

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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FEBRUARY 5, 2019

MEMBERS PRESENT: Bart Pacekonis, Kevin Foley, Frank Bonzani, Stephanie Dexter, Kevin Greer, Bill Flagg, Stephen Wagner (arrived at 7:35 p.m.)

ALTERNATES PRESENT: Michael LeBlanc, Paul Bernstein

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING / MADDEN ROOM 7:00 PM

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 7:00 p.m.

Secretary Commissioner Bonzani read the legal notice as it was published in the Journal Inquirer on Thursday, January 24, 2019 and Thursday, January 31, 2019.

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

- 1. Appl. 19-06P, Stephanie Pietri dba Ruff & Tumble LLC**— request for a special exception to Table 4.1.1A for a dog grooming business, on property located at 251 Sullivan Avenue, I zone

Ms. Stephanie Pietri and Mr. Peter DeMallie, President of Design Professionals, Inc., presented the request. Mr. DeMallie referenced a recently approved zoning text amendment in support of dog grooming facilities in the Industrial zone by special exception. The building at 251 Sullivan Avenue is connected to sewer and water and has previously been used as a rail station, hardware store and other commercial offices. There are 20 parking spaces around the building with 9 spaces required by zoning. There will be a dumpster in the back and a handicap ramp added. Hours proposed are Tuesday through Saturday 10 a.m. to 6 p.m. and as the business grows to be open 7 days a week. No overnight care will be offered. Signage is planned for the front of the building and the monument sign will be discussed with Town Staff per zoning regulations. The use preserves a historic structure while serving the community with handicap accessibility meeting special exception criteria. A photograph was shown of the well-appointed interior proposed showing the caliber of service to be provided.

Director of Planning Michele Lipe gave staff comments:

1. Request for a Special Exception to Table 4.1.1A and site plan of development to operate a dog grooming facility, at 251 Sullivan Avenue, I zone. In 2018, the Commission added this use to the Industrial zone regulations by special exception.
2. The applicant's narratives summarized the activities on site and hours of operation. Initially, it is anticipated that approximately 10-20 dogs a day will be serviced by two employees. Within 3-5 years, the applicant hopes to have several full time and part time groomers accommodating up to 50 dogs per day. The hours of operation for the daycare will be from 7:30 a.m. – 6 p.m. There will no animals kept on site overnight.
3. Specific criteria to be met in the Industrial zone from Section 7.23.1 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.

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4. Other Special exception criteria in I zones includes:

- 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.

5. There is no outdoor activity proposed for the animals. The only improvements proposed at this time include the addition of handicap ramp and a dumpster pad on concrete pad and screening.
6. There are in excess of 20 parking spaces on site. Currently the line spacing is not visible and we would request new striping prior to opening.
7. The State licenses the facility. The animal waste and grooming waste will be disposed of periodically by a licensed refuse hauler.
8. Public water and sewers service the site. The utilities should be shown. WPCA approval is required for the change of use.
9. There are currently several free standing signs on the site that may not have been permitted. Any new free- standing signage will have to be in conformance with the current sign regulations.

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If this application is approved, the Planning Department has no modifications to request. There are no engineering comments on the plan.

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

Ms. Edna Shlien spoke in favor of the proposed dog grooming business.

The Chairman asked for public comment in opposition to the application.

No one from the public spoke in opposition.

The Chairman asked for comments from commissioners.

Commissioner Bonzani asked about the number of dogs and how long grooming sessions last. Ms. Pietri described their process of handling multiple dogs in rotation.

Vice Chairman Foley stated he appreciates the preservation of a historic building.

Commissioner Greer confirmed with Ms. Pietri dogs would not be kenneled and asked about the grooming classes mentioned in the preliminary discussion. Ms. Pietri stated she may work with apprentices or could hold seminars in the future.

Chairman Pacekonis asked if there are floor drains in the building. Ms. Pietri verified there were no floor drains and dogs will be washed in tubs.

Director Lipe stated the referenced zoning text amendment was written to include training and outdoor activities and recommended an approval condition that the applicant come back before the Commission if those activities are included in the future.

The Chairman closed the public hearing at 7:13 p.m.

2. **Appl. 18-56P, Cumberland Farms, Inc. - Postponed to February 26, 2019** - 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 (Continued from 12/11/18)

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: Chairman Pacekonis called the Regular Meeting to order at 7:13 p.m.

PUBLIC PARTICIPATION: None

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

1. **Appl. 19-04P, Superior Northeast**— request for renewal of a 2-year temporary and conditional permit for a 30' x 60' storage shed on property located at 24 Jeffrey Drive, I zone

Mr. Joseph Becce, branch manager of Superior Northeast, presented the request.

Director of Planning Michele Lipe gave staff comments:

1. Request for renewal of a temporary and conditional permit for a storage tent to house equipment at 24 Jeffrey Drive, I zone. A permit was originally issued by this Commission in August 2002; the most recent permit expires on February 28, 2019.
2. The storage tent is approximately 30' X 60' and is located within the 35' front yard setback.

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3. The building code limits the duration of temporary structures. The applicant will be responsible for ensuring this temporary structure maintains a current building permit.
4. 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 Chairman asked for comments from commissioners.

Commissioners had no questions.

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

1. The Temporary and Condition permit will expire on February 28, 2021 and will have to renew at that time if the use is to continue.
2. A new building permit is required to renew the temporary structure.

Commissioner Greer seconded the motion.

The motion carried and the vote was unanimous.

- 2. Appl. 19-07P, Free Spirit Farm LLC** – request for a site plan modification to add a riding ring measuring 75' x 120', on property located at 112 Pheasant Way and 1080 Avery Street, A-30 and RR zone

Mr. Robert Selig presented the request and distributed photographs to commissioners.

Commissioner Flagg disqualified himself from the application.

Chairman Pacekonis appointed Alternate Commissioner Bernstein to be seated for Commissioner Flagg.

Mr. Selig read their narrative describing the special exception approval they were originally granted for 18 horses and one riding rink and how and why they created an additional riding rink within their property lines. To do so trees were felled with a licensed arborist, the area graded with existing material and top-dressed with sand. They added 80' of privacy fencing to the existing 200' of fencing along the property lines they share with neighbors. There have been ten horses with seven riders on the property since they received approval in 2014 and the numbers are unchanged.

Director of Planning Michele Lipe gave staff comments and distributed the original approval letter from 2014 and photographs of the property taken by the zoning officer after a complaint was received.

1. Request for a modification to the site plan that was originally approved in conjunction with the establishment of a commercial boarding and training facility for horses on property located at 112 Pheasant Way and 1080 Avery Street, RR zone.
2. The property at 112 Pheasant Way is 6.18 acres in size, and the property at 1080 Avery Street is 8.41 acres. Approval was granted by this Commission in 2014 to operate a horse facility for breeding, training, instruction and showing horses. This approval is for a maximum of 18 horses on the combined property of 112 Pheasant Way and 1080 Avery Street.
3. At the time the PZC made the following finding: The Commission has reviewed the application, all of the plans, documentary evidence, testimony and reports from staff regarding the proposed horse facility and finds that approval of the application, with the conditions contained herein, is only appropriate where

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the horse facility use at all times encompasses the combined properties (1080 Avery Street and 112 Pheasant Way) as proposed to this Commission by the applicants. Accordingly, if at any time the horse facility is no longer operating on or using the combined properties and all portions thereof as proposed in this application, this permit shall be void and the property owners must reapply to the Commission for a new special exception demonstrating compliance with the zoning requirements for a new Commercial Animal Agriculture permit.

4. Other approval conditions included:

- The property must be fenced, in whole or in part, to contain the horses within the property.
- Housing/stabling of horses is restricted to the rear yard of the premises. Use of trailers for stabling horses is not permitted.
- Manure storage and handling must adhere to the storage/handling plan presented. If the applicant wants to make changes to the storage/handling arrangements, the changes must be approved by Town staff prior to implementation. Manure shall not be allowed to accumulate to cause any health hazard, and shall be subject to inspection by the Health Officer. Fly control measures are required.
- Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
- No public events, activities, show, etc. can be held at this site unless further approval is granted by this Commission. No public address system is allowed to be used on site.
- Schooling shows, in conjunction with horse lesson program, are allowed a maximum of three times a year.
- The parking area for vehicles and trailers shall occur as shown on the plans. Horse trailers shall enter the property from Avery Street to maximum extent possible.
- No additional site lighting is allowed without further approval from this Commission.

5. As presented, the only changes being proposed at this time include the addition of the riding ring and an 80 foot extension of the six foot screening fence along the northern property boundary.

If this application is approved, the Planning Department would request that the same approval conditions that were in place originally be reiterated with this approval.

Secretary Commissioner Bonzani read two letters written with concerns and in opposition to the application into the record from Mr. Christopher Gallo at 86 Partridge Lane and Ms. Sharon Van Niel of 66 Partridge Lane (Exhibit A).

Mr. Selig spoke about the use of the term ‘commercial’ and noted their conformance to zoning regulations as the regulations have changed over time. Their land has been a working Arabian horse farm for more than 50 years. Mr. Selig noted their neighbors purchased their lots long after they were there and have cleared their own lots to their property lines. Mr. Selig read their 2014 approval conditions and stated they did not feel their new sand riding rink measuring 75’ x 120’ was a ‘substantial change’ on their 15 acres and was within their approval conditions.

Commissioner Wagner arrived at the meeting at 7:35 p.m.

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The Chairman asked for comments from commissioners and asked if trees could have been taken down on the property if the new riding rink was not there. The Commission agreed property owners have the right to take trees down on their own property. The 75' setback was discussed and described as regulating structures. A riding rink is not considered a permanent structure.

Vice Chairman Foley noted the number of horses has not increased and the only issue appears to be that they did not come back to PZC before the site was modified.

Commissioner Greer made a motion to approve with the following conditions which were the original conditions placed on the approval that was given on January 2014.

1. This permit is to operate a horse facility for breeding, training, instruction and showing horses. This approval is for a maximum of 18 horses on the combined property of 112 Pheasant Way and 1080 Avery Street.
2. The Commission has reviewed the application, all of the plans, documentary evidence, testimony and reports from staff regarding the proposed horse facility and finds that approval of the application, with the conditions contained herein, is only appropriate where the horse facility use at all times encompasses the combined properties (1080 Avery Street and 112 Pheasant Way) as proposed to this Commission by the applicants. Accordingly, if at any time the horse facility is no longer operating on or using the combined properties and all portions thereof as proposed in this application, this permit shall be void and the property owners must reapply to the Commission for a new special exception demonstrating compliance with the zoning requirements for a new Commercial Animal Agriculture permit.
3. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
4. The building street number must be included on the final plan.
5. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
6. The property must be fenced, in whole or in part, to contain the horses within the property.
7. Housing/stabling of horses is restricted to the rear yard of the premises. Use of trailers for stabling horses is not permitted.
8. Manure storage and handling must adhere to the storage/handling plan presented. If the applicant wants to make changes to the storage/handling arrangements, the changes must be approved by Town staff prior to implementation. Manure shall not be allowed to accumulate to cause any health hazard, and shall be subject to inspection by the Health Officer. Fly control measures are required.
9. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
10. No public events, activities, show, etc. can be held at this site unless further approval is granted by this Commission. No public address system is allowed to be used on site.
11. Schooling shows, in conjunction with horse lesson program, are allowed a maximum of three times a year.

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12. The parking area for vehicles and trailers shall occur as shown on the plans. Horse trailers shall enter the property from Avery Street to maximum extent possible.

13. No additional site lighting is allowed without further approval from this Commission.

Commissioner Dexter seconded the motion.

Chairman Pacekonis noted Commissioner Wagner's arrival and stated the two alternates will remain seated.

Members of the public in attendance asked if they could speak. Chairman Pacekonis noted two letters from the public had been read into the record and noted the application for a site plan modification was not on for a public hearing.

The motion carried and the vote was unanimous.

3. Appl. 19-06P, Stephanie Pietri dba Ruff & Tumble LLC– request for a special exception to Table 4.1.1A for a dog grooming business, on property located at 251 Sullivan Avenue, I zone

Commissioner Flagg returned to the commission. Alternate Commissioner Bernstein was no longer seated.

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

1. The building street number must be included on the final plan.
2. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
3. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
4. If the weekly dumpster pickup is not sufficient to minimize potential odor and fly problems, additional pickups may be need subject to the Town Sanitarian.
5. The hours of operation are 7:30 a.m. – 6 p.m., seven days a week.
6. No outdoor activities are allowed without further approval from this Commission.
7. The utilities should be shown on the plans. WPCA approval is required for the change of use.
8. Special Exception form to go on file in the office of the Town Clerk.

Vice Chairman Foley seconded the motion.

The motion carried and the vote was unanimous.

4. Appl. 18-54P, Nevers Ridge Subdivision – request for two consecutive 90-day extensions to the deadline for filing of mylars

Vice Chairman Foley made a motion to approve the two consecutive 90-day extensions.

Commissioner Bonzani seconded the motion.

The motion carried and the vote was unanimous.

5. Appl. 14-02P, Folsom Construction Site Plan – request for a five year extension of the PZC site plan approval which expires on February 25, 2019

Vice Chairman Foley made a motion to approve the five year extension.

Commissioner Dexter seconded the motion.

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The motion carried and the vote was unanimous.

6. Preliminary discussion with Thomas Arcari, architect and team, regarding potential mixed use project on Sullivan Avenue

Mr. Tom Arcari, architect with QA+M Architecture of Farmington with Mr. Gregg Nanni, general manager of Prospect Enterprises and Mr. Donald Poland of Goman + York presented a preliminary concept for Geisslers Plaza at 965 Sullivan Avenue for a proposed mixed use development to completely revitalize the supermarket, neighboring commercial storefronts and plaza. Two commercial pads close to Sullivan Avenue would be added to reduce the vast parking lot paving. Eight residential apartment buildings were proposed to fit into the lower topography of the site. Drawings were shown of the three story residential buildings, some with commercial on the 1st floors of the buildings facing Geisslers Plaza, and a well-landscaped central courtyard with a community clubhouse building. Mr. Arcuri distributed handouts to commissioners of the presentation.

Commissioner Flagg asked about the number of apartments of which there would be 102 (50% of which would be one bedroom and 50% two bedrooms).

Commissioner Dexter asked about the developer and Mr. Nanni, general manager of Prospect Enterprises, stated they have been in talks with Geisslers for a long time about revamping their building and plaza with a significant capital investment they believe will benefit from utilizing a mixed use development with a synergy between retail and residential.

Alternate Commissioner LeBlanc indicated he had mixed views on how the development would fare over time and did not think it fit into the community. Commissioners Dexter, Flagg, Foley and Greer voiced concern about additional housing affecting the school and services.

Mr. Poland, addressing statistics regarding the number of students generated by housing types, distributed a data sheet using 2009 data and present data and noted misconceptions with the reports informing the Commission. It was shown existing single family stock is what drives the increase in school enrollment and only 14% of housing stock in South Windsor is rental. Three bedroom units generate school age children whereas one and two bedroom apartments statistically generate far fewer.

Countering commissioner concern that housing developments do not wear well over time, Chairman Pacekonis stated if developments are approved there should be a plan for long term improvements.

Alternate Commissioner Bernstein noted new development and more residents are positive for the town and will bring in needed tax dollars. Mr. Nanni described Geisslers as the anchor of the project willing to commit to a 20 year lease at market rate if the development is a multi-use. Grocery anchored residential developments are successful because the uses work very well together.

Commissioner Wagner asked what other types of business are proposed. Mr. Nanni indicated other storefronts of the plaza could be service based, convenience driven businesses such as a nail salon, dry cleaner, liquor store or lifestyle store. Restaurants, cafes or pubs were suggested. The concept is appealing to young professionals and empty nesters looking to stay in the community to live in a neighborhood with mixed use.

Chairman Pacekonis noted mixed use developments approved in the past where the residential phase is developed first and the commercial phase does not get built. Mr. Nanni stated a mechanism would be part of the plan to prevent that happening with their project if it is to be built in South Windsor.

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BONDS: Callings/Reductions/Settings

Site Bond

Engineering recommends a bond set in the amount of \$900 for improvements associated with Appl. 18-54P, Nevers Ridge Subdivision.

Commissioner Wagner made a motion to set the above mentioned subdivision bond

Seconded by Commissioner Flagg

The motion carried and the vote was unanimous.

APPLICATIONS OFFICIALLY RECEIVED:

1. Appl. 19-09P, Vigurs Major Home Occupation dba Your Hair - request for renewal of a 5-year major home occupation for a hair salon at 643 Pleasant Valley Road, A-20 zone
2. Appl. 19-10P, M & S Paving – request for a minor site plan modification for a 24' X 60' storage building, on property located at 97 Commerce Way, I zone (applicant requests staff approval in accordance with Sec. 8.6)
3. Appl. 19-11P, Evergreen Walk, LLC – request to modify the Evergreen Walk General Plan of Development concerning Unit 7D/7E to include a daycare facility, on property located at 151 Buckland Road, GD zone
4. Appl. 19-12P, Educational Playcare, LTD – request for a Special Exception to Table 4.1.1A and Section 7.4 and Site Plan of Development for a 16,000+/- sf daycare facility, located on property at L028 Ellington Road (to be known as 742 Ellington Road), RC zone

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OLD BUSINESS: *see page 2*

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

Director Lipe reported a plan is being developed for the open space on Margaret Drive for the tennis courts by John Caldwell and Ray Favreau.

An email was received from Cambria Suites projecting a completion date in February 2020.

Court ordered inspections at 460 Miller Road took place today with a trial starting on February 6th.

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 9:20 p.m. was made by Vice Chairman Foley

Seconded by Commissioner Wagner.

The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo
Recording Secretary