

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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APRIL 23, 2019

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

ALTERNATES PRESENT: Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

PLEDGE OF ALLEGIANCE

PUBLIC HEARING / COUNCIL CHAMBERS 7:00 PM

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

Acting Secretary Commissioner Dexter read the legal notice as it was published in the Journal Inquirer on Thursday, April 11, 2019 and Thursday, April 18, 2019.

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

- 1. Appl. 19-18P, Design Professionals, Inc.** – request for a zoning text amendment to Section 4.4.5 Site Appearances in the I-291 Corridor Development zone specifically to modify Section 4.4.5 E.1 to allow for outdoor storage as an accessory use to a product distribution center provided it meets certain requirements

Mr. Peter DeMallie, President of Design Professionals, Inc., presented the request recounting the history of outdoor storage allowances in the I-291 Corridor zone and read Section 4.4.5, Site Appearance Requirements as proposed to be modified. Developable land in the zone was described along with requirements from an interested tenant to include outdoor storage on 10% of a site and rail access. With approval of the amendment, Town Plan of Conservation and Development criteria will be met, Building Department and WPCA fees paid and taxes will grow the town's grand list.

Director of Planning Michele Lipe gave staff comments:

1. This is a request for a zoning text amendment to Section 4.4.5 Site Appearances in the I-291 Corridor Development zone specifically to modify Section 4.4.5 E.1 to allow for outdoor storage as an accessory use to a product distribution center provided it meets certain requirements.
2. The applicant's proposal to allow storage of products associated with a product distribution center by special exception. The outdoor storage would be limited to 10% of the site's acreage. The outdoor storage would be screened from the public streets through architectural and/or landscaping treatments.
3. Section 4.4.5 Site Appearance Requirements of the I-291 Corridor regulations addresses many building and site design criteria the PZC felt was important to be considered for the aesthetics of the area. Of particular concern is the design of the site and the views from I-291 as you travel through town.
4. Currently, limited outdoor storage is allowed by Special Exception. PZC members may recall that we did amend this particular section of the regulations in 2009. At that time, the purpose of this amendment was to allow some outdoor activities that the Commission thought acceptable and some outdoor storage the Commission finds acceptable in the I-291 Corridor, but not to allow industrial type outdoor storage that the Commission has traditionally required to be screened or not allowed at all. This amendment required full screening of outdoor storage and outdoor activities unless the Commission decided that the outdoor activity was something that was actually desirable for the public to see such as outdoor recreation.

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5. This proposal would expand the outdoor storage allowance to storage of product for distribution. The PZC may want to consider other criteria to be reviewed with the special exception request.
6. Some of the criteria to consider may be maximum height of products, minimum distance of storage from roadways and/or minimizing views from I-291 to maximum extent possible through screening treatments.
7. I did have an opportunity to discuss this amendment at the ADRC meeting last week, and it was suggested that building be located strategically to screen storage as much as possible and using a combination of vegetation, berming and building walls to the extent possible to mitigate views.
8. The Business Development section of the Town Plan has one of its goals for the town to “attract additional business development that is consistent with the character and scale of it’s surroundings with a strategy to maintain current business zones with updates.”
9. The Capitol Region Council of Governments has reviewed the amendment as required and has offered the following report.

If this application is approved, the Planning Department has no additional requested modifications.

Town Engineer Jeff Doolittle gave no staff comments.

The Chairman asked for comments from the public in support of the application.

Attorney Ralph Alexander of 225 Oakland Road and town resident for 40 years spoke in support of the application and on behalf of property owners, Andre Charbonneau and Gerlt Associates, who are in favor of the text amendment that makes good sense for the town.

Mr. Robert Urso of 18-3 Arthur Drive involved in commercial real estate in the area spoke in favor of the amendment with proper guidance from the commission and Town staff for screening. The amendment will bring a lot to the town taxwise noting 90% of his clients are looking for outdoor storage.

The Chairman asked for comments from the public in opposition to the application.

No one from the public spoke against the application.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Bernstein asked about the aesthetics for the facilities. Mr. DeMallie noted types of landscape and architectural elements which can be deployed to screen outdoor storage all of which will be site specific.

Commissioner Wagner asked why buildings would not be built large enough to store everything. Mr. DeMallie stated outdoor storage is often for larger items and cost effective for things that do not need protection. The impact on impervious coverage, views from I-291 and screening were discussed.

Commissioner Greer asked about the areas in the I-291 Corridor zone.

Commissioner Dexter clarified with the Director of Planning that the I-291 overlay zone was in place before the Studio project was proposed in 2009 and an outdoor storage amendment was added to the regulations. This amendment is of obvious use for distribution centers with access to the highway and rail as long as it is controlled with the right criteria in place.

Commissioner Flagg noted a concern about types of stored product that could leak and affect the environment. Mr. DeMallie described products to be stored outdoors as typically dry and non-explosive. Special exception criteria would come into play for approvals as well as regulatory requirements. Products of a more sensitive nature would be stored indoors and the Fire Marshal would be involved early in the process.

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Chairman Pacekonis asked if there could be outdoor storage on pervious coverage and 10% coverage. Director Lipe stated storage would be expected to be on an impervious surface and counted toward the calculation. The Chairman suggested if the storage is counted as part of impervious coverage it would be considered 10% of the impervious coverage. Director Lipe explained if there is 65% impervious coverage allowance and outdoor storage is introduced, they would need to comply 65% (including parking and building). There is a benefit when parcels are combined to add 5% of additional impervious coverage, but there can be criteria that if outdoor storage is proposed, the benefit of 5% increase coverage would not be permitted.

Height concerns for outdoor storage and screening from public streets were discussed with the Chairman, Commissioner Wagner and Mr. DeMallie who requested the amendment to be flexible as possible to take advantage of each specific site and cautioned not to make the conditions so restrictive to make it impossible to comply.

The Chairman closed the public hearing at 7:55 p.m.

2. 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 (Continued from March 12, 2019; extension granted to 4/23/19**)**

Mr. Peter DeMallie of Design Professionals, Inc. representing Educational Playcare LTD continued the presentation referencing their project narrative amended in response to comments from the March 12th meeting. With traffic posing the biggest concern, a second traffic report was created for the applicant by Mr. Scott Hesketh, Traffic Engineer from F.A. Hesketh & Associates, Inc. Town staff had a peer review done by Bubaris Traffic Associates of the initial traffic report done by Mr. David Spears of DLS Traffic Engineering. A memo has also been submitted from the Chief of Police Scott Custer which concludes “it is the opinion of the South Windsor Police Department that the project can be approved as proposed with an approval condition requiring a ‘Right Turn only’ exit.” Three traffic engineers and the traffic authority for the Town have concurred on location of the driveway and that it meets accepted engineering practices.

Mr. DeMallie described buffer screening modified by request at the last meeting by an abutting neighbor to now include rhododendron and mountain laurel in the back left corner of the site. A row of arborvitae has also been added to the left side. Lighting consists of 3 light poles with full cut off LED fixtures to be reduced to 30% brightness at night using motion detectors for vehicles entering the site. Drainage on site is designed to take advantage of the inherent infiltration of the site and adheres to low impact development standards.

Traffic Engineer Scott Hesketh noted inconsistencies with the initial traffic report done by Mr. Spears but stated it did not change the results that the traffic associated with Educational Playcare can be accommodated with no significant impact on area traffic operations. The driveway will operate with acceptable levels of service in peak hours. Mr. Hesketh suggested regular cliental of the daycare over time would have an expectation of the timing of entering and exiting the site. Installation of the ‘Do Not Block Driveway’ sign will provide some measure of control over the queue. Mr. Hesketh stated they are willing to accept the Police Chief’s recommendation of limiting left hand turns out of the site as a condition of approval.

Mr. DeMallie described his daily use of the intersection which has favored Pleasant Valley Road but will be adjusted to favor Ellington Road. Mr. Harry Freeman of Educational Playcare distributed copies of a photo (Exhibit A) to commissioners of the corner looking northeast at T’s Auto Service where, Mr. DeMallie

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indicated, there should not be a sidewalk required. Other permitted uses for the subject site were described and it was noted Educational Playcare will not be open in the evening or on weekends. Mr. DeMallie concluded that the 4th R program needs more capacity in the Pleasant Valley School district and reviewed their compliance with all requirements.

Town Engineer Jeff Doolittle gave staff comments summarizing the peer review done by Bubaris Traffic Associates on behalf of the Town of the applicant's traffic report done by DLS Traffic Engineering. It was verified the numbers used in Mr. Spears' report were appropriate and that the pavement width in front of the facility is 20' wide in both directions which is what DOT requires to have room for a vehicle to pass. In his report Mr. Bubaris agreed the queue from the light heading west bound does back up beyond the driveway approximately 30% of the time. On site the police noted the queue backs up more than that and is a concern. Mr. Bubaris recognized the sight distance is also a concern looking east when exiting the driveway. The final recommendations were to move the driveway, if possible, 40' to the east without adversely affecting sight lines to allow for more room for queued vehicles to be in front and not block the driveway. Or, to place a sign directing traffic traveling westbound not to block the driveway. The police indicated it is more important to have the sight distance maximized and found traffic backed up beyond the driveway whether the driveway is moved or not. The police noted a sign to not block the driveway would not be enforceable because it would not be a regulatory sign and would move the queue further to the east and encourage people to cut through the queue.

Director of Planning Michele Lipe gave staff comments reading an email that was received earlier today from Police Chief Scott Custer that was distributed to commissioners. (Exhibit B) Town staff spoke with the Chief who confirmed the 'Right Turn only' exit should be in force at all times to prohibit left turns out of the site entirely. The commission may want to consider having the driveway designed to force the right turn out of the site.

The Chairman asked for comments from the public in support of the application.

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

The Chairman asked for comments from the public with concerns or in opposition to the application.

Mrs. Carol Dow of 672 Pleasant Valley Road spoke in opposition to the application with concern that the application appears to be pre-approved since they have already received a tax abatement from the Town.

Mrs. Sandy Jeski of 32 Davewell Road stated traffic has been addressed for a low impact use but the number of cars going into the site daily for 270 daycare children will be at least 130 more cars twice a day to combine with tractor trailer trucks which will be coming through the area from the new distribution centers. She asked if the applicant had received permission from the church to use their parking lot for special events as they proposed at the last public hearing since she is on the parish counsel but had heard nothing about it. Mrs. Jeski asked how traffic will be handled when diverted because of the right turn only exit and described routes that might be taken. She asked if, with no sidewalk, T's Auto Service will be taking on greater liability on his site from people walking to 7-11 from the day care facility and more cars cutting through his lot.

Mrs. Regina Pilatti of 1031 Main Street agreed with a previous speaker that the application is pre-approved given their tax abatement and noted that Educational Playcare is already advertising on their website that they are open and accepting registration for pre-school child care in South Windsor. Mrs. Pilatti described how unlikely the public will be to obey a 'right turn only' sign or a 'do not block driveway' sign when they are in a rush to get to where they are going.

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Mr. Alan Dow of 672 Pleasant Valley Road stated he got copies of all the traffic reports from the Planning Department which he reviewed and submitted to the commission aerial photographs and maps of the 19 other Educational Playcare sites in the state that show how different the site location is in South Windsor from every other facility they run. (Exhibit C) Mr. Dow noted special exception standards not being met including no traffic or hazards will be created, impacts to the capacity of streets will be minimal, surrounding property values will be conserved, the character of the neighborhood will be maintained and a balance of neighbor acceptance and community need. He submitted a petition signed in opposition to the application by 10 abutting neighbors (Exhibit D) and distributed copies of a cover letter and traffic accident statistics to commissioners which he read for the public. (Exhibit E) Mr. Dow concluded stating the existing traffic is already heavy, the accident rate high and meeting industry standards does not make the accident data go away. People who have lived in the area for many years and commute through it regularly know the traffic situation better than traffic engineers who have mistaken simple data such as mile markers. He asked the commission to deny the application stating South Windsor needs daycare and Educational Playcare will be an excellent provider but not at 742 Ellington Road.

Mr. Warren Lester of 22 Davewell Road voiced concerns about traffic safety issues stating his professional career is all about safety managing a lab at United Technologies for 20 years. The common denominator of all safety modules is 'Don't overlook the obvious'. The applicant has picked a site close to the corner of a busy intersection and will be injecting traffic issues or potential problems of 270 kids and parents in cars every day at an intersection which is pretty busy. The 'No left turn' is a good thing but all discussion has been about the line of sight at the corner and what it will take to mitigate the congestion off the intersection missing the obvious. The police report indicates the traffic backs up more than what the traffic engineers' reports show and there are many concerns being voiced about a busy congested area being injected with a hazard. The area needs to be looked at with a common sense approach before any approval is given.

Mr. Richard Tarascio of T's Auto Service, abutting neighbor at 718 Ellington Road, voiced concern about the traffic and with the idea of a right hand turn only where many people already use his site to cut through to avoid the light. Mr. Tarascio stated he cannot image how many more people will be cutting through his lot with a right turn only. He spoke with the police on site observing the traffic who told him there is no ticket they can give to those who avoid the light by cutting through. Mr. Tarascio also stated if people will be walking through his parking lot to get to 7-11 with cars cutting through his lot going 20, 30 to 40 mph he is very concerned someone will get seriously injured on his property.

Dr. Douglas Clouser of 678 Pleasant Valley Road where his dental office has been located for 42 years and has observed the traffic as a 'professional traffic watcher' stated the 7-11 is always busy and has not been accounted for, including accidents there, in the discussion. He stated if there are 4 cars queued from 7-11 he cannot exit his driveway to make a left and cars cutting across T's Auto site also enter the road. Dr. Clouser stated he is in process of selling his business but the next business will have the same problem. Only by the kindness of others can he get out of his site and stated don't expect the drivers to fix the situation because they are totally reckless.

Mrs. Jeski asked if the additional summer traffic from Veterans Park turning onto Pleasant Valley Road at that intersection throughout the day through the summer has been considered.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Flagg stated he is still concerned with turning left into the site and the queue backing up and agreed with the idea of a right turn only exit. He also agreed with the public's concern on how the traffic will be handled after it turns right. If this proposal was for a smaller daycare center it could work but traffic is going to back up with buses dropping kids off and cars going in and out of the site. Until the DOT adjusts the

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traffic signal no one will know the effect it will have on the traffic and the Commission should wait to address this after the signal changes are seen.

Commissioner Greer voiced concern over the inconvenience to T's Auto Service where traffic will take a right hand turn through T's lot to take a left and right on Pleasant Valley Road to make a U turn. To put the liability on T's Auto with pedestrians walking through his lot and cars cutting through is unfair. The commissioner stated he travels through the intersection daily and witnesses back ups that can go past Quarry Brook. People travel on the shoulders and cut through T's parking lot at 20-25 miles per hour. Turning left into the site will be also cause back ups. The sight line is bad and even if the queue is lowered speeds will increase. This is not a good fit for the neighborhood.

Commissioner Wagner asked Mr. Hesketh about the discrepancies noted in his report and the information presented by Mr. Dow. Mr. Hesketh stated the industry standard is for traffic engineers to look at a 3 year history rather than a 6 or 20 year history. Results are dependent on the criteria used to search the UConn Crash Data Observatory. Unreported accidents exist but cannot be included. Commissioner Wagner asked when changes in the cameras at the intersection will take place. Mr. Hesketh did not have specific information for when changes would be in place but described how the signal plan could work and concluded queues should significantly be reduced with the new detection and new traffic signal timing suggested. The commissioner asked if the 'Do Not Block Intersection' sign will still be needed if there is a no left turn allowed. Mr. Hesketh stated the best recommendation from the local traffic authority is to have no left turns and the applicant is willing to accept that as a condition of approval. The 'Do Not Block Intersection' sign may not be enforceable and could improve the situation. Commissioner Wagner asked if in the future the 'no left turn' should be reconsidered. Director Lipe stated the recommendation of the Chief of Police will be followed as an approval condition. Mr. Hesketh stated the commission should be aware the applicant will need to have an encroachment permit from the Department of Transportation who will be reviewing it as well. Commissioner Wagner stated he would like to see the 'right turn only' exit stay in place for a good long time until the Planning Department and Police Department can determine when to take the sign away. Commissioner Wagner stated the traffic reports are valid and the police conclusion supports that so with proper conditions I am inclined to support the project.

Chairman Pacekonis confirmed with Mr. DeMallie there would be full size buses accessing the site. The Chairman asked if the applicant secured approval to use the church parking lot for special events as referenced in the first public hearing. Mr. Freeman stated they have not pursued it yet but would do so at the appropriate time or use shuttle services as necessary. They will have several options for special events that take place once or twice a year but they will mostly be accommodated by relocating staff vehicles.

The Chairman noted testimony about the traffic reports and some conflicting information. The original presentation on March 12th had no restrictions from the traffic engineer and it was wise not to accept the report as gospel because there are conflicts and regulations do not allow the Commission to move forward with an application where any hazards are created for daycare facilities. The Chairman stated he is not seeing how they are not creating any hazards and asked, even with the restriction of a right hand turn only, how does one go up Ellington Road safely. This does not appear to be a safe location for this daycare. This is a great establishment but the wrong location for 270 kids coming and going every weekday and not creating a hazard. The Chairman questioned configuring the exit drive to force a right turn for school buses. If there is room to accommodate a school bus there will be plenty of room for a car to defeat the exit and go left. The Chairman asked if any traffic engineer actually sat on site to witness the back up of cars and since their reports reported only a few cars backing up past the driveway and were not realistic. It backs up a lot more and with more than a few cars.

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Commissioner Greer asked how a bus will come from the center of town and enter the site if the driveway is designed for a forced right turn out of the parking lot. This will require a redesign. He noted traffic coming from Chapel Road toward the center turning left will back up and jam the intersection. Commissioner Wagner suggested that the people of South Windsor could be relied upon to be courteous drivers to make the plan work.

Mr. Harry Freeman stated three separate traffic engineers and the police department have looked at their project and concluded the site will be safe with the recommended right hand turn exit and assured the commission they will not put children, parents or their staff in harm's way.

The Chairman closed the public hearing at 9:48 p.m.

Commissioner Bernstein made a motion to convene to the Regular Meeting.

Commissioner Dexter seconded the motion.

Motion passed 5 in favor and 1 against. Commissioners Dexter, Flagg, Greer, Wagner and Bernstein voting for and Chairman Pacekonis voting against.

ADJOURNMENT:

Commissioner Wagner made a motion to adjourn the meeting.

Commissioner Greer seconded the motion.

The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo
Recording Secretary