

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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MARCH 10, 2020

MEMBERS PRESENT: Bart Pacekonis, Bill Flagg

ALTERNATES PRESENT: Paul Bernstein, Elizabeth McGuire

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

PLEDGE OF ALLEGIANCE

REGULAR MEETING / COUNCIL CHAMBERS 7:00 PM

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

PUBLIC PARTICIPATION:

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

1. **Appl. 20-11P, Erik A. Nowak dba Nowak Family Chiropractic** - request for renewal of a 5-year major home occupation to operate a chiropractic office at 146 Oakland Road, RR zone

Mr. Nowak presented the renewal request stating he has been a town resident since 1983 and opened his business ten years ago.

Director of Planning Michele Lipe gave staff comments:

1. Application to renew a 5-year major home occupation permit to operate a chiropractor's office on property located at 146 Oakland Road, RR zone.
2. The applicant has been permitted since 2010 and operates his chiropractic office six days a week by appointment, Monday through Saturday. The hours are as follows: Monday through Friday from 9:00 a.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m. The applicant typically sees about 3 - 4 patients per hour during the office hours.
3. The applicant has converted 927 square foot on the first floor into his office/treatment rooms (approximately 25% of the living space). No changes to the exterior of the house were made, with the exception of driveway widening. Clients enter through an existing door on the side of the house.
4. At the time of the last application, the applicant had indicated that he has one non-resident employee as allowed in the regulations.
5. Adequate parking is available in the existing driveway area. Screening plantings were added along the Oakland Road frontage to break up views of the parking area as well as planting of (72) arborvitaes in the back yard to shield neighbors from traffic in the driveway.
6. The existing house is served by public sewer and well water. WPCA approval was obtained.
7. A two square foot sign is allowed; the applicant has erected a sign in compliance with the regulations.
8. The Planning office has not received any complaints regarding the operation of this home occupation.

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If this application is approved, the applicant will be required to return to this Commission again upon expiration of the new 5-year permit period.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Bernstein confirmed with Director Lipe there was adequate parking on site. Mr. Nowak stated they have never had an issue in the last decade.

Chairman Pacekonis seated Alternate Commissioner Bernstein for Commissioner Foley and Alternate Commissioner McGuire for Commissioner Bonzani.

The Chairman asked if there were any engineering comments for the application.

Town Engineer Jeff Doolittle had no engineering comments.

Commissioner Flag confirmed with Mr. Nowak that he resides on site.

Commissioner Bernstein made motion to approve with the following conditions:

1. The business must be operated by the homeowner.
2. The permit will expire on 3/10/2025, and must be renewed before that time if the use is to continue.
3. Only one non-resident employee can be hired.
4. Hours of operation are Monday and Wednesday from 9 a.m. to 12 p.m. and 3 p.m. to 6 p.m., Tuesday and Thursday from 3 p.m. to 6 p.m., Friday from 9 a.m. to 12 p.m. and 2 p.m. to 4 p.m., and Saturday 9 a.m. to Noon.
5. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.

Commissioner Flagg seconded the motion.

Mr. Nowak corrected the spelling of his first name on the application from Erik to Eric.

Chairman Pacekonis verified with Mr. Nowak that his hours of operation were adequate.

Commissioner McGuire verified the original conditions of approval were still in effect with the renewal.

The motion carried and the vote was unanimous.

2. **Appl. 20-13P, Simmons Premier Soccer Club** - request for a renewal of a 2 year temporary and conditional permit (Section 2.13.a) to create two soccer fields, associated parking and temporary lights, at 225 West Road (southwesterly corner of West Road and Sullivan Avenue), GC zone

Mr. Simmons presented the renewal request.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a two-year temporary and conditional permit to allow two soccer fields and associated parking on property located at the southwesterly intersection of Sullivan Avenue and West Road, GC zone. Mr. Simmons has been operating at this location since 2011.

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2. The applicant originally sought a T & C permit because outdoor recreation is not a permitted use in the GC zone, and the soccer use was originally intended to be a temporary use until such time as the owner proceeded with development plans.
3. The applicant has indicated in the past that the fields would typically be used Monday through Friday from 6:00 p.m. to 7:30 p.m., with games on Saturday and Sunday. In 2014, Mr. Simmons requested approval to use portable lights to allow play after daylight savings time. The PZC granted permission to play with portable lights until 8:00 p.m. The applicant is again requesting approval for the use of flood lights Mondays through Fridays, from 6:00 p.m. to 7:30 p.m.
4. A 4-foot fence has been installed along portions of Sullivan Avenue. The applicant supplies a port-a-potty and garbage can for the site. At the time of the last application, the applicant indicated the request to clean up the brush and scrub at the corner of Sullivan Avenue and West Road has been completed and adds to the aesthetics of the field.
5. The PZC's original approval limited play to one field at a time. To date, parking has not been an issue, however only one field has been utilized. The PZC has indicated that he could work with staff and his engineer to accomplish additional parking if it becomes necessary, and in the past we have made that a condition of approval.
6. The applicant put up a free standing sign along West Road. The Commission may want to restrict the banners along Sullivan Avenue.
7. 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 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 assessor has requested that the two parcels that are being used as one be combined by deed.

Town Engineer Doolittle had no staff comments.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Bernstein asked if the fields are rented out for use. Mr. Simmons described their family run use as a hobby that has been going for twenty years. Mr. Simmons takes care of all maintenance on the fields.

Commissioner Bernstein made motion to approve with the following conditions:

1. The Temporary and Condition permit will expire on March 10, 2022, and must be renewed before that time if the use is to continue.
2. If there are buildings, structures, 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. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.

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3. Parking for this use is allowed on-site only. No parking is allowed on public streets or within the right-of-way of public streets, nor on the Town of South Windsor property on the easterly side of West Road. If the parking lot becomes inadequate, use of the fields must be discontinued until adequate parking is provided. If the applicant decides to expand the parking area, a plan must be submitted to Town Staff for review and approval.
4. A deed combining all the properties into one lot shall be submitted.

Commissioner McGuire seconded the motion.

Commissioner Flagg asked questions about lights run on generators and port-a-potties on site with Mr. Simmons who described the two diesel generators that run the two lights that he owns and one locked port-a-potty on site.

The motion carried and the vote was unanimous.

3. **Appl. 20-14P, Chalikonda Major Home Occupation dba Shree Skin Care Major Home Occupation** - request for renewal of a 5-year permit for a major home occupation on property located at 85 High Ridge Road, A-30 zone

Application was heard at the continuation of the Regular Meeting because the applicant was not present.

PUBLIC HEARING / COUNCIL CHAMBERS 7:15 PM

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 7:15 p.m.

Acting Secretary Commissioner Bernstein read the legal notice as it was published in the Journal Inquirer on Thursday, February 27, and Thursday, March 5, 2020.

1. **Appl. 20-04P, Chestnut Ridge Subdivision** – request from Horseshoe Lane Assoc, LLC for a Special Exception to Section 7.14 and Site Plan approval for an Open Space Subdivision of 56+ acres, to create a total of 19 lots, on property located at 534 Barber Hill Road (easterly side of Barber Hill Road, southerly of East Windsor town line), RR zone

Mr. Benjamin Wheeler of Design Professionals, Inc. representing the applicant, Mr. Robert Urso of Horseshoe Lane Associates, presented the request for a 19 lot single family open space subdivision on 56 acres at 534 Barber Hill Road. The site is zoned rural residential and historically was used for agricultural use. The east end of the site is mature forest with some wetlands. There are a few single family homes to the north side of the site on Niederwerfer Road. South of the property is State owned open space and one single family parcel on Niederwerfer Road. There is one single family home opposite the site along the entire property frontage on Barber Hill Road.

A preliminary discussion was held with the Commission on September 10, 2019 for a 26 lot conventional rural residential subdivision or open space subdivision. At that meeting the Commission voiced their preference for the open space subdivision and to preserve the existing tree line along Barber Hill Road. The number of lots in this open space subdivision application has been reduced to 19 and includes a 25-foot

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hedgerow easement along Barber Hill Road to preserve the tree line. All lots will have frontage and driveway access on a horseshoe shaped road with two connections to Barber Hill Road. Lot sizes were described. There will be 33 acres of dedicated open space on the east side of site and will include the water quality basin on the southern end of the property with a 25' access way for maintenance.

On March 2, 2020 Town Council voted in favor of accepting the ownership and maintenance of the open space. The applicant has agreed to install a small gravel parking area off Niederwerfer Road to serve as a potential trailhead to a planned greenway to extend from Manchester to the East Windsor line crossing through the property along the Eversource power line easement. This plan is included in the POCD and has been planned by SWW&WW.

There are no lots proposed along Niederwerfer Road to preserve the rural character of the road. Mr. Wheeler described meeting 6 of the 8 guidelines for open space in an open space subdivision.

A traffic statement dated January 13, 2020 concluded the 19 lots will generate relatively low traffic volumes and not pose any issues with the surrounding roadways. The sight distances meet or exceed requirements from the State. A speed study was conducted along Barber Hill Road dated February 20, 2020 that showed the sightlines were adequate at both intersections for speeds up to 50 mph.

Mr. Wheeler noted a letter to Town staff from the abutting property owner at 577 Barber Hill Road expressing concerns about the location of the intersection across from his house. Mr. Wheeler noted the intersection meets standards and is located near a high point on Barber Hill Road, that if changed would reduce sightlines. Plans have been designed so that the intersection lines up with the house's driveway and garage and not the home's living space. The owner of 577 Barber Hill Road suggested a cul-de-sac design but the horseshoe shape with two connections onto Barber Hill Road avoids a cul-de-sac over 600 feet long. The open space to the south and east does not allow for a different connection nor to the north at the town line. School bus routes were described.

The lots will be served by public water and natural gas, with mostly underground electric and cable except at Barber Hill Road connections. Preliminary septic designs have been accepted by the Health Department on March 2, 2020. Stormwater will be directed to the water quality basin in the southeast corner. IWA/CC approval was received on February 5, 2020. All staff comments will be addressed and met.

Director of Planning Michele Lipe gave staff comments:

1. This is a request from Horseshoe Lane Associates, LLC for a Special Exception to Section 7.14 and Site Plan approval for an Open Space Subdivision of 56+ acres, to create a total of 19 lots, on property located at 534 Barber Hill Road (easterly side of Barber Hill Road, southerly of East Windsor town line), RR zone
2. Because this property is included in three master plans as desirable for preservation, the Open Space Master Plan, and the Plan of Conservation and Development, the developer was required to bring a concept plan to the Commission for input. When the applicant came in front of the PZC to determine if an open space property was desirable in this location, the application had shown 26 house lots. This proposal only reflects 19 houses, all of which will be accessed from Barber Hill Road.

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3. Open Space subdivisions area permitted by Special Exception and subject to the review criteria outlined in Section 8.3 as well as other criteria specific to the goals of open space. You received with your agendas a letter from Design Professionals addressing these criteria. The Commission may impose additional approval conditions in accordance with these regulations in order to ensure that all applicable criteria are satisfied.
4. Sheet C-T3 shows the bulk requirements for all of the lots. Minimum lot sizes required in a RR zone open space is 20,000 square feet with 75 feet of frontage. The front yard setback is 40 feet. Lot sizes range from 29,300 up to 80,000 sf.
5. The proposed road network is a horseshoe shaped road along the easterly side of Barber Hill Road. Sidewalks are shown on one side of the streets throughout the subdivision. Along the Barber Hill Road frontage, the school representative has requested a bus stop pad be added as children would be picked up south of Gedrim Place and the bus would use Gedrim Place to loop around and start to head south.
6. There will be no new driveway cuts for houses on to Barber Hill Road. The Traffic Report indicates that the existing roadway network has the capacity to accept the proposed traffic with no significant levels of service reductions. The 85th percentile for this stretch of Barber Hill Road has been completed and found that the average traffic was just over 41 mph. Site lines are adequate for speeds up to 50 mph.
7. The subdivision landscape plan indicates that the existing hedgerow along Barber Hill Road be preserved and protected within a 25 foot hedgerow easement. A 15 foot hedgerow easement is proposed along the northerly and southerly property boundaries to provide a landscape barrier between the farming activities and residential properties.
8. Additional plantings have been added in the area of the detention basin on the southerly side of the new road in the area where trees will be removed. Street trees are shown on both sides of all streets, within a street tree easement to the Town.
9. The open space requirement for this subdivision is 28 acres. Thirty-three acres of open space as one large parcel with frontage along Niederwefer Road and access from the new subdivision road as well over the access drive to the detention basin.
10. Under the open space subdivision regulations the Commission has three options for open space ownership:
 - Town ownership, subject to Town Council approval
 - Quasi-public land preservation organizations, subject to their acceptance, or
 - Homeowners Association

The subdivision regulations require that any future Town-owned open space be referred to the Open Space Task Force and ultimately the Town Council for their recommendation regarding future acceptance. The Town Council discussed the open space at its March 2 meeting, concurred with the OSTF recommendation and has forwarded a resolution to be read into the record.

11. Open space improvements include: the addition of a small parking area in the area of the power line easement on Niederwerfer Road. Recreation staff have reviewed the location and suggest the parking

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area be relocated north of the power lines to minimize tree removal and to easily connect to the existing path on the ROW. Staff suggest the parking lot be surrounded with heavy wood rails with a couple openings for walkers and adequate room to turn around.

12. There are regulated wetlands on the property; IWA/CC approved this application on February 5, 2020 and recommended the following bonds: \$25,000 for establishment and maintenance of erosion and sediment controls; \$30,000 for the establishment of the stormwater pond and system; \$15,000 for installation and successive wetland plantings that are proposed.
13. The site will be serviced by public water and on-site septic systems. Heather Oatis, Environmental Health Officer, has been working with the developer on septic location. Each lot will be reviewed with the specific house design at the time of the building permit.

If this application is approved there are no other Planning Department modifications.

Town Engineer Doolittle the following staff comments.

After review of revised plans dated 3/3/2020 in response to previous Town comments for the above application, the Town has the following comments:

1. Revise water main layout to keep water main on one side of roadway and reduce abrupt changes in direction.
2. The foundation drain outlets show coconut fiber instead of a rain garden, etc. Provide a more permanent solution to erosion.
3. Add label to denote concrete curb from bus pad to Catch Basin-6 to prevent a short piece of bituminous concrete curb between them
4. Make the drainage swale wider between Lots 14, 15, 16 and 19, 18, 17 and extend the grading more into these lots so more surface water flows to this swale. This is especially important between Lots 16 and 17 so surface water is directed toward the yard drain between these lots.
5. The drainage easement between Lots 14, 15, 16 and 19, 18, 17 shall be to the abutting property owners and NOT to the Town as this drainage easement does not collect water from a Town road or property. The yard drain between Lots 16 and 17 and connecting pipe on these lots shall be owned and maintained jointly by the owners of these lots.
6. Show a (drainage) easement on Lot 3 in favor of Lot 2 for the FD from Lot 2 that crosses under the corner of Lot 3.
7. Are sight line easements needed across some of these lots to secure and maintain the required 200 foot sight line from driveways?
8. At the southern intersection of Gedrim Place and Barber Hill Road, adjust the radii and include a short taper north and south to meet a future width of Barber Hill Road of at least 24 feet from the existing western edge of pavement. The pavement width on Barber Hill Road is currently about 21-22 feet at that location.
9. Show driveways for 537 and 577 Barber Hill Road on Sheets CGD-1 and CP-2 and CP-3 and CUT-1.

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10. Open space signage should be shown on the southern boundary of open space parcel on Sheets CGD-2 and CGD-4.
11. All proposed lots are less than 1/3 mile from proposed bus pad and served by current proposed sidewalk layout.
12. Catch basins 10 and 11 shall be temporarily set flush with binder pavement grade and reset to final grade before paving of the top course.
13. All other catch basins, manholes and utility gate valve boxes shall be temporarily set flush with binder pavement or paved up to or shimmed around according to the Town Temporary Shim Detail when the binder pavement course is put down. All shims and paving shall be inspected by Town Staff as they are done. All pavement shimming shall be completed no later than November 1. Any shims not meeting Town standards shall be redone by the contractor/developer. A bond item in the amount of \$500 per structure shimmed shall be added to the subdivision bond for use by the Town to redo or correct any shims that get damaged and are not fixed by the developer or contractor to the Town's satisfaction within 2 days.
14. Additional sweeping of Barber Hill Road may be necessary to prevent tracking dirt into Barber Hill Road and the driveway for 577 Barber Hill Road.

Additional Comments by Sheet:

- CUT-2: Label daylight elevation for Lot 13 foundation drain invert and show grading of depression similar to water quality basin.
- CP-2: fix upside-down labels or reverse plan orientation
- SP-1: Survey notes overlap with notes
- SP-1: Add iron pins to be set on Detail "B"
- SP-5: Add missing border and iron pins to be set on Detail "B"
- CD-3: Revise sign post detail to be set in soil (not concrete)

Acting Secretary Commissioner Bernstein read a letter written with concerns from Mr. Jeffrey Hamm of 577 Barber Hill Road (Exhibit A)

Director Lipe read a report from CRCOG into the record that found no apparent conflict with regional plans and policies or the concerns of neighboring towns. The review stated: "The area at the rear of the property proposed to be left an undeveloped open space has the potential to create an identified Greenway along the Eversource power lines, and also aligns with the area delineated on the CRCOG POCD Conservation Focus Area Map as a Priority Conservation Area. Additionally, the open space subdivision proposal aligns with CRCOG regional plan goals and policies that encourage cluster subdivision and protect environmentally sensitive areas. Low impact development measures are highly encouraged for stormwater management."

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

Mr. Robert Dickinson of 19 Birch Road voiced support for the project as designed and suggested a multi-use side path be included on Barber Hill Road. Eight feet of bituminous is no more expensive than four or five feet of sidewalk and is easier to maintain in winter months. The number of pedestrian deaths in Connecticut

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is rising dramatically in recent years and walking along a road with an average speed of 40 mph is not safe. There are people walking and there will be more people walking that will be living in this area.

Ms. Ginny Hole of 185 LeFoll Boulevard asked if sidewalks are planned for both sides of the horseshoe road and asked if the maintenance easement to the basin would have potential for a trail to connect through the woods to connect to the South Windsor cross town trail.

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

Mr. Jeff Hamm of 577 Barber Hill Road noted the letter he wrote to Town staff and stated it is disconcerting to live in a house for 45 years and have it turned over to a housing development asked why the road is planned directly across from his house rather than 200 feet to the north or south.

Chairman Pacekonis asked for comments from commissioners.

Commissioner McGuire discussed alternatives to Town owned open space with Director Lipe who explained open space can also be owned by an association or a land trust, and is approved for active or passive recreation subject to zoning regulations. Commissioner McGuire asked if the Commission would vote on whether the open space would be Town owned and Chairman Pacekonis indicated it can be discussed in deliberations.

Commissioner Bernstein noted previously discussed concerns from police and fire about cul-de-sacs with Director Lipe who stated loop roads are significantly easier from a public works perspective for plowing, garbage pickup, and emergency services, as well as for school buses.

Commissioner Flagg asked about sidewalks on both side of Gedrim Place and between the two entrances on Barber Hill Road. Mr. Wheeler stated sidewalks are planned on one side of Gedrim Place and not on Barber Hill Road. The one school bus stop is planned at the southern entrance on Barber Hill Road. Commissioner Flagg expressed concern for those walking along Barber Hill Road without a sidewalk to catch the school bus and recommended sidewalks for the safety of the children.

Chairman Pacekonis discussed Commissioner Flagg's sidewalk recommendation with Mr. Wheeler who noted the tree line along Barber Hill Road would be impacted by a sidewalk. The Chairman stated if there is a choice between a tree line and safety of children, the choice is safety of children.

Commissioner Flagg asked about the drainage pond and Mr. Wheeler described a berm on the east side of pond and landscaping planned. The temporary drainage swale, spillway, and access drive were discussed.

Chairman Pacekonis asked the applicant about the suggestion for an 8 foot bituminous path on Barber Hill Road. Mr. Wheeler stated they will take the suggestion upon advisement and discuss it at the next meeting. The hedgerow easement was discussed and described by Mr. Wheeler as tree line preservation on the land records when the property is bought and sold to protect trees from being cleared in the 25' hedgerow easement on Barber Hill Road and 15' along the northern and southern property lines.

Chairman Pacekonis stated he generally likes to see sidewalks on both sides of a street for this type of subdivision but would at least like to see sidewalks between the north and the south entrances on Barber Hill Road. Safety of children is most important and is not realistic for a student living on the north end walking to the southern entrance not to walk on Barber Hill Road because kids will always take the shortest path between two points. The Chairman stated a discussion on sidewalks will be taken up in deliberation.

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The Chairman asked how far street trees will be away from sidewalks. Mr. Wheeler stated street tree are proposed 10' from the edge of the sidewalk with a street tree easement so trees will be on the actual lots. Tree types have been reviewed and approved by the Town tree warden.

Chairman Pacekonis asked Ms. Ginny Hole for her comments who said her neighborhood has sidewalks on both sides of the street and noted how many neighbors and kids use them. The Chairman discussed the proposed maintenance road to the detention pond with Mr. Wheeler. It will have a gravel base covered with lawn turf going to a detention pond proposed to be 7 ½' deep with a 3 to 1 slope.

The Chairman asked Mr. Wheeler to address the concerns of the abutting neighbor, Mr. Hamm, about the location of the street across from his home. Mr. Wheeler stated the drive is located in the best sight line location. The northern drive has better sight lines than the southern roadway. There is a high point in Barber Hill Road so if the road was significantly shifted one way or the other, the sight lines would be impacted and become less than satisfactory. Director Lipe noted comments received from Chief Custer of the Traffic Authority who indicated they were satisfied with the proposal with no further discussion about a cul-de-sac.

Commissioner Flagg discussed the topography of Barber Hill Road with Mr. Wheeler.

Mr. Hamm stated he was home on the two days the traffic study was conducted and noticed traffic traveling at quick speed from East Windsor slowed down when the speed was being measured. He also noted the area is farmland with tractors with trailers hauling produce that cars pass and voiced concern about adding children to the street. Wind speeds also are a factor because the elevation is the same as Bradley Field.

Mr. Wheeler asked about Commissioner McGuire's question about ownership of open space. Chairman Pacekonis clarified the Open Space Task Force unanimously agreed that the property is desirable as Town owned subdivision open space. Director Lipe clarified open space owned by an association is not public property but owned by the association. Maintenance of the open space and the Eversource easement were discussed.

Director of Parks and Recreation Ray Favreau voiced his support for the open space to be Town owned from a Parks and Rec perspective by connecting Town owned properties and giving a northern access point to a trailhead for a very beneficial cross town trail running from the northern end through the Eversource corridor to Manchester. It is very common for Eversource to work with towns to create trail systems. It is a huge benefit to have this open space as Town owned property.

Commissioner Bernstein made a motion to extend the public hearing to March 24, 2020.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

2. **Appl. 19-57P Evergreen Walk, LLC** – request to modify the Evergreen Walk General Plan of Development for a 161,000 +/- sf store, including a gas station, on Unit 12 (combining retail sf originally shown on Units 4, 9, 12 and 13), on property located at 151 Buckland Road, Buckland Gateway Development Zone

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Chairman Pacekonis stated it is the Commission's intention to continue this public hearing in hopes of having input from more commissioners in the future.

Mr. Alan Lamson, Vice President of FLB Architecture and Planning, Inc. representing property owner, Evergreen Walk LLC, presented the request giving a history of Evergreen Walk's general plan of development originally approved in 2001. Eight modifications have been made since then as the market changed.

A site plan was shown of Unit 12 measuring 40 + acres and located to the west of LA Fitness, bounded on the northwest by open space, to the north by ECHN medical office building, and to the northeast by the assisted living facility under construction. The plan is to consolidate 161,000 square feet of permitted retail use. The parcels combined to create Unit 12 were all slated for retail in the last modification the Commission approved. This plan also shows a fueling station for cars allowed and met by regulations. The distribution of permitted uses in the overall plan has been modified and is reflected on the plan. Other parcels were described. This modification meets all zoning requirements including those for the appearance. They met with the ADRC on March 5, 2020 with positive feedback and received excellent feedback on changes that will be implemented.

Mr. Lamson reviewed conditions to the general plan. The removal of the two abandoned houses on Buckland Road is complete, graded and seeded. Two of the tobacco barns have been removed behind LA Fitness. The plan for the trail system design is complete and they are evaluating bids that have come in over the last two weeks. Significant activity is expected on the trail system this year, hopefully after the ground dries in the spring.

Mr. Lamson introduced other members of their team, site engineer Michelle Carlson of BL Companies, Ron Bomengen, PE with Fuss & O'Neill, and Senior Transportation Manager Steve Mitchell of Trans Systems Corporation.

Mr. Bomengen stated there is no real change in the actual square footages and uses of the site but more reallocation so tables and calculations have not changed for water or sewer demand for the project. Letters from all utilities providing service to the project were received after their review of the plan. All water quality is managed on site and uses the existing detention basin #7 sized to handle future development on site. Sub-surface detention is needed and is being designed by BL Companies.

Mr. Mitchell from Trans Systems stated this modification of the general plan has aggregated some of the permitted uses on the site and clustered them in a different combination. Overall, the uses are the same with a few thousand square feet less. The traffic statement reflects that there is no change in the uses, and as a result, no change in the anticipated traffic. There will be additional studies of this specific development for the site plan approval process.

Mr. Lamson stated several steps will follow this modification to the general plan which will include final site plan approval and WPCA approval. They have met with the IWA/CC twice. Once to create a more contiguous site by the exchange of wetlands for open space and secondly to expand the parking lot to the west and make modifications to the capacity of the detention basin.

They met with ADRC on March 5th and received good input for the steel framed building. A combination of masonry units with textured insulated panels and banding was shown on a power point presentation of

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elevations. Sample of materials of the building designed of sustainable, energy efficient and locally sourced materials were shown to commissioners. The entrance in the northwest corner of the building has dark sky compliant lighting. Trucks in loading dock area will not be seen from Evergreen Way. Access to the site was described with entrance from Tamarack Avenue, not from Buckland Road. The land use table has been modified and now includes parking requirements.

Director of Planning Michele Lipe gave staff comments.

1. The original general plan approved in 2001 was renewed in 2014 and modified several times over the past few years, as recently as February of 2019, with the addition of a daycare facility approved for Unit 7D.
2. This proposed changes with this modification include: request to modify the original layout to accommodate a 161,000 +/- sf store, including a gas station, on Unit 12 (combining retail sf originally shown on Units 4, 9, 12 and 13) A land use table has been updated to provide changes to the square footages and parking requirements.
3. As the Commission may recall some of the remaining items include future phases of the walking trail; completion of Tamarack Avenue to the south; and removal of structures on site such as the old barns.
4. This layout represents a significant change to the previous approved general plan and traffic pattern for vehicles and truck traffic throughout the site. The original plan called for Tamarack Avenue to operate as a spine road, parallel to Buckland Road, extending throughout the development from Buckland Road through to Deming Street. Since the final road pattern was undetermined, Evergreen Way behind LA Fitness was originally constructed as a temporary road and will need to be finalized with this project.
5. Staff have asked for information regarding the truck traffic routing pattern in and through the site as well as the number of trucks and hours that truck traffic will be come in on site (current regulations prohibit overnight deliveries). Of particular concern is the adequacy of the width of Tamarack Avenue and Evergreen Way for amount of vehicle traffic and trucks entering to and from Deming Street and Buckland Road. They have indicated they have reviewed the adequacy of the roadway and final engineering details will be provided at the site plan stage.
6. The sidewalk network is being extended into the site from both the south near the Evergreen Crossing Independent Living Facility as well as along Evergreen Way to the north entrance.
7. Utility impacts to assess proposed changes were addressed in the report that you received. This report was reviewed by Town Staff. Adequate public water is and sewers are available in the area. Details designs would be reviewed at the time of site plan approval. The developer is currently working with CT Water to achieve the required fire flows needed.
8. The applicant attended the ADRC meeting on March 5, 2020 to present the architectural elevations. The plans were well received by the Committee and they appreciated the quality of the materials being used. Two specific requests they had were: to eliminate signage on the west side of the building (currently shown on all four sides) and to review the front design of the liquor sales building for more

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break up to the front. The applicant will return to ADRC at the site plan stage to review final details of the site.

9. Prior to any actual building or site construction, a request for a site plan of development in conformance with the approved general plan must be submitted and approved by the Commission as well as the Inland Wetlands Agency and the WPCA. The site plan will include all of the engineering details as well as final building design and site layout.

If this General Plan is approved, the Planning Department requests the following updates to the general plan:

- The approved road pattern (3-way stop) at the intersection of Evergreen Way and the HarborChase project driveway should be reflected on the plans; and
- Proposed sidewalk network should be completed on the general plan.

The following items should be addressed by the applicant as the time of the site plan approval;

- Temporary roadway portion of Evergreen Way must be completed and concrete sidewalks installed;
- Completion of the remainder of Tamarack Avenue road network (south of the Independent Living);
- Completion of the trail system shown on the general plan shall be submitted with the filing on the retail Site Plan application and completed prior to Issuance of a CO.

Town Engineer Doolittle gave staff comments regarding the traffic summary submitted by Mr. Mitchell that uses the square footage numbers and amount of parking as in their previous general plan and requested that traffic numbers for this new development be modified for the addition of one large single retail user that includes a lot of parking. There are concerns with the amount of traffic that will be generated especially in the northern area. Mr. Doolittle noted the Town is currently finishing a study of Buckland Road, one of the busiest roads in South Windsor, reflecting current traffic conditions with recommendations for upgrades to the signals and road improvements but does not take into consideration this development.

The Chairman asked for comments from the public.

Ms. Ginny Hole of 185 LeFoll Boulevard asked where the gas station is to be located. Chairman Pacekonis showed the location on the site plan.

Mr. Daryn Kjellquist of 25 Deming Street spoke with concern about tractor trailer traffic coming from Tamarack Avenue particularly because there are no sidewalks along Deming Street and is concerned someone will get hit. Tractor trailers will be impacting those living in the area.

Mr. Marek Kozikowski of 863 Clark Street, identified himself as a resident and certified planner working for the Town of Middletown, and spoke with concern about how a big box store will impact the area. He described the traffic report submitted as reckless and inappropriate. There will be an increase in traffic volumes on sections of Deming and Clark Street which needs to be reviewed as this stretch will be used as a cut through. The speed of cars cutting through will add to the traffic at the Post Office on Clark Street from which he lives across. Mr. Kozikowski voiced concerns that truck traffic and the use of his driveway by

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those trucks will increase. He provided the Commission with a picture of a tractor trailer turning around in his driveway and offered an alternative to bring traffic onto Buckland Road. There was not meant to be a big box venue at Evergreen Walk. The intention today is for a Costco but it could be a WalMart, or others next, or to take its place. Samantha Kozikowski echoed her father's comments about the danger traffic poses to their house on Clark Street.

Ms. Ginny Hole stated no one ever envisioned this type of store in Evergreen Walk and that it will change the whole atmosphere.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Flagg asked if the Costco planned was identical to the one in Enfield. Director of Development for Costco Mark Martisano stated the square footage is the same and parking will function as it does in Enfield but the Evergreen Walk property is smaller. Commissioner Flagg asked how the gas station layout, concern about traffic coming in from Tamarack Avenue, and the walking trail planned right beside it will be addressed. Mr. Martisano noted Costco operates with one entrance at the corner of the building and the gas station operates in a one way configuration. There is more stacking in this plan and can process more vehicles coming through. Details will be shown at the time of the site plan. Mr. Martisano described deliveries using 4 or 5 semi trucks on average daily that typically come from their distribution centers 90% of the time. They can manage which direction their trucks will come from. Their layout uses the fire truck access that will be converted to a full size main road to help connect with Tamarack Avenue and Cedar Avenue and can mandate that no trucks turn left onto Deming Street when exiting. This development combines a series of lots in Evergreen Walk and designates 44 additional acres for permanent conservation land. The space between the gas station, traffic and walking trails is separated by retaining walls so that the walkway is isolated and protected.

Commissioner Bernstein asked about the walking trail which Mr. Lamson described as over 5,000 feet of 5' wide pedestrian trails, not intended for bicycles, designed to be elevated in areas going over wetlands. The commissioner discussed with Mr. Lamson the changes in types of retail uses after 19 years of modifying their general plan and noted the public comments about significant traffic affecting the area. Mr. Martisano stated traffic will be addressed at the time of site plan but the increase is minimal and isolated to one area and not significant in regard to what has previously been proposed for the area.

Commissioner McGuire asked for clarification about truck deliveries. Mr. Martisano stated there are 4 to 5 semi trucks delivering from 4 a.m. to 9 a.m. and from 7 p.m. to 11 p.m. daily with an additional 10 box trucks delivering throughout the day. During the holidays there could be up to 7 semi trucks. The truck route was described coming in from Buckland Road to Cedar Avenue and delivering to the back of the building. They can exit onto Tamarack Avenue exiting to the right or by way of Cedar Avenue to Buckland Road which can be designated as their main exit. The trucks will use the same roads as cars but generally not at the same time. Hours of operation for Costco were described as 10 a.m. to 8:30 p.m. weekdays, 9:30 a.m. to 8 p.m. Saturday and 9:30 a.m. to 6 p.m. Sunday.

Chairman Pacekonis stated given the late hour he will hold his comments for the next public hearing except for traffic, noting the traffic statement submitted appears substandard. Director Lipe stated Town staff is interested in the traffic data and will need an in depth traffic study with the site plan. Chairman Pacekonis asked the applicant to prepare a complete traffic study for the next public hearing.

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Commissioner Flagg noted there is no clear exit plan coming from the gas station and asked for it to be shown at the next public hearing. Mr. Martisano stated it is intentional that there is not a distinct exit plan and described how people typically exit the fueling area to go shopping. The amount of people shopping and getting gas at the same time is about 70%. The general operation of the gas station was described and Mr. Martisano stated he could have diagrams to show queueing at the next public hearing.

Chairman Pacekonis discussed with Mr. Martisano the renderings of Costco and retaining walls and asked to see exhibits of the retaining walls and elevations from the different topography at the next meeting. Mr. Martisano described the elevations with retaining walls on their powerpoint presentation.

Chairman Pacekonis discussed the metal guard rails proposed that do not match Evergreen Walk's existing guard rails. Mr. Martisano described the advantages of metal guard rails and Town Engineer Doolittle suggested the Merritt Parkway type of guard rails will solve both the applicant's and town's interests.

Chairman Pacekonis discussed with Mr. Martisano how the different types of the soils would be handled on site.

Commissioner Bernstein made a motion to extend the public hearing to March 31, 2020.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

Commissioner Flagg made a motion to extend the meeting past 10 p.m.

Commissioner Bernstein seconded the motion.

The motion carried and the vote was unanimous.

Town Engineer Doolittle left the meeting at 9:55 p.m.

REGULAR MEETING (continued) / COUNCIL CHAMBERS

NEW BUSINESS:

3. **Appl. 20-14P, Chalikonda Major Home Occupation dba Shree Skin Care Major Home Occupation** - request for renewal of a 5-year permit for a major home occupation on property located at 85 High Ridge Road, A-30 zone

Mrs. Chalikonda presented the renewal request.

Director of Planning Lipe gave staff comments:

1. Request for a 5-year approval renewal for a major home occupation under Article 7 for a business known as 'Shree Skin Care'. Services provided include eyebrow threading, facials, and waxing for ladies on property located at 85 High Ridge Road, A-30 zone.
2. The applicant's most recent permit, issued March 10, 2015, expired on March 10, 2020.
3. The applicant complies with the regulations as she operates in approximately 130 sf on the lower level of her house. A permit was issued for the sign.
4. There are no employees. Clients come one at a time; and spend up to an hour per appointment.

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5. Current hours of operation are 9:00 a.m. to 7:00 p.m., Monday through Saturday.
6. The Planning office has not received any written complaints regarding the operation of this home occupation.

If this application is approved, the applicant will be required to return to this Commission again upon expiration of the new 5-year permit period.

Mr. James Paschetto of 89 Glenwood Road voiced concern as a neighbor sharing the cul-de-sac about parking for the business in the cul-de-sac which he has addressed with the applicant on three occasions. As many as eight to ten cars can be circling and parking in the cul-de-sac at a time. Mr. Paschetto stated they also have a major home occupation for a business at their address that complies with all parking being accommodated on site. He submitted photographs to the Commission of the applicant's house with the applicant's car in the driveway and traffic from clients parking in the cul-de-sac.

Mrs. Chalikonda stated some of the cars are not only for her business but are for dropping off and picking up kids from Timothy Edwards School and those walking dogs, and noted there can be two to four cars for her business.

Mr. Chalikonda noted the parkway next to their house going to Timothy Edwards School that many people use by parking at the cul-de-sac to walk dogs, and stated one or two clients come to their business at a time.

Director Lipe asked if the applicant has more than one customer at a time, noting the requirement for all parking for the business must be on site with a limit of one client at a time.

Mrs. Chalikonda stated some clients do not arrive at time and appointments last ten minutes while other clients wait.

Commissioner McGuire confirmed with Director Lipe that regulations for a home business require that all parking needs must be met on site and noted with one client at a time they should pull into the driveway. Mrs. Chalikonda stated she reminds her clients but some people are not comfortable driving in and out of the driveway. Chairman Pacekonis stated parking on site is a mandatory requirement.

Commissioners Bernstein and Flagg agreed that the applicant must comply with the regulations. Chairman Pacekonis noted after hours personal guests can park in the cul-de-sac but clients must be accommodated on site during work hours.

Mr. Chalikonda stated a new neighbor next to them has large get togethers and their cars may be confused with their clients.

Mrs. Chalikonda stated she is planning to grow her business and if it goes as planned, and she is capable of paying a rent, she will be moving the business.

Chairman Pacekonis stated during work hours there cannot be any parking from the business in the cul-de-sac and signs need to be posted inside the business that customers must park in the driveway.

Mr. Paschetto stated he wants Mrs. Chalikonda to do well in her business and has tried to speak with them about parking in the cul-de-sac to no avail. He stated he felt coming to the Commission was his only recourse and asked what the recourse would be if the cul-de-sac fills up again for the next 5 years. Director

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Lipe stated complaints would be directed to the Planning Department for action by the Zoning Enforcement Officer.

After discussion, Commission Flagg asked to include a motion for a 2-year approval period to assure parking compliance before another 5-year renewal is granted.

Commissioner Bernstein made motion to approve with the following conditions:

1. The business must be operated by the homeowner.
2. The permit will expire on 3/10/22, and must be renewed at that time if the use is to continue.
3. Only one non-resident employee can be hired.
4. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
5. Hours of operation are Monday to Saturday, 9 a.m. – 7 p.m.
6. All customer parking must be on the site driveway.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings - None

MINUTES: 2/11/20 and 2/25/20 approved by consensus.

OLD BUSINESS: *see page 2*

APPLICATIONS OFFICIALLY RECEIVED:

1. Appl. 20-16P, KAZ Equipment LLC – request for renewal of a 2 year temporary and conditional permit for a wash bay on property located at 67 McGuire Road, GC zone
2. Appl. 20-17P, 360 Burnham Street LLC – request for Site Plan of Development for three (3) industrial buildings totaling 13,400 sf, on property located at 360 Burnham Street, I zone

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 10:18 p.m. was made by Commissioner Bernstein.

Seconded by Commissioner McGuire. The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo

Recording Secretary