

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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OCTOBER 23, 2018

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

ALTERNATES PRESENT: Mike LeBlanc, Kenny Young, Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeff Doolittle, Town Engineer; 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 into the record as published in the Journal Inquirer on Thursday, October 11, 2018 and Thursday, October 18, 2018.

- 1. Appl. 18-46P, Ramsdell Accessory Apartment** – request for a Special Exception to Section 7.2.1 to create an 896 sq ft accessory apartment, on property located at 495 Niederwerfer Road, RR zone

Applicant Mr. Edward Ramsdell presented the request stating their house, which he and his wife purchased 4 years ago, had an existing in-law apartment at time of purchase which they would like to maintain, use occasionally and hope their children may use someday.

Director of Planning Michele Lipe gave staff comments:

1. Request for an existing in-law apartment to be converted into an accessory apartment at 495 Neiderwerfer Road, RR zone.
2. The original permit application was approved by the PZC on 4/15/03 prior to the main structure being built. At that time, it was designed as an in-law apartment, which is allowed to be up to 900 sq ft.
3. The Town zoning regulations have specific criteria for such a unit. These criteria include:
 - The accessory apartment cannot be larger than 700 sq ft or 40% of the gfa (whichever is smaller);
 - The main dwelling unit was constructed prior to September 1, 1990;
 - The entire structure must maintain the appearance of a single family dwelling;
 - Off street parking for three vehicles must be accommodated;
 - Not more than 10% of the existing single-family units within 1000 feet of the proposed accessory apartment contain existing accessory or in-law apartments, as documented on the Assessor's records;
 - Adequate water and sewage disposal (septic) must be provided; and
 - The owner of the dwelling units must occupy either the in-law apartment or the main dwelling unit.

The Commission may waive one or more of the provisions above (except the requirement that an owner live in the apartment or house) after determining:

- There will be minimum adverse impact on existing uses in the area;
- Surrounding property values will be conserved and the character of the neighborhood will not be unduly disrupted;
- Due consideration to preservation of historic factors has been demonstrated.

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4. The proposed apartment is approximately 896 sq ft. The total square footage of the house is 4,361 sq ft, and it was built in 2004. Therefore, the applicant is requesting a waiver of both the size of the apartment and the age of the main dwelling.
5. It appears that all zoning requirements have been met.
6. The new address for the accessory apartment will be 495-A Neiderwerfer Road.

Town Engineer Jeff Doolittle had no staff comments.

Chairman Pacekonis asked for public comment in favor of the application.

No one from the public spoke in favor of the application.

The Chairman asked for public comment with concerns or against the application.

No one from the public spoke against the application.

The Chairman asked for comments from commissioners.

Commissioner Wagner stated he sees no issues with waiver request and does not see any impact on neighbors.

Alternate Commissioner Bernstein asked if square footage would be added to the structure. Mr. Ramsdell stated no changes are being made to house or existing apartment.

The Chairman closed the public hearing at 7:39 p.m.

- 2. PZC Sponsored** amendment to add Section 7.23 and modify Table 4.1.1A to allow ‘Dog Grooming Facilities’ by special exception in the Industrial zone subject to provisions of Section 7.23.1

Director of Planning Lipe gave staff comments:

1. PZC Sponsored amendment to add Section 7.23 and modify Table 4.1.1A to allow ‘Dog Grooming Facilities’ by special exception in the Industrial zone subject to provisions of Section 7.23.1. This use is currently permitted in the General Commercial and Restricted Commercial zones by special exception.
2. This proposal includes:
 - Revising Bulk Table 4.1.1A Permitted Uses in the Commercial and Industrial Zones to modify Dog Grooming Businesses as a special permitted use (with site plan approval) in the Industrial zone (I).
 - Add Section 7.23.1 with specific review criteria to include:
 - The existing building must be free-standing;
 - Currently building not suited for manufacturing;
 - This site location should not be disruptive to surrounding uses,
 - Outdoor activities with animals must be within enclosed fenced areas.

Other environmental impacts and traffic impacts would be evaluated with the individual site plans submitted. Parking and other site design considerations would be evaluated as a part of the site review process.
3. All of the zones being considered for these types of uses are either state highways or collector roads. Zoning map shows the zones.

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4. The Town Plan of Conservation and Development does not speak specifically to this issue, however does express the need to create a balance between allowing new types of businesses to help build the tax base while protecting important resources and preserving those qualities that contribute to the high quality of life residents enjoy. Route 5 and Sullivan Avenue are specifically targeted as areas for industrial/commercial development.
5. The Capitol Region Council of Governments has reviewed this amendment as required and has forwarded the following report: 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 or the concerns of neighboring towns.

If this amendment is approved, the Commission must find that it is in conformance with the Town Plan and must set an effective date.

Town Engineer Doolittle gave no staff comments.

Chairman Pacekonis asked for public comment in favor of the application

No one from the public spoke in favor of the application.

Chairman Pacekonis asked for public comment with concerns or against the application.

No one from the public spoke against the application.

The Chairman asked for comments from commissioners.

Commissioners had no questions.

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

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: The Chairman opened the Regular Meeting at 7:44 p.m.

PUBLIC PARTICIPATION:

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

1. **Appl. 18-38P, DRL Realty LLC** – request for a site plan approval for two industrial buildings totaling 8,600 sf, on property located at 40 Sea Pave Road, I zone

Mr. Matthew Niski, Project Engineer from Juliano Associates of Yalesville presented the request showing a site plan of the property and described existing conditions and building coverage. IWA/CC approval for the project was received on July 18th. Mr. Tim Starr owner of New England Building and Associates, LLC described the wood frame steel skin buildings to be silver and clay in color to be located at end of Sea Pave Road and not visible from Burnham Street.

Director of Planning Lipe gave staff comments:

1. Request for site plan approval to construct two industrial buildings; 3,600 and 5,000 sf in size, on a 1-acre property located at 40 Sea Pave Road, I zone. The intended use is warehousing and garage space.
2. Maximum impervious coverage allowed is 65%, 50% proposed. Proposed building height is 24 feet; 40 feet allowed. Lot size is about an acre. Front yard setback for the building is about 47 feet, 35 feet required.

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3. The intended use is to small offices and warehouse space for a potential contractor. There are no areas shown for outdoor storage; if any is proposed the appropriate screening would be required.
4. The parking requirement for this building is 12 spaces, 12 have been provided.
5. There are several overhead doors proposed; two along the western side along the side of the building and one in the rear. The doors will be screened from Troy Road by the proposed fencing.
6. Architectural and Design Review Committee was unable to review this project due to a lack of quorum, so we did request the applicant present the elevations, landscaping and lighting to this board.
7. Landscaping has been included along the site's frontage. New lighting will consist of full cutoff wall paks that will illuminate the parking area and parking areas.
8. There are regulated wetlands on this lot. IWA/CC approved this application on July 18, 2018 with the recommendation of a \$5,000 bond to ensure compliance with the erosion and sediment control measures and \$2,000 stormwater plan.
9. The site is served by public water and sewer. Water Pollution Control Authority approval is required.
10. They are showing the dumpster along the westerly parking edge. It will be on a concrete pad and screened by the fencing.
11. If this application is approved, there are no other approval modifications requested.

Town Engineer Doolittle gave staff comments:

1. The Sanitary sewer laterals need to be at least 6" diameter but do not need to be 8" unless the expected sewer flows are large enough to justify this size. Provide expected sewer flows from each building
2. Show the roof leader outlets and rip rap splash pads on the Site Development Plan.
3. The detention basin outlet pipe is shown as 8" diameter in the drainage report, but 6" on the plans. It appears the plans need to be corrected.
4. There needs to be a stone rip rap plunge pool at the end of the detention basin outlet pipe due to the flows and velocities expected there.
5. Include a rip rap emergency overflow spillway on the east or south side of the detention basin in the event the outlet structure or pipe gets clogged. This should be set between elevation 71 and 71.5.
6. Include details for the installation of the Cultec underground storage units.
7. WPCA review and approval is needed for this plan.

Commissioner Flagg asked if repairs will be made in the building and Chairman Pacekonis asked about floor drains. Mr. Niski described wetlands on site and one floor drain. Alternate Commissioner Bernstein asked about tenants for the buildings. Mr. David Lombardo, applicant and property owner, stated he will be using the buildings to store his trailer and trucks for his company Seal Pro.

Commissioner Flagg 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.

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3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of 5,000 to ensure compliance with the erosion and sediment control measures and 2,000 to ensure establishment of storm water system.
4. A landscape bond in the amount of \$3,000 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 sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. The building street number must be included on the final plan.
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. Engineering comments dated 10/17/18 must be incorporated into the final plans.

Commissioner Wagner seconded the motion.

The motion carried and the vote was unanimous.

2. **Appl. 18-46P, Ramsdell Accessory Apartment** – request for a Special Exception to Section 7.2.1 to create an 896 sq ft accessory apartment, on property located at 495 Niederwerfer Road, RR zone

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

1. Owner(s) of the property must reside in the apartment or the main dwelling unit. Reaffirmation of occupancy by owner will be required every four years. This will be done via a letter from the Planning Department requesting the reaffirmation of occupancy.
2. Two waivers have been granted in accordance with Section 7.17 to allow: a house built later than 1990 with an accessory apartment (2004); and to allow the apartment to be 896 sf.
3. Health Department approval (B100A form) for the accessory unit is required.
4. The new address for this unit is 495A Niederwerfer Road.
5. Special Exception form to go on file in the office of the Town Clerk

Secretary Commissioner Bonzani seconded the motion.

The motion carried and the vote was unanimous.

3. **Appl. 18-47P, Unity of Greater Hartford Yoga Classes** - request for renewal of a 2-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

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Ms. Agnes Rose, board member of Unity of Greater Hartford Church, requested the renewal.

Director of Planning Lipe gave staff comments:

1. Request for a renewal of the 2-year temporary & conditional permit to allow for yoga classes at the Unity of Greater Hartford Church located at 919 Ellington Road, MZ zone. The original permit was approved in 2014.
2. This is a new instructor.
3. The applicant holds classes on Tuesday evenings from 6:00 p.m. – 7:15 p.m., and on Wednesday mornings from 10:00 a.m. – 11:15 a.m. There appears to be a class on one Friday evening per month, from 6:30 p.m. – 8:30 p.m. Class sizes range from 4 – 18 people per class.
4. Classes are held in the community room on the lower level of the church.
5. Lights in the parking and general outside areas are scheduled to come on prior to the class finishing and there is adequate parking (104 cars, with 4 additional handicap spaces).
6. The applicant requested permission to display a sign for the yoga classes. The sign is displayed continually, rather than on the day of classes.
7. 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.” Renewals may be granted by the Commission for a period of two years.
8. If this application is approved, there are no Planning Department modifications to request.

Town Engineer Doolittle had no comments.

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

1. The Temporary and Condition permit will expire on 10/23/2020 and will have to be renewed at that time if the use is going to continue.
2. All signage (temporary or permanent) must be comply with the sign regulations and a permit must be obtained.

Vice Chairman Foley seconded the motion.

The motion carried and the vote was unanimous.

4. **Appl. 18-51P, Lovett Major Home Occupation Renewal dba Pleasant Valley Landscaping** - request for a 5-year renewal of a landscaping major home occupation, on property located at 44 West Road, RR zone

Director of Planning Lipe gave staff comments:

1. This is an application for a renewal of a 5-year major home occupation for a landscaping business, at 44 West Road, RR zone. The original permit was granted in 2003. The lot size is about 2.3 acres.
2. The Commission should note that today a landscaping business cannot be proposed as a major home occupation, but this property is grandfathered.
3. The applicant’s original narrative defined the scope of the business. He indicated that all landscaping equipment used in his business is stored in the barn to the rear of the property. The only activity on-site is

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the departure and arrival of the trucks at the beginning and end of the day. The hours of operation are generally 7:30 a.m. – 5:00 p.m. Monday through Friday and Saturday on occasion. The applicant has indicated that there have been no changes to the operation of the business.

4. The reasons for requiring PZC approval and subsequent renewals are to ensure that:
 - the home occupation is clearly secondary to the use of the building for dwelling purposes;
 - the home occupation is compatible with other permitted residential uses in the residential district;
 - the residential character of the dwelling and the neighborhood are preserved, and;
 - all residents have freedom from excessive noise, excessive traffic, nuisances, fire hazards offensive odors and pollutants, and other possible effects of commercial uses being conducted in residential areas.
5. We have not received any complaints regarding this business during the 10 years it has been in operation. The applicant has indicated that there is one other employee involved in the business. The regulations allow for a two square foot sign, however, he does not have any signage. There is no outdoor storage of material, and all vehicles are stored in the barn.
6. The applicant will be required to return to this Commission upon expiration of the 5-year permit period.

Town Engineer Doolittle had no comments

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

1. The business must be operated by the homeowner.
2. The permit will expire on October 23, 2023, and will have to be renewed at that time.
3. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
4. There is no outdoor storage of material nor disposal of material permitted on site.

Vice Chairman Foley seconded the motion.

The motion carried and the vote was unanimous.

5. **PZC Sponsored** amendment to add Section 7.23 and modify Table 4.1.1A to allow 'Dog Grooming Facilities' by special exception in the Industrial zone subject to provisions of Section 7.23.1

Secretary Commissioner Bonzani made a motion to approve with the following conditions:

1. The PZC find this amendment in conformance with the Plan of Conservation and Development.
2. Add:

Section 7.23 Dog Grooming Facilities

Section 7.23.1 Provisions

- A. Dog Grooming Facilities may be permitted as a Special Exception use after public hearing, provided the following conditions are satisfied:
 1. The existing building must be free-standing;
 2. Currently building not suited for manufacturing;
 3. This site location should not be disruptive to surrounding uses;
 4. Outdoor activities with animals must be within enclosed fenced areas.

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3. Modify:

Table 4.1.1A to allow 'Dog Grooming Facilities' by Special Exception in the Industrial zone subject to provisions of Section 7.23.1

4. Effective date is November 4, 2018.

Commissioner Wagner seconded the motion.
The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

Site Bond

Engineering recommends a bond set in the amount of \$669,670 for improvements associated with Appl. 17-28P, Schoolhouse Drive DRZ

Commissioner Greer made a motion to set the above mentioned site bond. Seconded by Vice Chairman Foley. The motion carried and the vote was unanimous.

Site Bonds

APPLICATION	AMOUNT	REDUCTION	BALANCE
17-28P, Schoolhouse Drive DRZ	\$669,670	\$429,290	\$240,380

Commissioner Greer made a motion to reduce the above mentioned site bond. Seconded by Commissioner Dexter. The motion carried and the vote was unanimous.

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 18-56P, Cumberland Farms, Inc.** - request for a Special Exception to Table 4.1.1A and Site Plan approval for a 4,956 sf store and gasoline pumps, on property located at 779 John Fitch Boulevard, General Commercial (GC) zone
2. **Appl. 18-57P, Mike and Tony's Auto Repairs, LLC** – request for a site plan modification for the use of the site for automotive repairs on property located at 1179 John Fitch Boulevard, I zone

MINUTES: 9/25/18 and 10/2/18 adopted by consensus.

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 8:15 p.m. was made by Commissioner Greer seconded by Vice Chairman Foley
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren L. Zarambo
Recording Secretary