

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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JULY 11, 2017

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

ALTERNATES PRESENT: Michael LeBlanc, Bill 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.

Acting Secretary Commissioner Kuehnel read the legal notice as it was published in the Journal Inquirer on Thursday, June 29, 2017 and Thursday, July 6, 2017.

Chairman Bazzano appointed Alternate Commissioner Parrott to be seated for Commissioner Bonzani.

1. **Appl. 17-22P, Temkin Text Amendment** –request for a Zoning Regulation Text Amendment to Section 3.4 Multifamily Residential Zone (MF-A or MF-AA) to modify Section 3.4.6 Unit Mix to allow four bedroom units in the single family and duplex units and to modify Table 3.4.5A

Mr. Steven Temkin presented the request and explained four bedrooms are prohibited in the MF-A or MR-AA zones and asked for them to be allowed in duplex and single family units with a cap of 20% total.

Director of Planning Michele Lipe gave staff comments:

1. Request for a Zoning Regulation Text Amendment to Section 3.4 Multifamily Residential Zone (MF-A or MF-AA) to modify Section 3.4.6 Unit Mix to allow four bedroom units in the single family and duplex units and to modify Table 3.4.5A.
2. Currently our MF regulations allow for the construction of up to 10% of the units to be single family with the limitation of three bedrooms per unit. With this request, the applicant is requesting to be allowed to offer four bedroom units essentially within the approved footprint of both the single family and duplex units. It is proposed to limit the number of 4-bedroom units to be 20% of the development.
3. This development was approved with 15 single family units and 12 duplexes (155 units approved).
4. Traditionally the concern with bedroom count has been the number of school children generated from a development. Currently, with the development about 25% occupied, there have been 9 school children (8 elementary age and 1 high school).
5. The current Town Plan of Conservation and Development under the Residential section encourages flexibility in meeting emerging housing needs and updates to the zoning regulations that are compatible with the surrounding neighborhood.
6. The Capitol Region Council of Governments has reviewed the amendment as required and reports that they find no apparent conflict with regional plans and policies or the concerns of neighboring towns.
7. If this application is approved, the Planning Department has no additional requested modifications.

Chairman Bazzano asked for public comment.

No one from the public spoke for or against the application.

Chairman Bazzano asked for comments from commissioners.

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Commissioner Flagg asked where the single family units are located within South Windsor Woods and about the demand for four bedroom units. Mr. Temkin described locations and stated three of the single family and six of the duplex units have already been built and will remain as three bedroom units. There are twelve houses and six duplex units left to be built. The footprint of the buildings will remain unchanged. There is a market for four bedrooms that they presently cannot compete for and would like to appeal to as many buyers as they can.

Commissioner Kuehnel asked if the change would be exclusively for South Windsor Woods. Director Lipe explained South Windsor Woods is currently the only multifamily development that is not fully constructed and would be the only one affected at this time.

Secretary Commissioner Dexter asked if the text amendment for four bedroom units and percentage change to the associated table were mutually exclusive to each other. Mr. Temkin explained the change to the table was made so as not be in conflict with the text amendment.

Vice Chairman Pacekonis stated he saw no problem with four bedrooms and understood the market but voiced concern with switching all the remaining units to four bedrooms in one concentrated area of the complex. He voiced a preference in making the change by baby steps and suggested switching only the single family units to four bedrooms given the amount of opposition at the public hearings to the original project.

Commissioner Foley indicated he was not comfortable increasing the duplex bedroom count and agreed with the Vice Chairman and noted the cost of \$17,000 per school age child to the Town.

Commissioner Parrott asked about opposition to four bedroom units at the public hearing for the original project and potential affect on the schools. Director Lipe clarified the opposition was not about bedroom counts but to the multi-family development project in general and also from the industrial neighbors. Pleasant Valley is the school district which serves the development and is the last school scheduled to be upgraded but there are not concerns from the Board of Education about overcrowding.

Chairman Bazzano asked about the requests for four bedroom units and about parking concerns. Mr. Temkin described a common trend of having home offices or housing elderly parents. Four bedrooms are often standard in the \$400,000 and up market. The duplexes and the single family homes have two car garages with room for two cars in the driveway. The Chairman voiced agreement to allow four bedrooms in the single family homes only. Vice Chairman Pacekonis verified the original approval of two parking spaces per unit and that some of the original opposition was about traffic concerns which he would like to limit as much as possible.

The Chairman closed the public hearing at 7:53 p.m.

2. **Appl. 17-26P, Mancini Barn In-Law Apartment** – request for a Detached In-Law Apartment in accordance with Section 7.1.4, on property located at 1299 Main Street, A-40 zone

Mr. Matthew Mancini presented the request to convert their accessory barn into a garage on the first floor and an in-law apartment on the second floor for his parents while preserving the barn's historical look on Main Street.

Director of Planning Lipe gave staff comments:

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1. Request for a permit for a detached in-law apartment on the second floor of an outbuilding on property located at 1299 Main Street, A-40 zone.
2. Section 7.14 outlines the criteria and process for detached in-law apartments. The PZC regulations provide specific criteria be met for the detached in-law apartment; and provide for a 5-year permit period, renewable at the end of the permit period. These criteria include:
 - Detached in-law apartment cannot be larger than 800 sq ft;
 - the conversion of the accessory building shall not include any expansion of the accessory building;
 - the detached accessory building observes all setbacks required of a principal structure
 - the property must maintain the appearance of a single family dwelling;
 - off street parking for three vehicles must be accommodated;
 - adequate water and sewage disposal must be provided; and
 - the owner of the dwelling units must occupy either the in-law apartment or the main dwelling unit
3. The Commission may recall that I presented information about this request in February to determine if the applicant could propose the reconstruction of the barn, due to the poor condition of the existing barn. It was the consensus of the Commission to allow the application to move forward to public hearing.
4. This in-law apartment is proposed to be 809 square feet; however the applicant intends to reduce it to 800 square feet to comply with the regulations.
5. There is landscaping proposed along the easterly property boundary abutting their neighbor. We have requested more specific information about the proposed plantings.
6. If this application is approved, the Commission may grant approval for up to five years. Staff would recommend two standard approval conditions:
 - When addition is no longer used as an apartment, the kitchen is to be removed and the living area must be converted into other single family living space
 - This is a family situation and this approval does not make the property income producing. If the family situation should change, the home will have to be restored to a one-family condition per the plan submitted.Modifications to the plans needed include:
 1. The size, type, and quantity of landscaping proposed shall be included on the plans. The Commission may recommend a landscaping bond.
 2. Elevation of first floor; elevation of sewer at house and barn; and elevation of the 100 year floodplain is requested.

Chairman Bazzano asked for public comment.

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Attorney James Throwe of 1330 Main Street stated he was not speaking for or against the application and recalled the history of the property, its resubdivision, and restrictions that were put in place. He noted the investment and upgrade of the barn structure as admirable and would not hurt the street in value. The restrictions appear to be the only drawback to the project and may have to be brought to civil court to be resolved. The attorney stated he was not representing or speaking for anyone in particular but is interested in preserving the character of Main Street.

Attorney Suzann Becket representing Ms. Elizabeth Smith of 1291 Main Street questioned whether the legal notice properly referenced the application which the Director of Planning clarified. The attorney voiced concerns for her client's privacy and adverse impacts on the surrounding properties. She referenced restrictions placed on the declaration not allowing another residence on the property and asked for any action to be postponed until the neighborhood is given notice of a pending application and time and place of public hearing.

Acting Secretary Commissioner Kuehnel read a letter into the record from Mr. John Noxon Howard, Jr. on behalf of 1291 Main Street to Michele Lipe concerning a restricting covenant filed in 1986 which stated the residential structure shall be only a single family dwelling. An additional residence would have an impact on the immediate properties' values and privacy and on others seeking similar approval in the future (Exhibit A).

Chairman Bazzano stated it is the opinion of the Town Attorney that covenants are not put in place by the Planning & Zoning Commission. The Commission has no authority over covenants and that covenants do not carry any weight on decisions to be made by the Commission.

Chairman Bazzano asked for comments from commissioners.

Commissioner Parrott asked how the detached structure would revert back to a single family home once it is no longer used by a family member and how far away it will be from the property line. Director Lipe referenced the floor plan of how the space would be converted back which was submitted as a requirement for an in-law apartment and noted the structure is 41 feet from the rear property line of 1305 Main Street. There are also plantings proposed which Mr. Mancini described as installing 21 mature eight foot high arborvitae trees planted three feet apart but would ultimately like to give his neighbor authority over the choice of landscaping. Mr. Mancini stated he is requesting approval from the Commission but understands the deed restrictions which must be agreed upon between neighbors in order to move forward.

Director Lipe stated the Commission may want to consider having the applicant not use the space between the structure and the property line as a staging area if the application is approved and the project goes into construction.

Commissioner Greer asked if the structure will be taken down completely and the trees cleared. Mr. Mancini stated there are three large trees that will be taken down and they will be clearing the whole area as much as possible. The structure will be demolished because it is most cost effective. Commissioner Greer asked if the structure could be moved even further away from the property line and Director Lipe clarified it must be rebuilt on the existing footprint per the regulations.

Commissioner Foley indicated the covenant restrictions are beyond what the Commission has input on. Director Lipe read a correspondence from the Town Attorney about the Commission's role. "We reviewed the application for a detached in-law apartment and related restrictive covenant for the property located at 1299 Main Street to determine PZC's role on ruling on this matter. Once the application meets the

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requirement of the planning and zoning regulations Section 7.1 and 8.4, the Commission can rule on it without having to consider the covenant. If the abutters raise the covenant as a bar to the application, you can inform them that the covenant is a separate matter which they can legally pursue on their own. See the Second provision in the Covenant.”

Commissioner Foley asked if meetings were held with the neighbors. Mr. Mancini stated he had notified all the neighbors informally as well as formally for the application and have reviewed their plans with the Kasheta’s at 1305 Main Street and have amended their plan to have windows removed on that side of the structure. Commissioner Foley voiced reluctance in opening a Pandora’s box for future approvals on Main Street. Director Lipe clarified that if the project meets the criteria in the regulations for a detached in-law apartment the Commission should approve the project.

Vice Chairman Pacekonis asked Mr. Mancini about taking down the barn and rebuilding the foundation which Mr. Mancini stated will be a slab foundation for the first floor garage. The Vice Chair asked the Director of Planning for clarification on who can live in In-Law apartments which allows for ‘In Family’ use by a family relative and it is not an income producing unit. Mr. Mancini stated his parents would be living there.

Secretary Commissioner Dexter stated the Commission is due to comply with the regulations no matter the location in town and asked if there are any historical design restrictions on Main Street. Director Lipe stated this section of Main Street is not in the historic district and no special restrictions apply.

Commissioner Foley asked about the duration of the permit. Director Lipe explained it is for five year duration and notice will be given to the applicant at that time for renewal as long as it is still being used as a family situation.

The Chairman closed the public hearing at 8:30 p.m.

REGULAR MEETING / COUNCIL CHAMBERS

CALL TO ORDER: Chairman Bazzano opened the Regular Meeting at 8:33p.m.

PUBLIC PARTICIPATION:

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

- 1. Appl. 17-22P, Temkin Text Amendment** – request for a Zoning Regulation Text Amendment to Section 3.4 Multifamily Residential Zone (MF-A or MF-AA) to modify Section 3.4.6 Unit Mix to allow four bedroom units in the single family and duplex units and to modify Table 3.4.5A

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

The proposed amendment to regulation 3.4.6 Unit Mix is to be amended so that the sentence “Four or more bedroom units are prohibited.” is changed to read “Four of more bedroom units are prohibited except that four bedroom units are allowed in single family dwellings.” And that a row is added to Table 3.4.5A with a unit type of “Four Bedroom Units” and a percentage of “10% or less”.

Commissioner Kuehnel seconded the motion.

The motion carried and the vote was unanimous.

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- 2. Appl. 17-26P, Mancini Barn In-Law Apartment** – request for a Detached In-Law Apartment in accordance with Section 7.1.4, on property located at 1299 Main Street, A-40 zone

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

1. This approval is for an in-law apartment for a family member/relative only. When the in-law apartment is no longer occupied by a relative of the family, the apartment cannot be treated as a second dwelling unit. Instead, the kitchen must be removed and the living area must be converted into other living space for the main dwelling as presented with the application.
2. This permit will expire in five years, on July 11, 2021, and will have to be renewed at that time if the use is to be continued. Owner(s) of the property must reside in the 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.
3. Any new building or alterations/additions to existing buildings require a building permit prior to start of construction.
4. The building footprint must not exceed 10% of the lot area, in accordance with Section 10.2 of the zoning regulations.
5. WPCA approval is required.
6. The size, type and quantity of landscaping proposed shall be included on the plans. A landscaping bond in the amount of \$3,000 is required.
7. The plans shall include the following information: elevation of first floor; elevation of sewer at house and barn; and elevation of the 100 year floodplain.
8. Construction staging area shall not be located between the barn structure and 1305 Main Street.

Commissioner Kuehnel seconded the motion.

The motion carried and the vote was unanimous.

Vice Chairman Pacekonis made a motion to rescind the previous approval motion for **Appl. 17-22P**, Temkin MF-AA/MF-A Text Amendment as he inadvertently left out part of the motion.

Commissioner Kuehnel seconded the motion.

The motion carried and the vote was unanimous.

Vice Chairman Pacekonis made a motion to approve **Appl. 17-22P**, Temkin MF-AA/MF-A Text Amendment with the following conditions:

1. The Planning and Zoning Commission finds that the zone text amendment in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone text change is 7/23/2017.
3. The proposed amendment to regulation 3.4.6 Unit Mix is to be amended so that the sentence “Four or more bedroom units are prohibited.” is changed to read “Four of more bedroom units are prohibited

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except that four bedroom units are allowed in single family dwellings.” And that a row is added to Table 3.4.5A with a unit type of “Four Bedroom Units” and a percentage of “10% or less”.

Commissioner Parrott seconded the motion.

The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

Subdivision Bond Setting:

1. Engineering recommends a Subdivision Bond be set in the amount of \$23,200 for improvements associated with Appl. 16-51P, Tellier Subdivision.

Vice Chairman Pacekonis made a motion to set the above mentioned bond. Commissioner Foley seconded the motion.

The motion carried and the vote was unanimous.

MINUTES: 6/27/17 approved by consensus.

OLD BUSINESS:

Director Lipe received an email from Vito’s Restaurant Group and Wedding of the Farm of Connecticut who owns farmland on Rye Street where they would like to offer wedding events. A temporary and conditional permit has been suggested as the best process to begin for their potential of five events a year. A text amendment related to agri-business could also be crafted. Their property borders East Windsor and abuts a residential subdivision.

The July 25th meeting will be cancelled. In the meantime, text amendment drafts will be sent out to the Commission for review on suggested revisions from the Energy Committee on the solar regulations that could be placed on the August 15th agenda.

Alternate Representative to CRCOG Regional Planning Commission will continue to be considered by the commissioners.

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 17-26P, Mancini Barn In-Law Apartment** – request for a Detached In-Law Apartment in accordance with Section 7.1.4, on property located at 1299 Main Street, A-40 zone
2. **Appl. 17-27P, Julie’s Bark & Bubbles** - request for a Special Exception to Table 4.1.1A and site plan of development to operate a dog grooming facility, utilizing approx.1,400 sq ft of the existing facility, at 1678 Ellington Road, RC zone
3. **Appl. 17-28P, RSK-Kellco, Inc.** – request for a Special Exception in Accordance with Appendix F and Site Plan of Development for a 14 unit development to be known as ‘Schoolhouse Drive’, on property located on the easterly side of Ellington Road, southerly of Northview Drive (1744 Ellington Road and 760 Pleasant Valley Road), Designed Residence Zone

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

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Motion to adjourn the Regular Meeting at 8:47 p.m. was made by Vice Chairman Pacekonis
Seconded by Commissioner Foley
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren L. Zarambo
Recording Secretary