

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

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**DECEMBER 11, 2018**

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

**ALTERNATES PRESENT:**

**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, November 29, 2018 and Thursday, December 6, 2018.

1. **Appl. 18-64P, Bryan Kerachsky** – request for a special exception to Table 4.1.1A and site plan approval for an indoor recreational facility to be known as the South Windsor Soccer Training Center, on property located in Bays 4 and 5 at 1265, 1257 John Fitch Boulevard, I zone

Mr. Bryan Kerachsky, Director of Coaching for the South Windsor Soccer Club, presented the request and described their soccer training programs that enroll 1,000 children in both spring and fall. This facility will provide indoor space for winter programming to be held after business hours weekdays from 5:30 to 8:30 p.m. and on weekends. Groups of 10 – 15 kids will participate in hour long training programs.

Director of Planning Michele Lipe gave staff comments:

1. Request for Special Exception to Article 7.13 of the zoning regulations to operate a soccer training facility in the existing building at 1257 John Fitch Boulevard, Bays 4 and 5, I zone.
2. The existing building is approximately 24,600 sf. The soccer facility will occupy about 3,600 sq ft. There are currently two other uses in the building: the dynamic personal training facility operates in 3,600 sf and an automotive business operates in the remaining space. There are no changes to the interior of the building being proposed. Pictures have been provided.
3. The facility will have business hours Monday – Friday after 5:00 p.m. and on weekends. The training center is proposed to operate during the off-season, from November through April.
4. Special exception criteria for indoor recreational use include:
  - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
  - The application has met the requirements of the zoning regulations.
  - The land is physically suited to the proposed use.
  - Minimal, if any, adverse environmental impacts are created.
  - No traffic or other hazards will be created.
  - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
  - There will be minimal or no adverse effects on existing uses in the area.

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- Surrounding property values will be conserved.
- The character of the neighborhood will be maintained or minimally disrupted.
- The general welfare of the community will be served.
- There is a balance between neighborhood acceptance and community needs.
- Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
- The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
- The architectural design is aesthetically pleasing and blends well into the surrounding area.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

5. The parking requirement for indoor recreational use is one space per 250 sq ft, or 15 spaces. The applicant has 32 spaces and 2 handicap spaces dedicated for the recreational uses in the front parking area. There is additional parking available on the southerly side of the site and typically the classes take place after the industrial users have left for the day.
6. The site is served by public water and sewer.

The Planning Department has two questions: What is the anticipated number of students at one time? How late will the practices run?

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 Flagg asked how many people typically attend events. Mr. Kerachsky noted the facility is not for games but is a training facility where kids are generally dropped off. There could be 10 or 12 kids with 5 or 6 adults at a time.

Chairman Pacekonis asked whether the glass windows and doors at the entrance shown in photographs provided posed a danger to the students. Mr. Kerachsky indicated the playing space is not in vicinity of the glass doors. The Chairman asked if the facility will be used year round and Mr. Kerachsky indicated there could be training sessions for individualized techniques indoors throughout the year.

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

- 2. 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 797 John Fitch Boulevard, General Commercial (GC) zone

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Attorney Joseph Williams with Shipman & Goodwin LLP representing Cumberland Farms Inc. presented the request with Mr. Mark Grocki, project engineer from VHB, and Mr. Jason Adams, traffic engineer from McMahon Transportation Engineers & Planners.

Attorney Joseph Williams presented the request for a special exception and site plan of development and a waiver of the access management regulations to develop the site with two driveways accessing Route 5. The undeveloped wooded site on Route 5 is 2.35 acres in size and located in the General Commercial Zone. Cumberland Farms is a third generation family run business based in Massachusetts. The company owned stores are not franchised.

Revised plans include a summary from the traffic engineer explaining a lack of impact on existing traffic and service levels on Route 5. Changes to the plans have been made in response to comments from town staff to allow for more room on the site for better circulation and wider turning radius entering the site from the northern driveway.

Approval for the sale of gasoline is through the DMV and will require local review and signoff. Goals of the Plan of Conservation and Development (POCD) are advanced by encouraging business development on Route 5 and improving the appearance of the business zone. The project received a favorable review from ADRC on December 6<sup>th</sup> for the colonial designed building and landscaping. Additional landscaping has been added along the north boundary and in the north corner of the site to satisfy screening the site and requirements from the POCD. The IWA/CC approved the application on December 5, 2018.

Mr. Mark Grocki project manager from VHB who designed the site plan showed existing conditions of the wooded undeveloped site. Proposed plans were shown for six dispensing gasoline pumps. Dumpsters will be in the rear of site. Parking was shown and landscaping described including plantings to screen neighboring properties in winter months. The canopy lighting has been reduced slightly per ADRC comments and is zoning compliant.

The site plan has been redesigned to solve initial concerns of town staff to accommodate tanker trucks fueling and adds parking for larger vehicles. The curb cut has been widened to accommodate large trucks. The turning plan showed adequate room for 2-way traffic and parked vehicles when trucks arrive.

Mr. Grocki stated they disagree with the request by Town Staff for the need for a drive aisle behind the building citing the need to reduce impervious coverage on site. They have reached out to Fire Chief Cooney about the height of the canopy and stated he agreed the drive aisle around the back is not necessary.

Plans were shown of other Cumberland Farms stores in Wallingford, Vernon, and in Massachusetts. Mr. Grocki noted if there is conflict with a tanker fuel delivery it would be for only a few minutes and stated the site is adequate to accept fire trucks. Landscape screening was described. A large amount of mature trees will remain in the buffer area.

Mr. Adams described the traffic impact study for peak traffic hours, traffic counts on Route 5 spread into 2020. The site will be tied into the 4<sup>th</sup> leg of the traffic signal and will have no noticeable impact on the traffic on Route 5. The configuration will serve the site and surrounding area and will maintain appropriate flow in the area.

Director of Planning Michele Lipe gave staff comments:

1. 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 797 John Fitch Boulevard, General Commercial (GC) zone
2. The Special Exception criteria include:

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- The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
- The application has met the requirements of the zoning regulations.
- The land is physically suited to the proposed use.
- Minimal, if any, adverse environmental impacts are created.
- No traffic or other hazards will be created.
- The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
- There will be minimal or no adverse effects on existing uses in the area.
- Surrounding property values will be conserved.
- The character of the neighborhood will be maintained or minimally disrupted.
- The general welfare of the community will be served.
- There is a balance between neighborhood acceptance and community needs.
- Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
- The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
- The architectural design is aesthetically pleasing and blends well into the surrounding area.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

3. Maximum impervious coverage allowed is 65%, 42% proposed. Front yard setback is about 510 feet to the canopies, minimum of 50 feet required. Lot coverage is has not been provided
4. Parking requirements based on the proposed use is 25 spaces; 29 have been provided. Parking lot landscaping has been addressed with 10 % of the parking area with shade trees proposed; 5% required. Dumpster area and loading area are shown on the south side of the building.
5. This project is subject to the Pedestrian and Bicycle Accommodation regulations requiring all sidewalks that have parking adjacent to them have been designed as six feet wide. The applicant has provided a pedestrian connection from the building with the inclusion of a five foot sidewalk shown from the building, across the main parking area as a stamped concrete walk, adjacent to the driveway to John Fitch Boulevard. The new sidewalk will connect to the existing crosswalk that currently crosses Route 5 to South Satellite Road.
6. A 50 buffer is required along the northwesterly property line. The applicant is proposing to leave the existing vegetation in that area and to supplement the plantings with evergreens. The cross-sections showing the buffer at planting, five years and maturity must be provided on the plans and the buffer landscape plan.
7. All exterior lighting proposed will be full cut-off fixtures and soffit fixtures around the building. The canopy lighting will be recessed lighting and meets the dark sky compliant requirements.

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8. There is both free standing and building/canopy mounted signage proposed. The free-standing sign is proposed to be 29 sf, 12 feet in height; taking advantage of our sign embellishment section. A zoning and building permit will be required.
  9. The applicant went to the ADRC on December 6, 2018. The Committee indicated that they were pleased with the architecture and plans as presented and forwarded a favorable recommendation to the Commission.
  10. This application was heard by IWA/CC on December 5, 2018 and approval was granted including the following requirements: \$5,000 to ensure proper placement and maintenance of erosion and sediment controls and \$20,000 for installation of stormwater structures.
  11. The property will be served by public water and Town sewers. WPCA approval is required.
  12. The applicant has provided a traffic study of the area which the Commission should have received.
  13. This proposal is subject to Section 5.5. Access Management requirements. There are two driveways proposed at this site. The northern access will be added as a fourth leg to the existing intersection at South Satellite and Route 5. The southern drive is designed as right out only. There are no provisions for any other properties to tie into this access.
  14. The applicant is requesting a waiver to Section 5.5.4.A.1.b. to permit two access drives along the frontage. Our regulations permit only one access drive for every 450 feet of road frontage. This site has only 260 feet of frontage.
  15. The Commission may waive any requirements of this section when it finds the following have been satisfied:
    - The gravity of the waiver will be consistent with the purpose of the regulations;
    - The waiver has been specifically requested by the applicant;
    - Conditions exist which adversely affect the subject property and are not generally applicable to other property in the area
    - In absence of a waiver, no reasonable alternative access is available, will be available or can be constructed,
    - The requested waiver is the minimum deviation necessary from their section to permit reasonable development of the subject property.
    - The granting of the waiver will not have a significant adverse impact on existing or future traffic operations, adjacent property, or on public safety or welfare.
  16. The Fire Marshal and Fire Chief have reviewed the plans and expressed some concern about the tightness of the site. Town Engineer Jeff Doolittle will address that issue with his engineering report.
  17. There is an area of encroachment along the southern property boundary. Has the applicant been in communication with the owner and do they know how the changes proposed will impact this site?
- If this application is approved, the Planning Department has no additional approval modifications to request.
- Request that “No Parking” signage installed along Route 5
  - Tree line to accurately reflect the trees being removed
  - Lot coverage determined (max. 30% of building coverage)

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- Buffer cross section – buffer requirement should show up on the landscape plan

Town Engineer Jeff Doolittle gave staff comments:

1. The sight driveway and parking layout are still tight. The fire truck turning plan shows no extra room for this truck to get in and around the site in perfect conditions, and numerous conflicts between the fuel tank truck and other vehicles as the truck enters and maneuvers around the site. I think the right turn radius from John Fitch Blvd southbound needs to be larger (50-60 feet), there needs to be at least 60 feet between the fuel pumps and building, and at least 30 feet between the fuel islands and the southern parallel parking spaces. The right turn exit drive should have a larger radius so trucks leaving do not swing into the second lane on John Fitch Blvd.
2. There should be a one-way drive from the west end of the parking lot north of the building around the west and south sides of the building to the driveway and parking in front of the building. This will allow vehicles using the north parking lot to easily travel around the building to the exit without having to go around the fuel islands. It could also provide a larger area for delivery trucks to unload. The detention basin and dumpsters can be moved to the west.
3. I think the small detention basin on the south side of the site can be eliminated or reduced in size. The utility plan shows several utilities running under this small basin which may cause problems.
4. CB 3 should be moved away from the fuel tank filling area or eliminated.
5. DMH-1 and DMH-2 can be eliminated by changing the drainage pipes to run between catch basins. For example a 12" pipe can be run from CB1 to CB2 and a 15" pipe can run from CB2 to CB4 and an 18" pipe run from CB4 to WQU-1.
6. The sanitary sewer lateral needs to be at a slope of at least 2% and have clean outs installed on the sewer lateral at bends and every 100 feet. These should be capped just below the finished grade.
7. SMH-2 by John Fitch Blvd can be used by the Town for monitoring and inspection of the waste water from this site. It needs to follow the Town Standard detail for a SMH. We use a 24" diameter cover and associated frame.
8. Provide expected sewer flows from this facility, including flows through the 1500 gallon grease trap and calculations for sizing this unit.
9. The water and gas lines appear to be too close together by the building.
10. The Storm Water Management Report includes water quality flow calculations. This data needs to be shown in the Data Requirements for the WQU on the plans
11. WPCA review and approval of this plan is required.

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

Mr. Bob Dickinson of 19 Birch Road spoke in favor of the project suggesting pedestrian access from businesses in the area and a graded area along Route 5 for the potential of a future multimodal pathway.

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

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Mr. Tony Bonito of 246 Hilton Drive spoke against the application stating he will lose his house and two Mobile gas stations on Route 5 and be devastating for every other fuel and food establishment in the area if the application is approved.

Mr. Carl Barresi of 785 John Fitch Boulevard voiced concern as an abutting neighbor about the potential of traffic congestion generated by the project.

The Chairman asked for comments from commissioners.

Commissioner Flagg agreed with the concerns of the Town Engineer about whether there will be enough room to accommodate tanker trucks coming on site to refuel when other vehicles are on site at the same time and asked if a fence will be put up on the southern side of the site. Mr. Grocki stated they are amendable to proposing either a 4' high fence or a wooden decorative guard rail.

Commissioner Dexter stated she does not have a problem with the second right-only access designed to help traffic flow and asked if the waiver will run with the property. Director Lipe stated the waiver is based on the approved site plan. Commissioner Dexter asked about broadening a right hand turn into the site from Route 5. Mr. Grocki stated the curb cut is under DOT jurisdiction. Their application is currently before DOT and have not yet received comments. It will include a complete upgrade of the intersection and light.

Commissioner Bonzani asked if diesel fuel would be sold on site. Mr. Grocki stated the four outside pumps will be diesel and confirmed the station will be open 24/7. Commissioner Bonzani noted it is an awful tight site and that one-way-in and one-way-out entrances would be an improvement.

Vice Chairman Foley agreed with Town Engineer Doolittle's comments and noted the staging shown will not be adequate to accommodate the traffic that will come in peak hours. Morning traffic will have trucks and trailers accessing the site which needs to have flow and a driveway around the backside of the building. The Vice Chair described alternative layouts and noted what typically happens on a site in real life is not reflected in the design which needs a rear access.

Commissioner Greer agreed with Commissioner Dexter stating there needs to be a deceleration lane to make the turn in from the fast paced Route 5 and noted Cumberland Farms in Manchester is poorly designed and is way too tight. Mr. Grocki stated they did not design the Manchester site.

Commissioner Wagner noted the sidewalk ends at the crosswalk and asked about POCD requirements. Director Lipe stated that the sidewalk plan does not show sidewalks along Route 5. The commissioner agreed with Mr. Dickinson's comment about having walking access from other businesses to the site and noted a left turn lane coming from the south was indicated in the traffic report. Mr. Grocki clarified there is no left turn lane from the south presently but will be in a new proposal to come before DOT. Commissioner Wagner encouraged plan approval to be contingent with DOT approval of a left hand turn lane. Standards for turning radius were discussed. The commissioner asked about the ground monitoring well and asked if significant trees on the property to be removed would be sold. He noted the business next door is very close and some sort of fencing would be appropriate.

Chairman Pacekonis asked about the four types of fuel to be sold from two underground tanks and whether tractor trailer trucks can clear the canopy. Mr. Grocki described how the fuel storage tanks are divided and the 14'4" high canopy which can accommodate a large tractor trailer. He stated nozzles at the pumps are low flow and do not attract larger vehicles. Chairman Pacekonis noted drivers do drink coffee and only one parking place can accommodate a large truck. Mr. Grocki indicated the site is designed for cars and landscape type trucks and overtime people will realize what can be accommodated. The Chairman discussed queuing for vehicles with Mr. Grocki and Mr. Adams.

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The Chairman requested pedestrian patterns to be shown on the plan in support of special exception criteria for the welfare of the community. Mr. Grocki pointed out the crosswalk provided and noted a Route 5 sidewalk was not advised for safety reasons. A request for the applicant to consider a cross access easement for access to the site within their property can be made but topography and the drainage could require more modifications. Chairman Pacekonis asked about advertising in the windows. Director Lipe stated signage is controlled by the zoning regulations of 20% of window signage.

Mr. Grocki noted the drainage related comments from the Town Engineer can be accommodated but access to the back of the property is not warranted from their engineering viewpoint and it is not how Cumberland Farms' sites are designed. The Chairman noted special exception criteria of maintaining the neighborhood and general welfare of the community noting competition is a good thing but it is not comfortable putting a gas station next door out of business.

Vice Chairman Foley asked if a stormwater detention basin can be in a buffer area. Director Lipe stated it can be in the buffer but must meet buffer requirements.

Commissioner Dexter stated the Cumberland Farms business model is not to accommodate big vehicles and supports the business coming to the community. She urged commissioners not to add conditions that will make the applicant turn away.

Commissioner Flagg noted the exit driveway and asked if it should be wider than 36' wide. Mr. Grocki indicated they will consider the width but DOT has the final jurisdiction. Mr. Grocki compared the site design to that of Vernon's Cumberland Farms which is much tighter and Commissioner Flagg noted the volume and speed of traffic on Route 5.

Commissioner Wagner asked the Town Engineer about the turning situation for a rear driveway if a drive is required. Engineer Doolittle indicated the drive could serve smaller vehicles from the parking area rather than large vehicles and will be analyzed.

Chairman Pacekonis noted any large growth trees that can be saved should be preserved where possible.

Attorney Williams responded to comments stating zoning regulations do not provide for any municipal zoning commission to regulate, restrict or prevent competition. Applications have been approved for Cumberland Farms throughout the state and it is not uncommon for other gas stations in the towns to speak out in opposition. Goals of the POCD promote business growth and growth of the grand list specifically along the Route 5 corridor. The attorney requested to have the public hearing continued so they can return to the applicant's headquarters to address concerns raised.

Commissioner Wagner made a motion to extend the public hearing to January 8, 2019.

Seconded by Commissioner Flagg.

The motion carried and the vote was unanimous.

**REGULAR MEETING / MADDEN ROOM**

**CALL TO ORDER:** The Chairman opened the Regular Meeting at 9:15 p.m.

**PUBLIC PARTICIPATION:**

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

1. **Appl. 18-64P, Bryan Kerachsky** – request for a special exception to Table 4.1.1A and site plan approval for an indoor recreational facility to be known as the South Windsor Soccer Training Center, on property located in Bays 4 and 5 at 1265, 1257 John Fitch Boulevard, I zone

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

1. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
2. A building permit is required for any interior renovations.
3. Hours of operation will be Monday – Friday 5 p.m. – 8:30 p.m. and weekends.
4. A limit of 20 players at a time.

Commissioner Greer seconded the motion.

The motion carried and the vote was unanimous.

- 2. 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 797 John Fitch Boulevard, General Commercial (GC) zone

Public Hearing continued to January 8, 2019.

**BONDS: Callings/Reductions/Settings**

**APPLICATIONS OFFICIALLY RECEIVED:**

**MINUTES:** 11/27/18

Commissioner Wagner made a motion to approve the minutes of 11/27/18 with a correction to page 4 changing the word ‘converters’ to ‘inverters’.

Commissioner Dexter seconded the motion.

The motion carried and the vote was unanimous.

**OLD BUSINESS: *see page 2***

**OTHER BUSINESS:**

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting at 9:15 p.m. was made by Commissioner Flagg

Seconded by Commissioner Dexter

The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo, Recording Secretary