

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

**MINUTES**

**-1-**

**APRIL 14, 2020**

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

**ALTERNATES PRESENT:** Michael LeBlanc, Paul Bernstein, Elizabeth McGuire

**STAFF PRESENT:** Michele Lipe, Director of Planning; Jeff Doolittle, Town Engineer; Scott Roberts, Assistant Town Manager; Lauren Zarambo, Recording Secretary

**REGULAR MEETING / VIRTUAL ON-LINE MEETING 7:00 PM**

**CALL TO ORDER:**

Chairman Pacekonis called the meeting to order at 7:00 p.m. and stated the meeting is being live-streamed through a ZOOM call on our website as well as local channels and will be operated under the following procedures:

- This session is being audio-recorded and video recorded.
- To ensure sound quality, the default rule for this meeting is that everyone will remain on mute.
- Commissioners and staff will generally remain on mute except when speaking or voting, and will generally be keeping video of themselves on throughout the meeting.
- Applicants should feel free to leave their video on or off. However, they will be asked to turn on their video when speaking.
- During public meetings, all of the normal rules, including stating, and now spelling your name, still apply.
- If you are speaking at this meeting and have an exhibit to submit to the Commission, which was not distributed in advance of the meeting with the rest of the materials, please indicate that you wish to submit an exhibit. You will need to hold it up to the camera so that the Commission and all members of the public may review it. In addition, you will be required to email the exhibit, or take a photograph of it and email it, to [michele.lipe@southwindsor.org](mailto:michele.lipe@southwindsor.org), who will include it in the permanent records of the Commission.
- Members of the public may only speak during a public hearing.

**PLEDGE OF ALLEGIANCE**

**PUBLIC PARTICIPATION: none**

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

Application information, including mapping, can be found at:

<https://www.southwindsor-ct.gov/planning-department/pages/planning-and-zoning-commission-applications>

1. **Appl. 20-19P, TOSW Pleasant Valley Elementary School Temporary Classrooms** – request for a site plan modification for four (4) portable classrooms, approximately 3,000 sf, on property located at 591 Ellington Road, RR Zone (See Attachment A)

Mr. Benjamin Wheeler of Design Professionals, Inc., representing South Windsor Schools, presented the application that will replace the application approval granted by the Commission in January for 3 to 5

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

**MINUTES**

**-2-**

**APRIL 14, 2020**

modular classrooms at Pleasant Valley School. Only one bid, which exceeded the budget, was received for the approved plan that had the classrooms located in a preferred location. School Facility Staff has secured an option for a set of 4 refurbished modular units, that are much more cost effective, but will not fit in the originally approved location. A plan was shown of the 4 classrooms now to be located to the south of the building coming off a hallway used for existing modular classrooms and will be placed on existing pavement. Minimal site work is required. Three accessible parking spaces will be displaced by the plan but one additional accessible space will be added to the west of the location to total 4 accessible spaces compliant with ADA regulations for the total number of spaces at the school.

Chairman Pacekonis appointed Alternate Commissioner McGuire for Commissioner Foley.

Director of Planning Michele Lipe gave staff comments:

1. Request for a site plan modification to add four portable classrooms, totaling 3,000+ SF, on property located on at 569 Ellington Road, RR zone. The PZC had recently approved a site plan for the location of the portable behind the building; however, due to costs and logistics, a new location is now being proposed.
2. The four classrooms are being proposed on the westerly side of the property, in front of the existing portables, on an area that currently is paved. The classrooms will be connected to the existing portables through a new corridor being added.
3. Other site changes include adding back one of the handicap spaces that will be eliminated as a result of the construction.
4. It appears that zoning requirements have been met.

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

Town Engineer Jeff Doolittle had no engineering comments but stated the plan offers a great location for the temporary classrooms.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Flagg voiced concern about fire rated corridors to the classrooms and recommended the corridor be widened from 7 to 10 feet. Chairman Pacekonis asked if the Fire Marshal had reviewed plan. Mr. Wheeler stated the 4 additional classrooms will have their own direct egress to the outside, and because the structures are prefabricated it is not feasible to expand the corridor widths. They are under review with the Building Department and the State Fire Marshal has responded and granted approval for the plan. Chairman Pacekonis noted Commissioner Flagg's concern as valid but that many eyes will be reviewing the project.

Commissioner McGuire asked when the Fire Marshal will weigh in. Director Lipe noted egress will be part of the school's evacuation plan and protocol.

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. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
4. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.

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

**MINUTES**

**-3-**

**APRIL 14, 2020**

5. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
6. The building street number must be included on the final plan.
7. Pavement markings must be maintained in good condition throughout the site drives and parking areas.

Commissioner Greer seconded the motion.

Roll call vote was taken. The motion carried and the vote was unanimous.

2. **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 (See Attachment B)

Mr. Eric Olivieri, one of the owners of KAZ Equipment LLC, presented the application stating KAZ has not moved forward with their plan for the wash bay since receiving approval two years ago but intend to do so now. All materials originally submitted with the 2018 application still apply.

Director of Planning Michele Lipe gave staff comments:

1. Request for renewal of a two year temporary and conditional permit for a storage tent to be used to set up a wash bay for equipment at 67 McGuire Road, GC zone. To date the tent has not been erected. The current permit expires in June of 2020 and the applicant is now ready to request the permit.
2. The storage tent is approximately 40' X 20' and is proposed to be located approximately 10 feet south of the existing building on an existing paved area. The washing system proposed is a self-contained unit that does not discharge any water into the storm system.
3. A picture of the structure and brochure of the equipment has been provided. The applicant is proposing to screen the tent structure from Route 5 by creating an equipment display area along the edge of the tent. In the future, he hopes to replace this temporary structure with a permanent structure.
4. The building code limits the duration of temporary structures. The applicant will be responsible for obtaining a building permit and ensuring this temporary structure maintains a current building permit.
5. The property is currently serviced by a well and septic system. At the time of construction, a permit will be required from the Health Department.
6. The regulations state 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. Renewals are granted without public hearing.

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

Town Engineer Doolittle no additional comments

Chairman Pacekonis asked for comments from commissioners.

Commissioner Greer asked if the applicant plans to build the wash bay now or just plan to keep the approval active. Mr. Olivieri stated the time is now since everything else is shut down. They are ready to begin.

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

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

**MINUTES**

**-4-**

**APRIL 14, 2020**

1. The Temporary and Condition permit will expire on April 14, 2022. The permit will have to renewed at that time if the use is to continue.
2. Building Department, Fire Marshal's office and Health Department must be consulted and proper permits obtained to for the outdoor storage tent.

Commissioner Flagg seconded the motion.

Roll call vote was taken. The motion carried and the vote was unanimous.

**3. CGS Referral 8-24 for Road and Drainage Projects (See Attachment C)**

Town Engineer Jeff Doolittle described the 8-24 referral for five projects that were part of the bond referendum approved in 2018 for the following:

- Avery Street reconstruction from Talcott Ridge Road to Dart Hill Road
- Nevers Road reconstruction from Sand Hill Road to the Community Center driveway
- Beelzebub Road reconstruction
- Pleasant Valley Road drainage improvements
- Main Street Bridge replacement over the Podunk River

The projects are in various stages of design and not all will be constructed at the same time. The plan is to do Nevers Road this year; Avery Street next year with possibly Beelzebub Road and the Pleasant Valley Road drainage improvements; and the Main Street Bridge next year or the year after that.

Director of Planning Lipe had no additional comments.

Commissioner Wagner asked about the reconstruction of Avery Street and the sections not yet scheduled for work. Town Engineer Doolittle stated this is the last piece of Avery Street that has not yet been addressed. The section from Chandler down almost to Beelzebub is in fairly good condition and will stay the same for the time being.

Chairman Pacekonis asked about interest and concern about guard rails located right on the street. Town Engineer Doolittle noted the reconstruction work done on Avery Street and a section north of Talcott Ridge Road where there is a brook crossing that has no guard rails at this time but are being considered. A virtual public presentation was given about the reconstruction of both Avery and Nevers Roads. The guard rails are still being determined by Town Engineers but will follow State standards with regard to guard rail placement that they are placed at the face of curb.

Commissioner Wagner asked if accommodations are being made for bicycle safety with striping and lane widths. Town Engineer Doolittle stated roads will be striped with 11 foot travel lanes which is standard with a 3 foot paved shoulder for bicycle travel on Avery and Nevers Roads.

Chairman Pacekonis asked about sidewalks. The Town Engineer stated there are existing sidewalks on Avery Street and Nevers Road on one side which are being improved with ADA acceptable ramps and to complete the gaps, but there is not a plan to put sidewalks on the other side for the entire length.

Commissioner Flagg asked if the school on Pleasant Valley Road will have all the tie ins done before the drainage improvements and roadwork are completed. Town Engineer Doolittle stated the project is north of the school and should not impact the school which should be done before this project begins.

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

**MINUTES**

**-5-**

**APRIL 14, 2020**

Roll call vote was taken to send approval to Town Council. The motion carried and the vote was unanimous.

**4. Discussion of Executive Order** related to land use applications to determine future agenda items  
(See Attachment D)

Director Lipe referenced Attachment D, a summary written by Attorney Steven Byrne from the Connecticut Federation of Planning & Zoning Agencies, of how the Executive Order will affect commissions proceedings on how to conduct meetings electronically, what information to post on Town websites, and posting agendas so the public can access information.

Director Lipe stated applications can be affected and asked how the Commission would like to move forward with virtual meetings for regular meetings and public hearings. There are presently two public hearings that are open before the Commission, as well as three other items that require public hearings coming up. Scott Roberts has confirmed there is the technology in place to hold a virtual public hearing so that the public can access the meeting and speak at the appropriate time, but our Town Attorney has advised us to wait to hold public hearings live to avoid legal challenges that could occur.

The Executive Order does give commissions 90 day extensions that can be taken advantage of at any time in the application process. Time frame wise, the only application before the Commission in jeopardy of not taking advantage of the 90 day extension is the Evergreen Walk text amendment for the apartments. Director Lipe reported reaching out to all applicants and that most applicants want to wait to go forward, however, the applicants for Evergreen Walk General Plan and text amendment concerning Costco do want to move forward. The Commission has discretion whether to move forward with public hearings and there is flexibility in how the extensions are used. There are one site plan moving through the IWA/CC and another two expected in the coming month that will be could go forward at regular meetings.

Commissioner McGuire noted there is the mechanism for a virtual public hearing to be held but it was indicted there no guarantee it would not be challenged legally. Director Lipe stated it was the Town Attorney's opinion recommending putting off public hearings for the immediate future and to wait another month or so for the concern of not having all of the public able to be heard. Commissioner McGuire discussed with Director Lipe time frames and 90 day extensions.

Commissioner Dexter asked if the Executive Order affected only land use agencies. Director Lipe stated the Executive Order was for all public meetings and that Order 7-I specifically addressed land use extensions.

Commissioner Wagner voiced support to keep the Costco applications moving.

Commissioner Flagg noted this regular meeting is going well but voiced concern about public hearings where as few as 10 people attend or the room is filled. He asked how can we accommodate as many people as we have seen in the past and could they enter after the meeting begins. Assistant Town Manager Scott Roberts stated Zoom meetings can accommodate up to 100 people who can join in when they want. Protocols of a Zoom meeting were described. Commissioner Flagg noted the feedback on the audio they were experiencing.

Chairman Pacekonis voiced apprehension about holding public hearings applications online and encouraged taking into account what the Town Attorney had recommended. He voiced discomfort with the feedback of garbled audio affecting thoroughly understanding an application and public comments and the public's ability to voice their concerns and knowing how. We have been asked for greater transparency in having all meetings in Council Chambers and now going forward with virtual meetings is getting the same content. The Chairman stated he is not comfortable making decisions for the town for the future of the town in this current format.

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

**MINUTES**

**-6-**

**APRIL 14, 2020**

Commissioner LeBlanc discussed the audio feedback with Mr. Roberts.

Commissioner Bernstein agreed with the Chairman and noted the increased calls from Town Hall about the virus make it clear it is not realistic to think everything will be back to normal anytime soon. But this is a really challenging format for public hearings especially in understanding all who will want to speak at the meetings.

Commissioner Wagner stated there will be likely be difficulty holding in person meetings even within the 90 day extension time frames and especially for older people who will have continued issues about attending meetings in public. Even if there are challenges with this format, it may be warranted to go forward with online meetings.

Commissioner Dexter stated she does not believe the Commission should proceed with large applications like Costco without the public being comfortable with the online format. During the first public hearing portion for Costco's general plan there were already a lot of concerns about traffic flow for the project.

Commissioner Flagg agreed with the commissioners' comments about going forward with larger hearings especially with something like a new application for the Pleasant Valley School.

Commissioner Leblanc voiced support to try and to move forward especially for smaller projects. The more people use the technology, the easier it is to get used to. This situation may go on for a while and leave the town idle. The Commissioner encouraged going ahead with the small public hearings first.

Chairman Pacekonis agreed it is good to move forward but we want to be sure the public has the opportunity to be heard. Commissioners may all be comfortable with the format but the public may not have accessibility or the knowledge to participate especially the elderly who would like their voices heard. The call for transparency has been voiced over and over again and that is important.

Commissioner LeBlanc suggested those without the technology may be able to call into the meetings. Mr. Roberts confirmed the public can call in on the public call in number while viewing the meetings on television. Commissioner LeBlanc noted the importance of conveying the format information to the public.

Chairman Pacekonis discussed what the Town is doing to educate the residents on the format with Mr. Roberts Scott who stated they can put together any kind of informational packets for meetings or informational videos on the Town website. Many will be familiar with the format but there will be some of the population that will be challenged. Director Lipe stated a training guide on how to participate in a Zoom meeting can be put together to help.

Commissioner Bonzani voiced his unfamiliarity with the Zoom format that he would not have been able to participate without the help of his son. He asked how do 100 people interact at a meeting which Mr. Roberts described the process of a large meeting.

Commissioner Wagner commented on the audio feedback noted and suggested only one person should be unmuted at a time.

Chairman Pacekonis discussed the possibility of moving forward a small public hearing coming up for the Evergreen Walk text amendment for Costco on April 28<sup>th</sup>. Commissioners agreed to go forward with enough notice on the Town website with legal notices on the home page. Director Lipe suggested keeping the public hearing open until the next meeting so people have enough opportunity to respond.

Commissioner LeBlanc suggested a notice in the Journal Inquirer can be effective in reaching the public.

**BONDS: Callings/Reductions/Settings** (See Attachment E)

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

**MINUTES**

**-7-**

**APRIL 14, 2020**

---

**Landscaping Bond**

Appl. 13-06P, GDS Estimating Subdivision Landscaping Bond in the amount of \$2,000 to be reduced by \$2,000 to leave a balance of -0-.

Commissioner Wagner made a motion to reduce the above mentioned bond; Seconded by Commissioner Dexter. Roll call vote was taken. The motion carried and the vote was unanimous.

**MINUTES: 3/10/20** approved by consensus.

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

**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 20-19P**, TOSW Pleasant Valley Elementary School Temporary Classrooms – request for a site plan modification for four (4) portable classrooms, approximately 3,000 sf, on property located at 591 Ellington Road, RR Zone

**OTHER BUSINESS:**

Director Lipe noted an announcement from the CFPZA rescheduling the annual conference dinner and noted land use applications can now be applied for online on the Town website and will soon accept online payments.

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting at 8:13 p.m. was made by Commissioner Bonzani. Seconded by Commissioner Greer. The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo,  
Recording Secretary