

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

**MINUTES**

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**SEPTEMBER 10, 2019**

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

**ALTERNATES PRESENT:** Michael LeBlanc, Paul Bernstein, Kenny Young

**STAFF PRESENT:** Michele Lipe, Director of Planning; Jeff 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.

Secretary Commissioner Bonzani read the legal notice as it was published in the Journal Inquirer on Thursday, August 29, 2019 and Thursday, September 5, 2019.

Chairman Pacekonis seated Alternate Commissioner LeBlanc for Commissioner Foley and Alternate Commissioner Young for Commissioner Dexter.

- 1. Appl. 19-41P, South Windsor Entertainment**– request for a two year temporary and conditional permit to operate a ‘Haunted Walk’ at Nomad’s Outdoor Aerial Park (alcohol proposed to be sold), on property located at 240 Governor’s Highway (known as L008), I zone

Mr. Taylor Gilman and Anthony, co-owners of Nightmare Productions, LLC producing the event known as Nightmare Acres for applicant Mr. Doug Nation of South Windsor Entertainment, presented the request. This is their second year running in South Windsor without any incidents and would like to offer beer and wine for sale to those 21 and older in a tented area on the site.

Director of Planning Michele Lipe gave staff comments:

1. Request for a two year temporary and conditional permit to operate a “Haunted Walk” on property located at L008 Governor’s Highway, I zone
2. The event will run from October 4<sup>th</sup> –through November 9<sup>th</sup> with the hours of operation for the haunted walk on Friday and Saturdays from 7 – 11 PM and on Sunday from 7-10 PM.
3. Parking for the event will be onsite with overflow parking on the property directly across the street at 195 Governor’s Highway. Portable lighting is proposed to be used and other measures include a security parking attendant.
4. I checked with Police Services to see if they had any concerns; Sargent Duchesne indicated that without the corn maze, all parking was able to take place on site last year avoiding the crossing of Governors Highway. In the event they use the parking lots across the street, a parking attendant is required to cross the patrons.
5. The applicant is requesting to offer for sale beer and wine per State requirements under their permit for Nomads. The Health Department indicated that any food and/or beer wine served at the venue would require a temporary event permit.
6. The wording of the T & C permit regulation is that, “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 2

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years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use.

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

Town Engineer Jeff Doolittle had no staff comments.

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

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

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

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

Chairman Pacekonis asked for comments from commissioners.

Alternate Commissioner Bernstein asked about Police approval, and Director Lipe confirmed the traffic portion has been reviewed by Sargent Duchesne, and plan approved by the Police Chief, as long as the appropriate permits are in place. Mr. Gilman noted there will be five licensed security guards provided by Nomads throughout the attraction. There will be adequate parking on site since the corn maze is no longer offered. Parking attendants will be available.

Commissioner Wagner confirmed with Mr. Gilman that the ropes course would not be used during the event and access to the course locked up.

Commissioner Greer asked about the beer tent that Mr. Gilman described as a fenced off 20' x 20' tent with a security guard to check I.D.'s and certified bartenders.

Commissioner Bonzani discussed crowd sizes with Mr. Gilman who described crowds from 600 to 900 people per night with a maximum of 1280. Timed ticketing for ½ hour time slots are used. Beer and wine sales will close at 10 p.m., one hour before closing.

Commissioner Flagg asked about lighting. Mr. Gilman stated a new emergency and fire alarm system has been added with hard wired flood lights and two light towers in the parking area. There will be two security guards at the start of the attraction where all guests will be scanned with metal detectors. Security guards will be stationed at the hub area and beer tent, the only area alcohol will be allowed. The entire show is protected with flame retardant and smoke detectors. All egresses will be lit in the event of an emergency.

Chairman Pacekonis asked if any other Connecticut haunted attractions serve alcohol and about the location of beer tent and egress. Anthony noted Lake Compounce does serve alcohol. Director Lipe stated the Fire Marshal has been made aware of the application, reviewed the file, and when the tent is set up, will be interested in receiving more details along with the Health Department. The 20' x 20' tent with benches around it will be fenced off. The tent location was described.

The Chairman closed the public hearing at 7:23 p.m.

- 2. Appl. 19-43P, Telefunken USA, LLC**– request for a Special Exception to Table 4.1.A and Section 7.13.1 to allow the conversion of approximately 9,000 sf for an indoor concert space to accommodate 250, max of 7 times a month, on property located at 300 Pleasant Valley Road, I zone

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Director of Operations for Telefunken USA, Mr. Alan Venitosh with Mr. Scott Medeiros presented the request seeking approval to create a live recording studio performance space to record and film using the microphones Telefunken produces for the recording industry and live performances. Proposed events using the space would have 150 to 200 people maximum with a licensed third party vendor serving light alcoholic drinks and small snacks in the evenings or weekends off hours so as to not impact neighbors. The sound stage would not be a club or bar environment, but a performance space to showcase and test their products in front of studio audience four to seven times a month. A microphone made at their facility was displayed and product catalogs distributed to commissioners.

Director of Planning Michele Lipe gave staff comments:

1. Request for Special Exception to Article 7.13 of the zoning regulations and site plan to allow conversion of approximately 9,000 sf to allow for a 2,500 sf indoor concert space with a stage, at 300 Pleasant Valley Road, I zone.
2. This application is being proposed under indoor recreation regulation. The applicant has provided the required items including a floor plan of the proposed and the spaces around it, proposed uses, and a narrative detailing various aspects of the proposal and hours of operation.
3. The applicant is proposing to be hold indoor concerts on Friday and Saturday nights (maximum of 7 times a month) that would be held from 6 – 12PM. The proposal would be to have a maximum of 250 attendees with 25 staff.
4. The applicant is proposing to allow alcohol be sold onsite, and has provided a copy of the menu and insurance certificate of the provider. The Health Department will indicate that permits will be required for the sale of beer and wine. The applicant has been forwarded the appropriate paper work.
5. 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.
  - 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.

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- 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 are satisfied.

6. There are no significant interior site improvements; the proposal is to convert existing interior space to a concert venue. There will be a small lobby area/ merchandise sale area and alcohol sales. Floor plans have been provided showing the layout of the space and exit areas.
7. There are no significant exterior site improvements proposed as the site has existing site lighting and large areas that could be used for parking. There is an area shown that could accommodate port-o-potties as required as well as an area for outdoor smoking.
8. The parking requirement for places of assembly per regulations is one space per 250 sf. However this use would need significant more parking. The applicant has indicated they will have access to all spaces on site as no other businesses are open during the business hours and can accommodate up to 100 cars during off hours. They have laid out temporary spaces on the site plan.
9. The applicant's narrative indicates that staff would be available for running the parking and monitoring the secured outdoor area.
10. The applicant should consult the Fire Marshal and Building Official regarding the proposed changes to the facility for this type of assembly use. A building permit will be required.
11. Any new signage on the building, in front of the property or any temporary signage would require a sign permit.

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

Town Engineer Jeff Doolittle had no staff comments.

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

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

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

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

Chairman Pacekonis asked for comments from commissioners.

Alternate Commissioner Young asked how many people are employed in their facility. Mr. Venitosh stated 24 total, 12 who make the microphones with 6 administrators and 6 sales representatives. A new line of microphones was just introduced with plans for two or three more in design.

Alternate Commissioner LeBlanc asked if the concerts would be public. Mr. Venitosh stated they would like to rent out the space for events with the majority of focus marketed to the people who rent the sound stage to do recordings or demos. LeBlanc verified no glass containers would be used for beverages, and asked about

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overflow parking. Mr. Venitosh stated they have parking attendants, six handicap spaces, and if there is a need for overflow parking, they will have permission from their neighbors on an as needed basis.

Commissioner Flagg asked about customers who would be using the space. Mr. Venitosh described doing events for customers who already own their products or for those who would like to demo the products in front of a live audience. Parking is available around the building with sidewalks. Entrance to the Sound Stage would be 'back stage' with alcohol available in the atrium and sound stage.

Commissioner Bonzani asked about security. Mr. Venitosh stated they have industry professionals who have worked security for festivals, concerts, or as club managers and will have people outside assisting with parking, at the entrances, throughout the building, and cameras.

Commissioner Wagner discussed parking with Mr. Venitosh.

Alternate Commissioner Bernstein asked the 9,000 square feet of the facility. Director Lipe stated the entire facility where the microphones are produced is 9,000 square feet, and will be converting 2,500 square feet into the sound stage. Mr. Venitosh stated the space is presently set up as a recording studio where they film and record marketing materials to promote their products.

Chairman Pacekonis confirmed the exterior wall pak lighting and noted the need for safe egress to areas used for overflow parking. Mr. Venitosh stated their intent is to keep occupancy numbers low and do not expect to use their neighbor's properties, but if needed, parking attendants would guide guests to well-lit neighboring parking. The Chairman confirmed with Director Lipe an approval condition could be crafted, if in the event offsite parking were to be used, a parking plan is to be submitted to the Planning Department for review and approval.

The Chairman closed the public hearing at 7:50 p.m.

**REGULAR MEETING / COUNCIL CHAMBERS**

**CALL TO ORDER:**

**PUBLIC PARTICIPATION:**

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

1. **Appl. 19-42P, NuWay Tobacco Company Solar Farm**– request for site plan of development approval and minor lot line revisions for a 3 acre solar farm, on property located at 200 Sullivan Ave and R002 Rye Street, I zone

Mr. Benjamin Wheeler of Design Professionals Inc. presented the application on behalf of NuWay Tobacco Company represented by Mr. James King and Mr. Nate Raymond of SolBid, Inc, the solar contractor doing the work. A site plan was shown for the 3 acre solar farm on the open agricultural field on Rye Street. The array would be approximately 180 feet back from the road. The rest of the land will remain agricultural. The Rye Street property will be combined with 200 Sullivan Avenue to become one property. The private right of way, known as George Road, will be dissolved with a lot line modification giving three non-conforming properties frontage on Rye Street so that they will now conform to Industrial zoning. IWA/CC approval was received on September 4<sup>th</sup> and a drainage statement has been submitted to the Town Engineer. No detention facilities or piping is required.

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Director of Planning Michele Lipe gave staff comments:

1. This request for site plan of development approval and minor lot line revisions for a 3 acre solar farm, on property located at 200 Sullivan Avenue and R002 Rye Street, I zone
2. This project is being proposed in conformance with Section 7.20.4 – Small Ground Mounted Solar Array. The facility is proposed to be behind the existing NuWay Tobacco facility and will cover approximately 3 acres of area.
3. The site for the solar currently is an open farm field and will be left as grassed area once installed. The project consists of 13 rows of solar panels, approximately 360 feet in length. The panels will not exceed 12 feet in height. The solar field will be approximately 160 feet from Rye Street and surrounded entirely by a 6 foot chain link fence.
4. What color fence is proposed and will it have any screening?
5. The applicant has submitted an operation and maintenance plan. It appears that all other requirements have been met.
6. There are no regulated wetlands on the site; but received conservation approval on 9/4/19 with the requirement of a \$5,000 E&S bond.
7. The second part of this application is a lot line revision. Many years ago there was a subdivision approved in the 1960's which created George Road with three lots. The road deeds were never filed so it never became a public road and has not been maintained by the Town. With this application, we requested the applicant address this issue. They are now proising to adjust lot lines to create conforming industrial lots with frontage along Rye Street. With all these modification, we would request an approval condition requiring new deeds be filed that correspond to the new lots.

If this application is approved, the Planning Department has no modifications to request.

Town Engineer Jeff Doolittle gave no staff comments.

Commissioner Wagner noted current studies done in California showing some agricultural crops, like tomatoes and peas, do better under solar panels than they do in the open and asked if the applicant has any plans, even as an experiment, to continuing farming under the proposed solar arrays. Mr. Wheeler stated there is no plan at this time but are working with Environment Planner Jeff Folger for the exact seed mix to go beneath the panels. Security and buried conduits have to be taken into consideration with any turning over of soil. Commissioner Wagner noted the concern that many people have of taking agricultural land out of service for solar array use. Mr. James King stated NuWay Tobacco will look into the idea, and if it is possible, see what it will take to incorporate it.

Commissioner Bonzani asked how high the panels are off the ground. Mr. Wheeler described the south facing solar panels measuring 2 feet off the ground at the low end and 8 feet at the high end. Commissioner Greer suggested raising the panels from 2 to 8 feet to 6 to 12 feet. Mr. Wheeler noted the preference to keep the array as low profile as possible.

Chairman Pacekonis confirmed the land to the north would continue to be farmed for tobacco and asked whether the fencing would have slats. Mr. Wheeler stated fabric has been proposed to be used for screening.

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Alternate Commissioner Bernstein asked how much power will be provided to NuWay from the array. Mr. Nate Raymond stated 20% will be produced annually. The size of the array determined the incentives available.

Commissioner Flagg asked if maintenance of the panels was required in winter. Mr. Raymond stated rain and snow does most of the cleaning, but manual clearing may be of benefit in a nor'easter. Commissioner Wagner described net metering and noted the importance of approving the project this year as incentives for the Federal program will be reduced in 2020.

Commissioner Wagner 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.
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.
4. All bonds must be in one of the forms described in the enclosed Bond Policy.
5. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
6. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
7. The building street number must be included on the final plan.
8. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
9. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
10. New deeds for the revised lot lines for all the properties must be submitted.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

- 2. Appl. 19-41P, South Windsor Entertainment**– request for a two year temporary and conditional permit to operate a 'Haunted Walk' at Nomad's Outdoor Aerial Park (alcohol proposed to be sold), on property located at 240 Governor's Highway (known as L008), I zone

Commissioners discussed the application.

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

1. The Temporary and Conditional permit for the Haunted Walk will expire on September 10, 2021 (2 years maximum).
2. Adequate night time lighting shall be added to ensure patron safety. When off-site parking is being utilized, security personnel must be present to cross patrons. This crossing location on Governor's Highway must be coordinated with the Traffic Division within Police Services.

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3. If there are buildings, structures, tents, signs, or other items that require a building permit or other Town approvals/permits, all such approvals or permits must be obtained prior to construction or use of the site.
4. A food permit is required from the Health Department for the sale of beer and wine.

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

- 3. Appl. 19-43P, Telefunken USA, LLC** - request for a Special Exception to Table 4.1.A and Section 7.13.1 to allow the conversion of approximately 9,000 sf for an indoor concert space to accommodate 250, max of 6 times a month, on property located at 300 Pleasant Valley Road, I zone

Director of Planning Lipe reviewed the suggested approval conditions.

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

1. This approval is for the use and conversion of approximately 2,500 sf of space to a concert venue. A maximum of 275 people are permitted at one time.
2. Hours of operation are limited to 6 p.m. to midnight; seven events per month.
3. A building permit is required for the change of use. Building plans and material specifications shall be submitted to the Fire Marshal and Building Department for permitting.
4. All free standing sign and/or building signs require the issuance of a sign permit before they are erected.
5. Fire Department and Police Department site plan approval for emergency access and pedestrian access is required.
6. All other Town and/or State approvals and permits must be obtained prior to use of the site.
7. In the event that off-site parking is going to be utilized, a parking plan shall be submitted to the Planning Department for review and approval.

Commissioner LeBlanc seconded the motion.

Commissioners discussed the application.

The motion carried and the vote was unanimous.

- 4. Horseshoe Lane Associates** - request for a pre-application conference in accordance with Section 7.14.3 to determine the potential for an open space subdivision at 534 Barber Hill Road, RR zone

Mr. Benjamin Wheeler of Design Professionals, Inc. representing Mr. Robert Urso of Horseshoe Lane Associates showed drawings of a site on the east side of Barber Hill Road to Neiderwerfer Road near the existing Vintage Hill subdivision. Conventional and open space subdivision layouts were shown for 26 building lots in the RR zone.

Commissioners discussed the concepts, and voiced preferences for the open space subdivision layout, and requested a conservation easement to preserve the mature wooded area along Barber Hill Road. Preference



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for larger lot sizes and less houses was also voiced. Mr. Wheeler stated their plan was scaled back from 42 possible lots to 26.

5. Determination of Use at Town Center Plaza, 1735 Ellington Road, for Connecticut Performing Arts Center (see attached letter)

Discussion cancelled by requestee.

6. Update from Director of Recreation Ray Favreau - Phase 2 of the Skate Park at Nevers Road Park

Director of Recreation Ray Favreau provided the site layout and concept drawing for Phase 2 of the Skate Park at Nevers Park. In 2012-2013, Phase 1 of the Skate Park was approved to be built and designed in part by a committee of eight young skaters. Phase 2 has received approval to be built this year and ½ of the original committee of skaters, now young adults, have come up with a new design with the American Ramp Company. The new area is planned to be started and completed in October and complement the original, well used, skate park.

7. Appl. 19-32P, Vintage Hills II Subdivision– request for two 90 day extensions for filing of mylars

Commissioner Wagner made a motion to approve the two 90 day extensions for filing mylars.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

**BONDS: Callings/Reductions/Settings**

**MINUTES:** 8/20/19 accepted by consensus

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

**APPLICATIONS OFFICIALLY RECEIVED:**

1. Appl. 19-42P, NuWay Tobacco Company Solar Farm– request for site plan of development approval and minor lot line revisions for a 3 acre solar farm, on property located at 200 Sullivan Ave and R002 Rye Street, I zone
2. Appl. 19-43P, Telefunken USA LLC - request for a Special Exception to Table 4.1.A and Section 7.13.1 to allow the conversion of approximately 9,000 sf for an indoor concert space to accommodate 250, max of 7 times a month, on property located at 300 Pleasant Valley Road, I zone
3. Appl. 19-45P, NuWay Tobacco – request for a minor site plan modification for a 4,500 sf addition to accommodate a boiler, on property located at 200 Sullivan Avenue, I zone

**OTHER BUSINESS:**

Director Lipe distributed concept drawings for rooftop screening on the new Hannoush Jewelers building at 340 Buckland Road for commissioners' review. It was the consensus of the Commission to approve the screening.

The Commission determined App. 19-45P for a minor site plan modification for NuWay Tobacco's new boiler room at 200 Sullivan Avenue will be reviewed by Town staff.

The Commission determined, because of public interest in the application, Appl. 19-39P for a site plan of development for an Aldi grocery store at 190 Buckland Road will have a public hearing on September 24<sup>th</sup> in Council Chambers at 7 p.m.

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**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn made by Commissioner Bonzani at 9:15 p.m.  
Commissioner Wagner seconded.  
The motion carried and the vote was unanimous.

Respectfully Submitted,  
Lauren L. Zarambo  
Recording Secretary