

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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JANUARY 19, 2016

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

ALTERNATES PRESENT: Mike LeBlanc, Teri Parrott, William Flagg

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

SPECIAL MEETING / MADDEN ROOM

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

Chairman Pacekonis appointed Alternate Commissioner Flagg to be seated for Commissioner Dexter and Alternate Commissioner LeBlanc for Commissioner Bazzano.

PUBLIC PARTICIPATION:

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

1. **Appl. 15-48P, One Buckland Center** – request for a site plan of development approval for two commercial buildings totaling 17,853 square foot, on property located southerly of Smith Street, on the westerly side of Buckland Road at the Manchester town line, RC zone

Request received from applicant to go forward at the next regularly scheduled meeting.

2. **Appl. 15-61P, Tall Oaks Acres Subdivision** – request for a 2 lot subdivision on property located on the easterly side of Ellington Road (#2995 and #2999), southerly of the Ellington town line, RR zone

Mr. Peter DeMallie, President of Design Professionals Inc., with project engineer, Mr. Daniel Jamison, presented the request for a two lot subdivision from 20 acres of land at the Ellington town line. Property owners, Mr. and Mrs. Stephen and Elizabeth Wisneski, built their home at 2985 Ellington Road on a 1.8 acre parcel in 1958. Of the remaining 18.5 acres, 15.34 acres are to be donated as a preserve to the South Windsor Land Conservation Trust connecting contiguous open space areas.

The proposed Tall Oaks Acres two lot subdivision will be comprised of 3.5 acres. Soil testing has been approved for septic and there is public water on the street. Lot #1, to be known as 2995 Ellington Road, on 1.5 acres and Lot #2 measuring just over 2 acres, to be known as 2999 Ellington Road, will have a shared driveway which will come in on Lot 1 with an easement in favor of Lot 2 over it. Houses shown on the plan are proposed locations and subject to buyers' final plans. IWA/CC unanimously approved the application with conservation easements on both lots. The total area of conservation easements and the land to be donated to the Conservation Trust equals approximately 17 acres.

Mr. Jamison described drainage for the site which incorporates rain gardens in response to comments from Town Engineer Jeff Doolittle for increased storage for the ten year storm volume. Plans include septic systems for both houses to be located at the front of the lots. Public water and underground electric will be provided. There will be a gravel construction entrance and silt fencing around the site during construction.

Director of Planning Michele Lipe gave staff comments:

1. Request for approval of a subdivision to create two new residential building lots, located on the easterly side of Ellington Road at the Ellington town line, RR zone.

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2. Minimum lot size required in the RR zone is 40,000 sq ft with 175 feet of frontage. The proposed lots are 1.4 and 3.4 acres with 176 feet and 354 feet of frontage respectively. The remaining parcel should be labeled "Not a Building Lot" (not lot #3) as it is being left as conservation land and will be conveyed to the South Windsor Land Trust. The existing house to the south of the new lots was subdivided from this lot out previously.
3. There is no open space requirement for this subdivision, as the applicant is creating less than 6 lots. The applicant is requesting a waiver to both the street tree requirement as well as the sidewalk a requirement.
4. There are regulated wetlands on the site, and the applicant received IWA/CC approval on 12/16/15 with the following approval conditions:
 - Conservation easement shall be delineated and shall be co-terminus with the rain garden design.
 - No Certificate of Occupancy will be granted on lot #2 until the mitigation area has been constructed and the vegetation established. Final configuration of rain garden and exact borders of the conservation easement shall be determined before building permit is issued.
5. The applicant currently has one driveway cut off of Ellington Road to service the two lots and an easement has been shown for this. Shared driveways are required on collector roads.
6. The site is serviced by public water and septic systems. Heather Oatis with the Health Department has reviewed and approved the septic design for these two new houses
7. This property has land in both South Windsor and Ellington. A notice, as required, was sent to the CRCOG for review which found no apparent conflict with regional plans and policies or the concerns of neighboring towns.
8. If this application is approved, the planning department requests that the zoning data table be corrected to reflect that the RR zone has a frontage requirement of 175 feet, not 172 feet; Lot #3 should not be referenced as a lot, instead labeled a parcel clearly stating "Not a Building Lot" and the easements should be reflected on the plots plans.

Chairman Pacekonis asked Mr. Jamison if the septic system was a dig septic system. Mr. Jamison stated it is a fairly shallow system because of the shallow ground water table. Most of the land in the conservation easement is wetlands. Mr. DeMallie stated each lot has at least one acre of upland. Commissioner Kuehnel and Alternate Commissioner Parrott asked about the required shared driveway for the two lots. Mr. DeMallie explained the shared responsibilities of the shared driveway will be worked out legally. Commissioner Flagg stated he visited the site and asked about driveway materials and drainage regarding the steepness of the site.

Commissioner Flagg made a motion to approve with the following modifications:

1. This approval is for 2 lots, numbered 1-2.
2. Drainage and construction for this subdivision is subject to the approval of the Town Engineer.
3. Water shall be supplied to this subdivision by CT Water.

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4. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission.
5. A street tree waiver in accordance with C.2.C (3) has been granted.
6. A sidewalk waiver in accordance with C.3.C (1) g has been granted.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. All easements for conservation purposes, drainage or utilities, that may be required in connection with the approval of this subdivision, must be submitted on standard Town easement form where appropriate, to this Commission prior to filing the mylars and issuance of building permits. All deeds for open space, public improvements and roadways must be submitted prior to request for Town acceptance; all deeds must be in accordance with the policy for accepting deeds and must be approved by the Engineering Department and Town Attorney.
9. Footing drains are required for each house. Prior to the building of any structure on a lot, a topographic map, drawn to a scale of 1" = 40', shall be submitted for each lot in the subdivision, showing proposed contours, elevations and the location of the footing drains. No building permits will be issued until the proposed contours, floor elevations and location of footing drains have been approved by the Town Engineer.
10. Septic system must be submitted to and approved by the Environmental Health Officer prior to filing of mylars and issuance of building permits.
11. If, for any reason, finished grading and other individual lot site work is not completed, the Town Engineer shall determine the amount of a cash bond to ensure final grading and site work. This cash bond must be submitted prior to issuance of a Certificate of Occupancy.
12. Quantity estimates must be submitted to the Town Engineer (on the enclosed form) for the purpose of determining subdivision bonding. All bonds shall conform to the enclosed bond policy and shall be posted prior to filing the final plans in the Town Clerk's office.

If the developer chooses to submit a Letter of Credit for a one year term, said Letter of Credit must be renewed on a yearly basis until completion of the development. If a new Letter of Credit has not been received within 30 days before the expiration date, the Commission may, at its option, call the Letter it is holding.
13. A drainage assessment fee in the amount of \$100.00 shall be submitted to this Commission.
14. The Town Engineer's review comments dated 1/12/16 must be incorporated into the final plans.
15. No building permits will be issued until all modifications have been complied with, and the final plans have been filed in the Town Clerk's office.
16. Zoning data table be corrected to reflect that the RR zone has a frontage requirement of 175 feet, not 172 feet

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17. Lot #3 should not be referenced as a lot, instead labeled a parcel clearly stating “Not a Building Lot”.

18. All easements should be reflected on the plot plans.

Commissioner Kuehnel seconded the motion

The motion carried and the vote was unanimous.

- 3. Appl. 15-57P, Mannarino Builders, Inc.** – request for a Zone Change of approximately 8.75 acres from Rural Residential to Designed Residence Zone and a General Plan of Development for a 26 unit development to be known as ‘Clark Estates II’, on property located on the easterly side of Clark Street, approx. 480+/- feet north of Burnham Street

Director of Planning Michele Lipe distributed data from South Windsor School Enrollment reports which had been requested at the public hearing regarding the number of school children projected for the development and who currently reside at Clark Estates. The original Clark Estates development of eighteen homes currently has nine school aged children with three homes still to be occupied. Chairman Pacekonis asked about the average number of 2.2 school age children per home in South Windsor. He noted that all the single family homes in the proposed development could add an additional room over garages for three bedroom capacity.

Commissioner Foley stated the Mannarino’s are generally phenomenal builders but the proposed development is not in the same kind of transition zone as for the existing Clark Estates with condos transitioning to single family dwellings on smaller lots. The density of the proposed development is a little overwhelming if you live on Margaret Drive or Rugby Lane.

Chairman Pacekonis described the area with vista of barns and open fields and voiced appreciation for the need for all kinds of housing throughout town. Commissioner LeBlanc noted the size of the homes across Clark Street and asked if there had been any opposition from the neighboring properties. Commissioner Foley indicated he heard no opposition but did not want to set a precedent for smaller lots. He described Clark Estates which acts as a beautiful transition from condos to its housing.

The Chairman then clarified which commissioners could discuss and vote since the public hearing was closed. It was determined that the following six commissioners would be acting: Pacekonis, Foley, Flagg, Bonzani, Kuehnel and Greer.

Chairman Pacekonis voiced concern that if the land was to be developed normally the developer stated they could not afford to do the project. The Chairman expressed concern about the impact of too many clustering smaller compact units and what it takes away from South Windsor and stated he is not in favor of the zone change going forward at this time.

Commissioner Greer stated he drove by Franks Way which appeared less dense but then noticed a house in the backyard of another. On the new proposal there appears to be two houses in back yards of other houses to utilize every square foot of property available making it appear crowded.

Commissioner Kuehnel asked if they have to build as many houses as are proposed. Commissioner Foley noted the infrastructure of a project is where the big dollars are for developers and he understands the economics of the project but the density of this development is a problem.

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Commissioner Flagg visualized one street through the middle of the parcel with houses on either side similar to Margaret Drive which could leave land on either side. Open space shown on the plans was discussed. Chairman Pacekonis stated when the Plan of Conservation and Development was rewritten the entry ways into South Windsor were looked at as a focus. Although not on a major thorough fare, this area is one of our entrances from Manchester which could become "Welcome to Cluster Homes". The development to the north has smaller homes and the one being proposed would have even smaller lots. Director of Planning Lipe stated the density proposed is about 3 units per acre. Under a RR zone lots are typically one acre with 175' of frontage on a public road. The DRZ is a totally different zoning category of cluster housing. Other options for development could be a conventional subdivision or open space subdivision where in an RR zone lots could be a ½ acre with half the land designated as open space.

The Chairman asked if the Commission rejected the application could they do it without prejudice so the applicant could come back. Director Lipe stated to deny without prejudice would mean the Commission was OK with the zoning but would like to see changes which does not appear to be the case for this application. The applicant can come back with any other development application per regulations.

Commissioner Kuehnel made a motion to deny the application.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

Landscaping Bond:

1. Appl. 11-38P, Buckland Commons Landscaping Bond in the amount of \$2,500 to be reduced by \$2,500 to leave a balance of -0-.

Commissioner Kuehnel made a motion to reduce the above mentioned bond. Commissioner Bonzani seconded the motion. The motion carried and the vote was unanimous.

IWA/CC Bond:

1. Appl. 15-20P, Shea Realty E&S Bond in the amount of \$2,000 to be reduced by \$2,000 to leave a balance of -0-.
2. Appl. 11-38P, Buckland Commons Wetlands Mitigation Bond in the amount of \$15,000 to be reduced by \$15,000 to leave a balance of -0-.
3. Appl. 15-03P Regional Distribution Center Stormwater Bond in the amount of \$50,000 to be reduced by \$50,000 to leave a balance of -0-.
4. Appl. 15-03P, Regional Distribution Center Wetland Plantings Bond in the amount of \$25,000 to be reduced by \$15,000 to leave a balance of \$10,000.
5. Appl. 15-03P, Regional Distribution Center E&S Bond in the amount of \$50,000 to be reduced by \$45,000 to leave a balance of \$5,000.
6. Appl. 06-44P, Quality Paving, E&S Bond in the amount of \$3,000 to be reduced by \$3,000 to leave a balance of -0-.
7. Appl. 06-44P, Quality Paving, Wetlands Plantings Bond in the amount of \$2,000 to be reduced by \$2,000 to leave a balance of -0-.

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Commissioner Kuehnel made a motion to reduce the above mentioned bonds. Commissioner Flagg seconded the motion. The motion carried and the vote was unanimous.

MINUTES: 12/8/15 Regular Meeting accepted by consensus.

OLD BUSINESS: *see page 2*

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

Motion to go into Executive Session was made by Commissioner Foley
Seconded by Commissioner Kuehnel
The motion carried and the vote was unanimous.

EXECUTIVE SESSION:

Discussion with the Town Attorney of pending claims and litigation related to: Appl. 14-07, South Windsor Stone and Landscaping Supply Special Exception/Site Plan

Motion to come out of Executive Session was made by Commissioner Kuehnel
Seconded by Commissioner Flagg
The motion carried and the vote was unanimous.

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 9 p.m. was made by Commissioner Kuehnel
Seconded by Commissioner Flagg
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren Zarambo
Recording Secretary