

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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NOVEMBER 28, 2017

MEMBERS PRESENT: Bart Pacekonis, Stephanie Dexter, Frank Bonzani, Kevin Greer, Bill Flagg, Stephen Wagner

ALTERNATES PRESENT: Teri Parrott, Michael LeBlanc

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

PUBLIC HEARING / COUNCIL CHAMBERS

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

Secretary Commissioner Bonzani read the legal notice as it was published in the Journal Inquirer on Saturday, November 18, 2017 and Friday, November 24, 2017.

Chairman Pacekonis appointed Alternate Commissioner LeBlanc to be seated for Commissioner Foley.

- 1. Appl. 17-39P, Kuhns Family Properties LLC** – request for a two year temporary and conditional permit for the storage of up to 50 campers on property located at L001 and L002 Schweir Road, I zone

Mr. Tom Kuhns, managing member and owner of Kuhns Family Properties LLC, presented the request to store 50 new campers from Van's Leisure Living on Lots L001 and L002 Schweir Road which were described as grass covered flat lots with sandy soil and good drainage. There is no curb cut required and a pre-existing gate. The lots are adjacent to 405 Sullivan Avenue but will have no visibility from Sullivan Avenue. There are no residential properties in the vicinity.

Director of Planning Michele Lipe gave staff comments:

1. A request for a two year temporary and conditional permit for the storage of approximately 50 new campers, the excessive stock for Vans Leisure Living, on approximately 2 acres located at L001 and L002 Schweir Road, I zone. The PZC had recently approved storage for this company on another site off of Chapel Road, however the owner has had some issues with vandalism and is now looking for a more secure site.
2. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission 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 will be 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. Sales and storage of recreational vehicles are allowed in the General Commercial zone GC is the zone in which the main Van's Leisure Living sales facility is located; however there is no provision for storage yards in the I zone. Storage yards are not permitted unless there is an approved building.
4. The site is currently vacant and has a fenced area with a flat site. There is an existing curb cut that will be utilized to bring the campers in and out of the site. The proposed area for RV storage will be entirely within the fences area.

If this renewal is approved, there are no requested modifications.

Chairman Pacekonis asked for public comment.

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No one from the public spoke in support or opposition.

Chairman Pacekonis asked for comments from commissioners.

Commissioner LeBlanc asked about fencing and security issues for the campers on site. Mr. Kuhn noted the fencing and arborvitae used for screening stating there is WiFi on site for monitoring by cameras. Police also has visual access to the site from Schweir Road and a pole light which illuminates the back lot.

Commissioner Wagner confirmed all campers on site would be new and unregistered vehicles owned by Van's Leisure Living.

The Chairman closed the public hearing at 7:43 p.m.

2. Appl. 17-40P, Metals Testing Company – request for a two-year temporary and conditional permit for a 4,446 sf temporary canopy storage structure on property located at 80 Kimberly Drive, I zone (see attached narrative)

Mr. Peter DeMallie, President of Design Professionals, Inc., presented the request on behalf of applicant, LinBob, LLC. The site was shown on an exhibit and described with two buildings housing office and manufacturing in a 24,000+ sf building at 80 Kimberly Drive connected to a 13,000 sf building at 66 Kimberly Drive. Metals Testing Company which tests parts for the aerospace industry is outgrowing the space and has need for a temporary structure to enact a plan to erect a new 16,000 sf structure to be built in two phases over a two year period. The number of employees, deliveries, and parking spaces is not expected to change.

Mr. Brad Williams of Clear Span based in South Windsor distributed brochures to commissioners about the temporary storage canopy structure described as a 56' wide building. Their engineering staff provides stamped PE drawings regarding snow and wind loads and occupancy requirements.

Director of Planning Lipe gave staff comments:

1. Request for of a temporary and conditional permit for a storage tent, approximately 4,680 sf, to house equipment at 80 Kimberly Drive, I zone.
2. The storage tent is approximately 60' x 78' and is proposed to be located in the existing parking area on the westerly side of the existing building.
3. There is a considerable amount of outdoor storage on site currently that will be put into the tent.
4. The building code limits the duration of temporary structures. The applicant will be responsible for obtaining a building permit and ensuring this temporary structure maintains a current building permit.
5. The regulations state that Temporary & Conditional permits may be granted by the Commission for a use, if the public convenience and welfare will be 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.

The Planning Department has no requested modifications and the Engineering Department has no comments on the application.

Chairman Pacekonis asked for public comment.

No one from the public spoke in support or opposition.

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Chairman Pacekonis asked for comments from commissioners.

Commissioner Greer asked about footings installed in the parking lot and the longevity of the canopy fabric. Mr. DeMallie stated there would be little to no disruption to the parking lot. Large concrete blocks are used around the perimeter of the temporary structure which Mr. Williams described as 2' x 2' x 6' concrete blocks mechanically fastened together to create an above grade ballast system. The fabric has a ten year warranty with a life expectancy of 20 years. The structure is engineered for local snow requirements and positioned on the site for snow removal.

Commissioner Flagg asked if the structure is open at both ends and if the boxes and crates presently in the area would be stored within the new structure. Mr. Williams stated there would be a garage door at the south end with the other end fully enclosed adhering to all codes. Mr. DeMallie stated the crates of parts and pallets onsite would be stored in the new temporary structure. Commissioner Flagg confirmed no chemicals would be stored within the structure and the interior will be lighted.

Commissioner LeBlanc asked how long the structure would remain in place and about the long term impacts of snow on the fabric material. Mr. DeMallie stated it will be in place two years until the new permanent structure is erected and becomes operational. Mr. Williams described an add-alternate to contracts for a covered breezeway to act as a snow break.

Chairman Pacekonis asked what hours of operation would apply to the facility and noted the lack of sound proofing with a temporary canopy structure. Mr. DeMallie stated most hours will be 7 a.m. to 6 p.m. with occasional hours to 10 p.m. The structure is for storage only with occasional use by forklifts doing the same operations as have taken place outdoors previously for which they have received no complaints.

Commissioner Wagner confirmed that the structure conforms to setbacks on the property.

The Chairman closed the public hearing at 8:08 p.m.

3. PZC Sponsored Text Amendments regarding Solar Energy Systems; Bicycle Pedestrian Accommodations; and Agri-Tourism (see attached drafts)

Commissioner Wagner asked if he should recuse himself from the amendment regarding Solar Energy Systems since he previously gave a presentation on the subject to the Commission and asked if the text amendments could be heard separately. Director Lipe concurred.

Director of Planning Lipe gave staff comments regarding Section 5.9 Agri-Tourism:

1. This is a PZC sponsored amendment to add a new section, Section 5.9 Agri-Tourism Overlay Zone; modify Section 3.1.1 Permitted Uses in Residential zones to allow this in the RR and A-40 zones by special exception; modify Section 10 Definitions to add 'Agri-Tourism' and 'Winery'; and to modify Section 6.5.7 Residential Sign Requirements.
2. The stated purpose of the regulations is to allow by special exception additional agricultural related activities to facilitate the preservation of farms by allowing them to diversify the use of structures and conduct on-site activities (e.g. corn maze, sales of farm produce, weddings, educational events, special events, wineries with wine tasting) where deemed appropriate by the Commission taking into consideration such factors as proximity to existing uses in the area, traffic volumes, amount of commercial traffic anticipated, and the suitability of the land for proposed business, hours of operation, and impact on future farming use of the property.

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3. The permitted uses, all uses in the underlying zone, as well as Agri-Tourism uses approved by special exception. The overlay zone would only be applicable for properties that have frontage on Foster Street, Clark Street, Main Street, John Fitch Boulevard, Sullivan Avenue, and Ellington Road.

Criteria for an Agri-Tourism use include:

- The farm is a minimum of 5 acres, has frontage and will be accessed with adequate site lines from one of the roads listed.
 - Other site elements include: adequate parking based on use, setback for commercial buildings, impervious coverage maximum of 25% perimeter buffer of 10 feet and compliance with all local, state, and federal applicable regulations.
 - Activities are generally conducted during daytime hours. The Commission may set restrictions on entertainment to mitigate the potential noise to surrounding properties. Limitations may include, but are not limited to time of day, limitation on outdoor entertainment, and use of amplified equipment.
4. The sign regulation amendment proposed is to allow a 24 sf lit sign at the primary entrance and a 12 sf sign for any secondary entrance.
 5. In the Farmland section of the Plan of Conservation and Development, one of the goals states: ‘Support and expand the market for locally-grown products’. It goes on to say: ‘Actions the Town could take include:
 - Promote agri-tourism (farm activities, events, tours).

This text amendment will forward this goal.

6. CRCOG has reviewed this amendment and has made the following comments:

The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies of neighboring towns. The proposed regulations support to an extent the Regional Plan’s policies to ‘Encourage zoning regulations that address urban agriculture and local food systems’, and ‘Encourage preservation of farmland in the Capitol Region’. For sites located on a municipal border we recommend that the Town take into consideration other uses across municipal boundaries and that any more limiting/restrictive measures related to traffic management, hours of operation, parking, screening, noise, and lighting or signage, particularly for sites bordering residential use in neighboring town, be applied so as to mitigate potential impacts across municipal borders.

Chairman Pacekonis asked for public comment.

Ms. Cynthia Foster of 60 Foster Street spoke in a favor of the Agri-Tourism proposal. Sustainable agriculture is the way things are going in Connecticut to maintain as much open space as possible, to create jobs, and support economic growth in South Windsor.

Mr. Andrew Paterna of 301 Strawberry Lane, the Agriculture Land Preservation Committee, and South Windsor farmers markets spoke in favor of the amendment as a great way to preserve farmland and to extend the growing season for farmers by increasing their income. Examples of bird watching tours, wineries, corn mazes, farm to table dinners, pick your own farming, workshops and farm camps for kids through the recreation department were mentioned. Mr. Paterna asked for the amendment to have flexibility regarding the streets indicated in the proposal.

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Mr. Peter DeMallie of 35 Petersen Way spoke in support of the amendment noting his preservation work for the dairy farm industry in eastern Woodstock when Town Planner and wineries in the state. He stated Agri-Tourism is the best way to preserve agricultural farmland in South Windsor and agreed the streets should be expanded to include Barber Hill Road. A revenue stream from a profitable business is essential for farms to be preserved and not lost to development especially when land is inherited. Mr. DeMallie noted gravel access roads rather than bituminous help preserve the rural ambiance.

Mr. Jay Birden, owner of a 231 acre farm on Main Street and Ferry Lane with his brother and cousin Dave Raymond and properties on Route 5 and Sullivan Avenue, spoke in support and of the work and challenges of preserving farmland. He stated they donate the use of their land to the annual Heritage Days event. He recommended speaking with the owners of Sugar Hollow Farm in his community of Newtown who opened a tremendous business of agricultural tourism for weddings, demonstrations, corn mazes and pumpkin patch which spread to a neighboring farm for ice cream production.

Mr. David Raymond of 1837 Main Street spoke in favor of the amendment stating it will help farmers help themselves in their own hard work and will use less public money in a time where there is less of it to go around.

No one spoke in opposition to the amendment.

Chairman Pacekonis asked for comments from commissioners.

Commissioner LeBlanc stated it is a step in the right direction for land owners to preserve their farmland and suggested adding Avery Street to the list of streets to be included.

Commissioner Flagg spoke in support of the amendment and farmland preservation in South Windsor and of including other streets in the amendment.

Commissioner Dexter complemented the Director of Planning in moving the amendment ahead and asked if specific streets need to be listed. Director Lipe answered it is not necessary to list street names but not to have an agri-tourism business on such a local road that it could cause problems.

Commissioner Wagner noted grammatical additions to the text and asked if 'Collector Road' needs a definition and questioned limiting streets to collector roads. He noted UCONN's efforts to revive the local wild hops industry in the State and asked that 'Brewery' be added to 'Winery'.

Commissioner Parrott asked if farm stands would be included in the regulation. Director Lipe explained the local farm stand regulation allows someone with a small amount of land to apply through an annual zoning permit. This text amendment is for properties five acres and greater in size.

Chairman Pacekonis spoke in favor of the amendment for the benefit of South Windsor and its farmers who need every advantage possible and who he encouraged to meet with Town Staff for assistance.

Director Lipe noted Mr. DeMallie's comment for gravel drives and parking areas is included in the text which reads 'pervious parking areas are encouraged'.

The Chairman closed the public hearing at 8:33 p.m.

Director of Planning Lipe gave staff comments regarding Section 6.7 Pedestrian and Bicycle Accommodations:

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1. This is a PZC sponsored amendment to add a new section, Section 6.7 Pedestrian and Bicycle Accommodations.
2. The stated purpose of the regulation is to promote and support access by bicycle and walking throughout the town of South Windsor.
3. This includes designing all parking lots to provide safe and convenient pedestrian and bicycle movement to and from public walkways and/or bikeways or streets, and between developed lots.
4. The regulation addresses two design standards that are to be incorporated into the site design:
 - Pedestrian standards addresses adding walkways from parking areas into buildings and also the design of walk ways to ensure that they provide maximum safety. The regulation encourages the incorporation of decorative materials, raised paver, and/or pavement markers to delineate walk ways and the use of signage as appropriate. There are also provisions requiring interconnection to adjacent lots, where appropriate, as well as providing a connection to a public sidewalk when available.
 - Bicycle parking standards would require bicycle parking facilities under the following applications: multi-family greater than 12 units; retail, office and/or institution developments greater than 15,000 sf; park-n-ride lots; and parks and recreation facilities. The regulation also provides guidance as to the details, size, and location of the bicycle parking.
5. In the Transportation section of the Plan of Conservation and Development, one of the goals, Implement More Biking and Walking Options, states:

The zoning regulations could be updated to require new commercial development to provide pedestrian infrastructure and bicycle parking if located in priority areas. Existing commercial development should be encouraged to make improvements to better attract pedestrian and bike traffic.

This text amendment will forward this goal.

6. CRCOG has reviewed this amendment and has made the following comments:

The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies of neighboring towns. We commend the Town for taking this action to promote and support bicycling and walking. The proposed regulation would support the Regional Plan of Conservation and Development's transportation goal to 'Provide a Range of Viable Transportation Options within the Region' and help to implement the Regional Pedestrian and Bicycle Plans' vision of a 'region where people will choose and be able to walk and bicycle as a way to travel, to be healthy and to relax.'

There are no other staff comments on these proposed regulations other than to thank the South Windsor Walk and Wheel Ways subcommittee of the Parks and Recreation Commission who have been advocates of all things biking and walking and have provided valuable input into the draft of this regulation.

Chairman Pacekonis asked for public comment.

Mr. Robert Dickinson of 19 Birch Road spoke in favor of the revised amendment and suggested in Section 6.7.2.A.3 which excludes bituminous materials for sidewalks that an exemption can be made when long sidewalks are installed and in Section 6.7.3.A.2 if 'retail' includes restaurants and if they could be included.

Secretary Commissioner Bonzani read a letter of support in to the record from Kenneth S. Sek (Exhibit A).

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No one spoke in opposition to the amendment.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Wagner spoke in support of the amendment and asked if it was the right place to require new subdivisions and commercial properties to provide bike paths. Director Lipe indicated that language had already been added to subdivision regulations.

Commissioner Dexter complemented Mr. Dickinson's suggestions to add restaurants and bituminous pathways. Commissioner Flagg agreed.

Chairman Pacekonis stated he fully supports the amendment and asked about the size requirement of 15,000 sf for retail and questioned tying restaurants which typically measure 5,000 sf to that requirement. Director Lipe stated restaurants could be included as a separate item.

The Chairman closed the public hearing at 8:48 p.m.

Commissioner Wagner recused himself from the Solar Energy Systems text amendment. Chairman Pacekonis appointed Alternate Commissioner Parrott to be seated for Commissioner Wagner for the amendment.

Director of Planning Michele Lipe gave staff comments on Section 7.20 Solar Energy Systems:

1. This is an amendment proposal to Section 7.20 Solar Energy Systems to make minor modification to the height restrictions for solar structures as well as to add a definition of Solar Canopies and specific language allowing these structures in all zones. These changes are being proposed at the request of the Energy Committee.
2. The amendment proposes allowing an increase in height in both Commercial and Residential zones by Special Exception request. This gives an extra layer of protection because, by definition, it is a use that is just not suitable for every possible location within a zone. The Special Exception review criteria provide guidelines for consideration when reviewing the application.
3. The other proposed changes define Solar Parking Lot Canopies and make clear that such structure is not limited to 12 feet in height.
4. Thus, this zoning amendment application is the time to examine the potential impacts of the proposed amendment. The Commission has the ability to modify a proposed zoning amendment,
5. These text amendment changes continue to support the goals listed in the Utilities Section of Town Plan of Conservation and Development which states under the Plan for Alternative Energy:

Many municipalities are turning to alternative energy sources for municipal facilities and encouraging the private sector to install alternative energy sources. South Windsor has seen interest in the use of solar energy: individuals have installed solar panels on their properties and the Town has received inquiries about larger installations. The Town should ensure that it has proper provisions in the Zoning Regulations to allow appropriate alternative energy installations and to manage any potential impacts.

6. CRCOG has reviewed this amendment and has made the following comments:

The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies. For sites located

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on a municipal border, we recommend that the town take into consideration the uses across municipal boundaries and that any more limiting/restrictive setback and screening requirements particularly for sites bordering residential uses in neighboring towns, be applied so as to mitigate impacts across municipal borders.

7. One other staff comment from Senior Environmental Planner Jeff Folger recommends post construction stormwater runoff volumes be required to be estimated so that the effects of the runoff can be determined down slope particularly with large scale solar systems. This is proposed under Section 7.2.2.9.E as a category called Site Drainage: Stormwater runoff and erosion must be addressed including potential of soil loss and impacts to off site properties.

The Chairman asked for public comment.

Mr. Dickinson spoke in favor of the changes to the amendment.

No one from the public spoke in opposition to the amendment.

The Chairman asked for comments from commissioners.

Commissioner Dexter asked, regarding the setbacks and heights section relating to residential properties, if a public hearing would be required for a residential ground mounted unit. Director Lipe stated no public hearing would be required and they would be signed off by staff level approval. Commissioner Dexter asked if abutter properties would receive notification. Director Lipe stated no abutter notification would be required for an accessory structure meeting set back requirements and under 12' in height.

Commissioner Parrott stated as the solar industry evolves and materials improve aesthetically the amendment may have to change.

The Chairman closed the public hearing at 8:55 p.m.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: Chairman Pacekonis called the Regular Meeting to order at 9:02 p.m.

PUBLIC PARTICIPATION:

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

1. **CGS 8-24 Referral** from the Town Council for the access easement at 1407 Sullivan Avenue (Priest Farm) to The Connecticut Light and Power Company dba Eversource Energy

Director of Planning Lipe showed an aerial map and site plan and described the proposed easement for Eversource on the Priest Farm property which commissioners discussed.

Commissioner Dexter made a motion to forward a favorable review on this referral.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

2. **Appl. 17-39P, Kuhns Family Properties LLC** – request for a two year temporary and conditional permit for the storage of up to 50 campers on property located at L001 and L002 Schweir Road, I zone

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Commissioner Wagner made a motion to approve with the following condition:

1. The Temporary and Condition permit will expire on 11/28/19 and will have to be renewed that time if the use is to continue.

Commissioner Greer seconded the motion.

The motion carried and the vote was unanimous.

- 3. Appl. 17-40P, Metals Testing Company** – request for a two-year temporary and conditional permit for a 4,446 sf temporary canopy storage structure on property located at 80 Kimberly Drive, I zone (see attached narrative)

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

1. The Temporary and Condition permit will expire on November 28, 2019 and will have to be renewed at that time if the use is to continue.
2. A building permit is required for the temporary structure and the building permit must be renewed annually.

Commissioner LeBlanc seconded the motion.

The motion carried and the vote was unanimous.

- 4. PZC Sponsored Text Amendments** regarding Solar Energy Systems; Bicycle Pedestrian Accommodations; and Agri-Tourism (see attached drafts)

Commissioners discussed Section 5.9 Agri-Tourism amendment and suggested the following changes to the text: Eliminate Section 5.3.4 Locations; modify Section 5.9.1 Purpose to add the word ‘activities’; and modify Section 5.3.3.2 Special Exception Criteria, ‘The lot has to have frontage for access from a public road and traffic volumes would have to be demonstrated.’

Commissioner Dexter made a motion to approve the text amendment with the changes above stating:

1. The Planning and Zoning Commission finds that the zone text changes are in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone change is 12/17/17.

Commissioner Wagner seconded the motion.

The motion carried and the vote was unanimous.

Commissioners discussed Section 6.7 Pedestrian and Bicycle Accommodations amendment and suggested the following changes to the text: Add ‘restaurants’ to Section 6.7.3A.2 to ‘Retail, office, and institutional developments greater than 15,000 sq ft of gross floor area’; and eliminate ‘except bituminous materials’ from Section 6.7.2.A.3 Pedestrian Design Standards.

Commissioner LeBlanc made motion to approve the text amendment with the changes above stating:

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1. The Planning and Zoning Commission finds that the zone text changes are in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone change is 12/17/17.

Commissioner Dexter seconded the motion.

The motion carried and the vote was unanimous.

Commissioner Wagner recused himself from the Section 7.20 Solar Energy Systems amendment.

Commissioners discussed the amendment and the addition of Section 7.22.9 E Site Drainage.

Commissioner Parrott made a motion to approve the text amendment with the changes above stating:

1. The Planning and Zoning Commission finds that the zone text changes are in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone change is 12/17/17.

Commissioner LeBlanc seconded the motion.

The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 17-41P, RE/MAX Edge Three Car Garage.** – request for a minor site plan modification for a three car garage on property located at 736 Deming Street, RR zone - Staff approval letter issued 11/20/17
2. **Appl. 17-42P, Kochanski Duplex Dwelling Units Zoning Text Amendment** – request to modify Section 4.1.1 Permitted Uses in Industrial and Commercial zones to add the use ‘Duplex’ by Special Exception in the General Commercial zone; and add Section 7.5.1A.b to allow duplex units in Commercial zones under certain criteria

MINUTES: 11/14/17 approved by consensus

OLD BUSINESS:

Director Lipe continuing the discussion from the Annual Meeting on 11/2 8/17 clarified Article X of the Bylaws titled ‘Disqualification’ and distributed a copy of State Statute Section 8-11 Disqualification of Members of Zoning Authorities to commissioners.

CORRESPONDENCE / REPORTS:

Director Lipe distributed a letter from a resident of Troy Road requesting a change to the zoning regulations regarding eliminating the requirement for a Class D survey when applying for zoning variances. The Commission reached consensus that a Class D survey is the minimal required and that GIS mapping would not be adequate when applying for a variance.

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 9:51 p.m. was made by Commissioner Flagg

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Seconded by Commissioner Bonzani
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren L. Zarambo
Recording Secretary