

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-1-

AUGUST 25, 2015

MEMBERS PRESENT: Bart Pacekonis, Elizabeth Kuehnel, Billy Carroll, Kevin Foley, Frank Bonzani

ALTERNATES PRESENT: Stephanie Dexter, Courtney King, William Flagg

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

PUBLIC HEARING / COUNCIL CHAMBERS 7:30 PM

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 7:30 p.m.

Chairman Pacekonis appointed Alternate Commissioner Dexter to be seated for Commissioner Marrero and Alternate Commissioner King to be seated for Commissioner Wilson.

Commissioner King read the legal notice as it was published in the Journal Inquirer on Thursday, August 13, 2015 and Thursday, August 20, 2015.

- 1. Appl. 15-41P, Mannarino Builders, Inc. Dzen Tree Farm Phase IV Open Space Subdivision-** request for a resubdivision to modify the approved open space location for Phase IV of the subdivision, for property located on the westerly side of Barber Hill Road, northerly side of Frazer Fir Road, RR Open Space zone

Mr. Peter DeMallie introduced Attorney John Bond representing the Dzen family, Mr. and Mrs. John and Jennifer Dzen and their children, Adam, Megan, and Daniel, and presented the request for a resubdivision application by Mannarino Builders proposing a land swap to modify the required open space for the Dzen Tree Farm Open Space Subdivision. All four phases of the subdivision were approved in 2008. There are 63 lots on 95 acres with 49 acres of open space (47 acres required).

Mr. DeMallie stated their intention is to preserve the Dzen Tree Farm which produces berries and Christmas trees by selling directly to the public on a 67 acre tract and with a succession plan to continue farming with their son, Daniel, who now produces Podunk Popcorn.

Mr. DeMallie made a presentation to Town Council on July 20th about a land swap of 5.2 acres of open space at the northerly end of the Dzen Tree Farm abutting the Vintage Hills Subdivision in exchange for 5.2 acres of open space at the northwest corner of Frazer Fir and Barber Hill Road, 'Open Space E'. All council members supported the land swap in concept but acknowledged the final configuration of open space is under the jurisdiction of the Planning and Zoning Commission.

Mr. DeMallie stated the Dzen farm had no revenue from their Christmas tree farm in 2014 because they had no access to the farm property for the public. If this application is approved they will build a two way farm road. Eversource has indicated they will allow the road on their easement corridor which runs through the subdivision and farm. Mr. DeMallie indicated time is of the essence to build the road before the start of the 2015 season which begins at Thanksgiving.

They facilitated a meeting in the Community Center with neighbors from the Dzen Tree Farm and Vintage Hills subdivisions, Councilor Paterna, and Mayor Anwar. Twenty neighbors were in attendance who expressed their concerns.

Mr. DeMallie showed their initial concept plan of a 5.2 acre 'Open Space Area F' at the northerly end of the farm at Barber Hill Road, contiguous to the open space at Vintage Hills, with other open space area inclusive of 1.6 acres of wetlands at the extreme easterly part. He stated the area will have the least impact on the farm's

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-2-

AUGUST 25, 2015

operations and access and proposed that area to be swapped for the 5.2 acres of open space at the northwest corner of Frazer Fir Road and Barber Hill Road. The future farm road location was described.

Attorney John Bond spoke about the Plan of Conservation and Development and its support of farming, open space, and preservation of the character of South Windsor.

Mr. DeMallie described a modified alternate proposal reducing 'Open Space E' to 3.68 acres to provide an access driveway and an additional 1.61 acres to be leased to the Dzen Farm to continue their farming operations and a ½ acre of existing trees to be harvested for this Christmas season. 'Open Space F' would be reduced to a commensurate amount of acreage.

Michele Lipe, Director of Planning gave staff comments:

This open space subdivision was originally approved in 2008. The area "Open Space E" is required as a part of the fourth and final phase of this subdivision. The approved plan in front of you highlights the open space area as well as the required improvements for that area prior to the town taking over ownership of this land. The bulk of improvements required in this area are related to soil remediation.

Staff has the following comments/recommendations in keeping with the intent of the open space subdivision plan that was originally approved in 2008:

1. The open space "swap" should be limited to the area necessary to accomplish the access drive; and should not include any land that is westerly of the blue berry patch. This treed area is currently approved to be remediated as a part of the current subdivision approval and the town recently had the developer add a curb cut so that we could use for overflow parking, if necessary, and access into that area.
2. Other concerns with this proposed swap is that treed area west of the blue berries would provide a significant buffer for residents from any farming activity that may take place on the blueberry patch (in the event that land becomes privately owned).
3. Any land that is "swapped" should be deed restricted in a similar way the open space would have been restricted (see Section 7.14.11.B "prohibited uses on open space") e.g., must remain as open space, no structures of any kind be allowed or storage of any equipment. Also, staff request that a non-access line be shown along the Frazer Fir frontage to ensure that no new curb cuts occur. There is sufficient frontage on Barber Hill Road for farm vehicles and/or an access road to the farm.
4. Any land that is retained by the town should be remediated as approved so that future generations of the town are not liable for the contaminated land
5. As for the land proposed to come to the town, the staff supports interconnecting the existing open space in Phase 1 and the existing town owned open space to the north. The remainder of the proposed open space has some step slopes and an area of wetlands.

Chairman Pacekonis read a memorandum from Senior Environmental Planner, Jeff Folger, into the record (Exhibit A).

Chairman Pacekonis asked for correspondence to be read into the record.

Commissioner Foley read a letter from Mayor Saud Anwar on behalf of the Town Council (Exhibit B).

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-3-

AUGUST 25, 2015

Chairman Pacekonis read a letter and petition from the owners of property in the Dzen Tree Farm Subdivision (Exhibit C).

Commissioner King read a second letter from Mayor Anwar (Exhibit D).

Commissioner Carroll read a letter from Mr. Roy Normen of Homestead Drive (Exhibit E).

Chairman Pacekonis asked for public comment from those in support of the application.

Town Councilor Andrew Paterna spoke in favor of the proposed land swap for the unity of the community and encouraged the solution to be found in the course of the evening so that Dzen Tree Farm would be open for the 2015 season.

Town Councilor and Liaison to the Planning and Zoning Commission Steve Wagner echoed the Mayor's message from Town Council to find a solution along the lines of what is being proposed as quickly as possible.

Former Mayor John Mitchell spoke in strong support of the exchange of equally valued land and to support the tradition of Dzen Farms and that time is of the essence.

Ms. Rebecca Kowalczyk of Griffin Road spoke in support of the Dzen family and the importance of allowing the road.

Mr. Chris Waxenberg of Blue Spruce Road spoke in support of the family and the modified land swap to keep up the Dzen Tree Farm tradition. He stated plans should include maintenance of the land by the Dzen family in the future.

Mr. Michael McClellan of Foster Road spoke in support to continue the tradition of the family tree farm and urged the Commission to find an amicable solution.

Former Mayor and Town Councilor Tom Delnicki spoke about the endangerment of family farms and finding an equitable solution to serve the farmer, neighbors, and South Windsor.

Mr. Tom Dillon of Barber Hill Road spoke about his family's history as tobacco farmers and his support for the land swap as a win win for the town. He spoke highly about Dzen's farming practices in a rural community which is progressing and is 150% in favor.

Mr. Scott O'Brien of Barber Hill Road spoke in favor of the modified proposal and that blueberry production will bring in more customers year round.

Mr. Kyle Zimmer of Bourbon Street spoke in support of the proposal and the succession plan for the farm with Dan Dzen pursuing his career as a farmer and volunteer fireman.

Ms. Antoinette Rodrigues of Lisa Drive spoke in favor as a life long resident who does not want to see another farm leave town. She asked the neighbors to consider what the alternatives are if the farm leaves.

Mr. Blacy Futtner of Barber Hill Road stated he is 100% in favor of Dzen's farming tradition and asked who the town would prefer to take over maintenance of the property.

Ms. Kim Morrill spoke in support of the farm which is an asset to the town and their support of 4H.

Mr. Bradley Gail from Gail Farms of Ellington spoke in favor of the Dzen farm and asked for a solution to be found.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-4-

AUGUST 25, 2015

Town Councilor Carolyn Mirek spoke in support of helping a family farm and business to keep the traditions going.

Ms. Susan Manzini of East Hartford reminisced about hunting for Christmas trees at the farm and spoke in support of reindeers and wanting the tradition to continue.

Ms. Deborah Dzen Spieker of Barber Hill Road stated she grew up on the farm and the importance of keeping the farming tradition going. She acknowledged the neighbor's concerns and encouraged a resolution.

Mr. James Noonan of Griffin Road stated losing the historic Dzen Christmas Tree Farm would be a sin by not supporting a well maintained family farm and tradition.

Mr. Evan Bertel from Ellington expressed his support for the Dzen family speaking highly of Dan and his family's passion for farming. He stated there is a clear solution for resolving the issues.

Ms. Christine Cooney of Palmer Drive spoke in support and encouraged the tree farm's reopening to continue family traditions this year.

Ms. Manon Veilleux of Miller Road spoke in support of keeping the farm open and continuing tradition.

Mr. Skip Bourke of Murielle Drive spoke in support of the access drive in order to have the farm open for the holiday season.

Mr. Richard Roy of Somers spoke highly of the Dzen family and in support of the Christmas tree farm and their kids continuing in the farming business.

Master Luke St. Amand of LeFoll Boulevard spoke in favor of the application.

Town Councilor Matt Riley spoke in support of the revised plan to provide an access road to the farm in order to continue the tradition of finding Christmas trees. The land swap accomplishes the solution to the problem.

Mr. Anthony Asmar of Andmar Lane spoke in support of the application and of Dan Dzen and his work with the fire department and popcorn farming.

Mr. Marc Zirolli of Pine Knob Drive spoke in full support of the Dzen farm in South Windsor and the annual community event which is the epitome of Christmas tradition stating he saves a bit of the trunk from his tree every year to use as decoration.

Mr. Tim Field from Tolland spoke in support as a former employee who had created a 'Change.org' petition with 1,000 signatures when the tree farm closed last year.

Mr. Jessie Wilkinson of Sunfield Drive grew up in South Windsor and spoke in full favor of the application.

Ms. Robin Morrill from Ellington spoke in support of the application and Dzen family farm.

Chairman Pacekonis asked for public comment from those with concerns or in opposition to the application.

Mr. Matthew Galligan Jr. of Frazer Fir Road spoke with concern about the usable open space in their subdivision which had been planned and built in phases and that the revised plan was not available for review. He complemented the Dzens on the maintenance of their farm and being good neighbors but stressed the importance of standing by previous decisions made by the Commission and of not setting precedents for other farmers. They will support the new proposal if it is aligned with the petition submitted to the Commission.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-5-

AUGUST 25, 2015

Ms. Angela Hathway of Frazer Fir Road spoke with concern stating when they purchased their properties the land was designed as open space. No neighbor wants the farm to go out of business but they are concerned with precedents being set, their property values changing, and rumored solar panel towers being erected. She asked if farming succession management is important why was the land sold by the family to the developer and why there was not a plan to create the road 8 years ago when the land was sold. They do not want the farm road to have access on Frazer Fir Road and are hopeful to support a revised plan with restrictions.

Ms. Ankur Basu of Blue Spruce Road suggested focusing on facts rather than emotion. She noted the urgency requested for immediate action but it roots from a lack of planning over the last 7 or 8 years. She is in support of small business and farms, and wants the Dzen farm to continue but is not in favor of giving additional land and setting a precedent for other farmers who may make the claim that the Town is not maintaining land.

Mr. Andrew Moseley of Frazer Fir Road spoke with admiration for the farm and stated no one in the neighborhood wants the farm to come to an end but for a sensible solution for what is an access road problem. The Dzen farm has always had an access road, capable of carrying large trucks, which goes by the Dzen house. The proposed plan places the farm's new access road right next to their property lines by taking 5 acres of land, promised as open space by the builder, and giving it to the farm. The land to the north, swapped in return, does not appear to be accessible. Mr. Mosley suggested taking the land necessary to help create a road away from the Dzen house but not to then place the road, with unwanted traffic and dust, next to their houses. It will be not only seasonal traffic but farming truck traffic most of the year. He asked how the Commission could take back their approval for the open space from their development. He asked for trees to be planted as a tree barrier / buffer area. The second proposal appears better but suggested giving less land as the land does not belong to the farm. He asked for the Commission to keep commitments made and to keep integrity as a town so that people can be assured they can invest in property as individuals in South Windsor.

Mr. Sreedhar Tallapureddy of Frazer Fir Road spoke in opposition to the proposal recounting when he purchased his home from Mannarino Builders there was a plan that the open land would be transferred to the Town. This dispute is not about the farm which his family enjoys but about access to the farm. The property owners believe the Town of South Windsor will hold to their word to have the property go to the town for the community.

Mr. Harish Bommasamudra of Blue Spruce Road voiced support for Dzen Tree Farm continuing to farm but not in support of the entire proposal. Buffers need to be provided to protect the privacy of the neighbors. The access road near the Dzen's house is not being used because it will invade on their privacy but the new road proposed will be an invasion of resident's privacy which he does not approve. The Dzen family has had 7 years to plan for an alternate road and Christmas trees which could have been planted there could have been harvested now. Trees were sold last year, not from the access which was denied from Blue Spruce Road, but from other areas of the farm. He asked the Commission to take into consideration both the neighbors' concerns and for the commercial viability of the farm.

Mr. Elliott Hughes of Frazer Fir Road voiced support for the petition submitted to the Commission. The open space component of the development was communicated very clearly to them when they purchased five years ago. They are in full support of the farm's continued business operations and no one wants a business to fail, neither the farm nor all the neighbors who made a business decision to buy into the community. A solution can be found if the road is the root cause. He spoke against the first proposal, which does nothing to maintain the agreements under which they bought their property, and questioned the revised proposal as the best solution.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-6-

AUGUST 25, 2015

Mr. Hughes suggested allowing the minimum space necessary to construct the road and the rest of the land should remain town open space as designated in the plans.

Mr. Vivekbrata Basu from Blue Spruce Road spoke in support of the petition and the farm business and its tradition and heritage. He asked if there has been a neutral analysis done on the viability of building the road within the existing farm property and also why is the open space land at the corner of Frazer Fir and Barber Hill Road so important to the farm.

Mr. Shreedhar Kuna of Fraser Fir Road stated he is not against the farm but against a road with access onto Frazer Fir Road.

Mr. Murtuza Lokhandwalla of Frazer Fir Road echoed the concerns of the Frazer Fir residents and appreciation for the farm but comments about saving the farm are muddling the issue of the access road not being built in farms's own back yard and putting it next to the Frazer Fir development. He asked for the Commission to be fair to the other 62 businesses who have invested in property in the area.

Mr. Bhaumik Patel of Blue Spruce Road spoke with concern about the proposal but with support for the Dzen business and questioned why steps were not previously taken by the farm to create the access for the business. A solution needs to be found to be in the best interest for the farm and the neighboring properties. It is not fair to create an access located away from the farm house that then impacts the neighboring properties where they were promised to have open space.

Chairman Pacekonis asked Commissioners for comment or questions.

Commissioner Carroll asked Mr. DeMallie why the current access road could not be used. Mr. DeMallie stated it is a one way roadway which travels across a berm which constitutes the dam for the pond at the widest part of the wetlands. It steep slopes and will not accommodate two-way, higher volume, holiday season traffic. Mr. Dzen has hired Alford Associates Engineers and Surveyors to create a plan for a two way roadway with minimal impact on wetlands avoiding hazardous topography. The current access road does work for a single vehicle including trucks to unload topsoil and mulch. Commissioner Carroll asked why the proposed roadway could not be closer to the Dzen barn in order to create a better buffer from the neighbors. Mr. DeMallie stated the route selected is 300' away from Frazer Fir Road and will provide safe two way transportation with the least amount of environmental impact and also takes into account the location of the support structure within the Eversource easement. Carroll asked for the distance between the barn and the proposed roadway and why is it proposed to go south to Frazer Fir Road when the open space could be preserved along Frazer Fir while having access for the farm. Mr. DeMallie stated it will be about 50' from the barn and they are comfortable not having access to Frazer Fir Road. The blueberry patch going down to Frazer Fir completes the look of the farm. It will be better if the blueberries are removed because there may be pests in the bushes that could spread to their farm. The Commissioner recounted the request made to the Town Council for the continued farming of that open space area. Mr. DeMallie stated they had discussed the 5.2 acre plan with the Town Council rather than the revised proposal being discussed. Commissioner Carroll asked about a buffer line of trees. Mr. DeMallie stated 25' tall white pines have already been installed along the northerly property lines of the houses closest to the subject area. He clarified his clients, the Dzen family members present at the meeting, did not profit from the sale of the property for the development.

Commissioner King asked for the distance between the proposed access road and the nearest property. Mr. DeMallie stated it is 70' to a property line and the closest residence is well over 200'.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-7-

AUGUST 25, 2015

Commissioner Foley asked if there was a full size drawing of the proposed road on a plan. Mr. DeMallie stated Alford and Associates were not requested to put it on the plot plan because it is not part of the subdivision application. Commissioner Foley then discussed the location of the roadway with Mr. DeMallie and Mr. Dzen.

Commissioner Kuehnel requested Mr. DeMallie to confirm access to Frazer Fir Road was not part of their revised plan which Mr. DeMallie confirmed. She asked the Director of Planning about the remediation plan. Ms. Lipe stated Mr. Mannarino is responsible and bonds are in place to remediate the land under discussion prior to the Town accepting the land as open space.

Commissioner Dexter asked if it would be acceptable if the land that borders Frazer Fir Road is taken out of the proposal and the roadway is all that is approved. Mr. DeMallie replied their concern is the lack of maintenance of the open space in an area near the entrance to the farm. If there are any crops remaining before remediation there may be pests which could migrate to their farmland which is maintained. Attorney Bond stated they are trying to eliminate any demarcating line between Town owned and Dzen owned properties where crops would be split.

Commissioner Bonzani asked about the road and dust control. Mr. DeMallie described it as a two way gravel roadway which will be treated for dust management as needed by the Dzen farm. The Commissioner asked about the rumor of a solar panel farm. Mr. Dzen replied he has received a proposal for a grid integrated solar farm which would connect to a substation. It is one of ten options he is considering and has connected that company and its proposal to Town Councilor Wagner.

Commissioner Flagg complemented the revised plan for the road but voiced concern for the residents. He asked how Eversource accesses their property. Mr. Dzen described planting their Christmas trees to assure access points to the easement. He described their existing access road and working relationship with the Eversource regional arborist which provides deliveries of wood chips from the tree services Monday through Friday, Spring, Summer, and Fall. Commissioner Flagg asked if the tree service trucks would use the new road being proposed. Mr. Dzen replied there is not a connection presently proposed unless a driveway was built to connect the roadway to their compost area. Attorney Bond stated the primary purpose of the proposed road is to provide seasonal two way access for the Christmas tree farm. The existing road is for day to day farm use inclusive of what ever trucks come in.

Chairman Pacekonis thanked the public for voicing their comments and concerns. He acknowledged the arguments on both sides of the issues that will only be solved by compromise and thanked the Dzen's for offering him access to their property on his site visit. He described the location of the proposed roadway as not that close to residential properties which will be protected by mature hedge rows which will remain in place. A minimal land swap will protect the land chosen eight years for the open space which will be remediated. The residential property owners are entitled to their privacy and the farm is entitled to work the farm. 'Open Space E' is usable open space while the land to the north proposed for the land swap is swampy wetlands of little benefit to the town. The Chairman suggested a minimal land swap for land which will connect parcels to the north swapped for land required to put a road into the farm for its access. When the land is remediated and given to the Town it should be put out for public bid as are all other Town parcels.

Mr. DeMallie described the land to the north proposed for the land swap. The Chairman asked about a previous drawing indicating a minimal transfer of 1.6 acres of land which allowed connection of the existing open space at Vintage Hills Estates. Mr. DeMallie showed the minimum area they would need to accommodate the roadway. Mr. Dzen spoke about Eversource requirements. Discussion ensued for compromise.

Chairman Pacekonis closed the public hearing at 10:55 p.m.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-8-

AUGUST 25, 2015

SPECIAL MEETING / COUNCIL CHAMBERS

CALL TO ORDER: The Chairman opened the Special Meeting at 11:02 p.m.

Commissioner Carroll made a motion to extend the meeting past 10:00 p.m.

Commissioner Kuehnel seconded the motion

The motion passed and the vote was unanimous.

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

- 1. Appl. 15-41P, Mannarino Builders, Inc. Dzen Tree Farm Phase IV Open Space Subdivision-**
request for a resubdivision to modify the approved open space location for Phase IV of the subdivision, for property located on the westerly side of Barber Hill Road, northerly side of Frazer Fir Road, RR Open Space zone

Commissioners discussed the land swap in order to create a safe and manageable access road for the Dzen farm from Barber Hill Road while protecting the residential properties and open space of the Dzen Tree Farm Subdivision. Commissioners also questioned buffer requirements and clarification of the approval process for the farm road. They also discussed requiring the original remediation plan to be followed on the remainder of the land to be given to the Town in this phase.

Commissioner Carroll made a motion to approve with modifications:

1. This approval is to allow a two acre parcel of land, south of the current Dzen property line, to be taken from the proposed Phase IV open space in return for an equal two acre parcel of land from the northwestern portion of the Dzen property to be added to the Phase IV open space. The open space to the north coming back to the Town should parallel the northwestern boundary of the Vintage Hills open space coming and connecting to the current open space owned by the Town from a previous phase of the Dzen Tree Farm.
2. The open space boundaries must be marked with open space metal property markers provided by the Town.
3. All remediation of the open space, in compliance with the 2008 approved Dzen Tree Open Space Subdivision, shall be completed prior to the land being deeded to the Town.

Commissioner Bonzani seconded the motion

The motion passed and the vote was unanimous.

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 11:15 p.m. was made by Commissioner Carroll

Seconded by Commissioner King

The motion carried and the vote was unanimous.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

-9-

AUGUST 25, 2015

Respectfully Submitted,
Lauren Zarambo