leave a balance of -0-.

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

2. Appl. 15-62P, Evergreen Walk, Tenant Space 500E IWA/CC Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-.

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

3. Appl. 15-38W, Caron Site, 30 West Road Group Home IWA/CC E&S Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-.

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

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10/18/16 Special Meeting: Chairman Bazzano asked to have Councilor Riley's comment on Page 3 about recalling a Town Council discussion verified. The Recording Secretary will listen to the audio tape to verify. Secretary Commissioner Dexter made a motion to approve the minutes with comment verified. Vice Chairman Pacekonis seconded the motion. The motion carried and the vote was unanimous.

10/25/16 Special Meeting and 10/25/16: Vice Chairman Pacekonis made a motion to approve. Secretary Dexter seconded the motion. The motion carried and the vote was unanimous.

APPLICATIONS OFFICIALLY RECEIVED: None

OLD BUSINESS:

OTHER BUSINESS:

There will be no meeting on November 22nd.

A Special Meeting will be scheduled for November 29th at 6:30 p.m.

Director Lipe distributed a draft document regarding some proposed text amendments for consideration to be discussed at a future meeting.

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 8:51 p.m. was made by Commissioner Flagg
Seconded by Secretary Commissioner Dexter

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The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren L. Zarambo
Recording Secretary