

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-1-

MAY 18, 2021

MEMBERS PRESENT: Frank Bonzani, Stephanie Dexter, Bill Flagg, Kevin Foley, Bart Pacekonis, Steve Wagner

ALTERNATES PRESENT: Michael LeBlanc, Elizabeth McGuire

STAFF PRESENT: Michele Lipe, Director of Planning; Jeff Doolittle, Town Engineer; Scott Roberts and Michael Lehmann, IT Support; Lauren Zarambo, Recording Secretary

Council Liaison Janice Snyder was in attendance

SPECIAL MEETING / Webex Conference ONLINE MEETING

Chairman Pacekonis call the Special Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION / 7:00 PM

Discussion with the Town Attorney related to litigation for **Appl. 19-12P, Educational Playcare, LTD** – request for a Special Exception to Table 4.1.1A and Section 7.4 and Site Plan of Development for a 16,000+/- sf daycare facility, located on property at L028 Ellington Road (to be known as 742 Ellington Road), RC zone

Commissioner Wagner made a motion for Commissioners Bonzani, Dexter, Flagg, Foley, Pacekonis, Wagner, LeBlanc, and McGuire with Town Attorney Kari Olson, Director of Planning Michele Lipe and Town Engineer Jeff Doolittle to go into Executive Session at 7:00 p.m. to discuss pending litigation related to Educational Playcare, LTD.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

Commissioner Wagner made a motion to come out of Executive Session at 7:42 p.m.

Commissioner Dexter seconded the motion

The motion carried and the vote was unanimous.

SPECIAL MEETING / Webex Conference ONLINE MEETING

Chairman Pacekonis continued the Special Meeting at 7:45 p.m.

1. **Appl. 19-12P, Educational Playcare, LTD** – request for a Special Exception to Table 4.1.1A and Section 7.4 and Site Plan of Development for a 16,000+/- sf daycare facility, located on property at L028 Ellington Road (to be known as 742 Ellington Road), RC zone

Chairman Pacekonis stated there has been a court order related to this decision and turned to Commissioner Bonzani for input.

Commissioner Bonzani stated the applicant's appeal was sustained by Superior Court Docket # LNDCV-19-6112145-S on February 19, 2021 as to all issues except special event parking. The appeal has been remanded to the Planning and Zoning Commission to approve the application with conditions, including but not limited to, "Right turn only" sign and "do not block the driveway" sign. Staff have reviewed the plans which have incorporated the recommended and standard approval conditions for a special exception permit. Although we as a Commission denied this application and many of us do not agree with the court's decision to sustain the

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-2-

MAY 18, 2021

appeal, we nonetheless are bound by the court's decision and order that the application be approved with conditions.

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

1. This approval is for a daycare facility with maximum of 270 children. Hours of operation are Monday – Friday 7 am- 6 pm with no weekend hours.
2. Prior to commencement of any site work, a meeting must be held with Town Staff.
3. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
4. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$20,000 to ensure proper placement and maintenance of erosion and sediment controls, \$20,000 for installation of stormwater system, and \$10,000 to establishment of wetland, wildlife and erosion control plantings within the and basin and slopes. These bonds are required to be posted prior the filing of mylars.
5. A landscape bond in the amount of \$10,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
6. All bonds must be in one of the forms described in the enclosed Bond Policy.
7. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
8. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
9. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
10. No building permits will be issued until the State Traffic Commission certificate has been issued (per CGS §14-311).
11. The building street number must be included on the final plan.
12. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
13. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
14. Engineering comments dated 3/6/2019 must be incorporated into the final plans.
15. Dumpster pick up shall occur during working the facilities working hours.
16. Site lighting levels shall be reduced to 30% during off hours and put on motion sensors.
17. Nineteen (19) parking spaces in the front of the site must be signed as “drop off” spaces.
18. Exiting from the site shall be restricted to “Right Turn Only” and posted as such. The site drive shall be configured to direct exiting vehicles to the right. If changes made to the signal by Department of Transportation improve the queuing situation, the applicant could request the Town to reconsider this restriction.
19. A sign shall be posted that states, “Do Not Block the Driveway”.
20. The State consider requiring a sidewalk along the Ellington Road frontage to the Pleasant Valley Road intersection.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-3-

MAY 18, 2021

The license agreement for off-site parking for special events must remain in force in order for special events to occur. The applicant should discourage anyone from crossing Ellington Road by foot to access these events. The applicant has assured the Commission that participants will be shuttled as indicated in Section 4 USE of PREMISES, Subsection E.

21. Consistent with the Town policy for special events, the applicant shall contact the Police Department a week in advance of any special events to assess the need for traffic control.

Attorney Olson added the plans have been amended consistent with the conditions and comments of the engineer and requested that plans are referred to by their amendment date. Director Lipe concurred and stated the amendment date will be referenced in the approval letter.

Chairman Pacekonis appointed Alternate Commissioner LeBlanc to be seated for Commissioner Greer.

Commissioner Wagner seconded the motion.

Chairman Pacekonis called upon the applicant and their legal counsel to confirm that they are in agreement with this motion, or if they have any questions or concerns.

Attorney David Sherwood stated we (the applicant) understand the additional conditions of approval and have no questions or concerns with respect to the conditions.

Chairman Pacekonis asked for any additional comments from commissioners.

Commissioner Bonzani stated the court has ordered the Planning & Zoning Commission to approve this application but in good conscience as an elected member of the Planning & Zoning Commission he always looks at what is best for the public and safety is 100% most important. Commissioner Bonzani stated he cannot approve something that is a real safety concern, and noted the judge reviewed the paperwork at his desk and determined it had to be approved. The Commissioner stated, for due diligence, this is a real safety issue coming around the bend (on Ellington Road) when a driver has less than three seconds to decide whether to pull out of that driveway, and for the record, cannot approve something that he does not feel is right.

Chairman Pacekonis agreed the safety issues that the Commission believes are present are serious issues. The Commission may not have reviewed the application as well as it should have in terms of documenting all of the concerns of the Commission with authoritative support to back up these concerns. The Chairman noted the line of sight with the speeds that might be prevalent due to the correction of the signalization of the intersection; the dangerous curve; and the possible getting of answers from the applicant rather than denying the application, are subjects the Commission should have addressed better. Chairman Pacekonis stated he will support the motion of approval because of the court order but it does not mean that he does not think safety is a bigger issue than has been agreed to by the judge.

Vice Chairman Foley agreed with Commissioner Bonzani but does not want the decision to go back to the court for approval without the approval conditions that have been put in place. If the Commission has to vote in favor because a judge made a decision based on review of paperwork rather than visiting the site, this is a shame for the safety of the public. The Vice Chairman stated he will vote to approve in protest, because if there is any blood shed it is not on the Planning & Zoning Commission. If there are any injuries at this site, this belongs to the judge and applicant, Educational Playcare.

Commissioner LeBlanc agreed with Vice Chairman Foley and Commissioner Bonzani's comments as a long time resident of town who traveled the road frequently in the 1980's, stating when the town was less

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-4-

MAY 18, 2021

populated this area of Ellington Road was a difficult place to pull on to. The traffic studies submitted for the application do not take into account when something happens on I-84 and it is closed to one lane, cars use Route 30 as an alternate route and it can become a traffic nightmare. Commissioner LeBlanc stated he will vote yes in protest, but does not agree with the judge's decision. This is not the best use for the property for a daycare and the safety hazards therein.

Roll Call Vote taken. Motion passed 6 to 1 with Commissioners Flagg, Foley (voting in protest), LeBlanc (voting in protest), Dexter, Wagner and Pacekonis (voting in protest) voting Yes; and Commissioner Bonzani voting No.

OTHER BUSINESS:

Chairman Pacekonis invited Recording Secretary Lauren Zarambo onto the screen to recognize and celebrate her retirement and express the Commission's appreciation for almost a decade of service to the Town and Planning & Zoning Commission. Town Council Liaison Janice Snyder then read a proclamation from Mayor Paterna on behalf of the Town Council recognizing Lauren's service to the Town.

ADJOURNMENT:

Motion to adjourn the Special Meeting at 8:15 p.m. was made by Commissioner Flagg;
Seconded by Commissioner Dexter.
The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo,
Recording Secretary