

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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FEBRUARY 14, 2023

MEMBERS PRESENT: Robert Vetere, Stephanie Dexter, Stephen Wagner, Bart Pacekonis, Alan Cavagnaro

ALTERNATES PRESENT: Paul Bernstein, Atif Quraishi, Carolyn Carey

STAFF PRESENT: Michele Lipe, Director of Planning; Michael Lehmann, IT Support; Caitlin O'Neil, Recording Secretary

PLEDGE OF ALLEGIANCE

Secretary Wagner read the legal notice into the record.

Chairman Pacekonis sat Alternate Commissioner Bernstein for Commissioner Foley and Alternate Commissioner Carey for Commissioner LeBlanc.

CALL TO ORDER

PUBLIC HEARING/7:00 PM:

1. **PZC Sponsored Text Amendment-** Remove Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing; modifications to multiple section of the regulations affecting single family housing; addition of Section 2.24 Inclusionary Zoning requirements for percentages of affordable units payment in single family and multi-family zones; and add affordability requirements and modifications to multiple section of the regulations related to multi-family developments.

Chairman Pacekonis reviewed the PowerPoint presentation that highlighted the changes made to the Regulations (Exhibit A). Chairman Pacekonis reviewed the current housing moratorium that was put in place a year ago and the reasoning why this put in place. Chairman Pacekonis reviewed the two residential subcommittees that were established and met over the past year - one subcommittee was dedicated to the subdivision regulations and the other was dedicated to multifamily portion of the zoning regulations. Both subcommittees had a large focus on affordable housing and updated standards to sidewalks, roadways and lighting requirements. The Subdivision Subcommittee evaluated developments such as open space cluster design and size of lots requirements and better quality and more appealing open space within subdivisions.

The next slide reviewed the table of the regulation changes suggested by the subdivision subcommittee for both the Zoning Regulations and the Subdivision Regulations. Changes that were recommended focused on modifying lot depth in the A 20 zone, front yard setbacks and screening of interior lots from nearby homes and lots. Chairman Pacekonis reiterated that many of the changes made were suggestions heard by the Commission and the public over the past few years. They focused on improving the creation of subdivisions in South Windsor.

Chairman Pacekonis reviewed the table of changes made by the Multifamily Subcommittee. He explained that this subcommittee focused on reviewing existing multifamily types, current minimum lot requirements and other bulk requirements. The subcommittee also had a large focus on adding Inclusionary Zoning and utilized the Affordable Housing Plan that was approved last year. Chairman Pacekonis added that they are recommending to opt out of Public Act 21-29, which would lower the requirements for parking in developments. South Windsor is not a transit community, therefore, they do not want to lower the parking requirement at this time. Chairman Pacekonis reviewed the large incorporation of affordable housing in the regulations. All multifamily zones in South Windsor will now have an added minimum requirement of affordable housing in each zone. Additionally, they are recommending the reintroduction of the Senior

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Residence Development (SRD) zone. With the proposed changes, the Multifamily Assisted Housing zone would now be allowed in Commercial zones in addition to residential zones.

Chairman Pacekonis reviewed the formula for the fee in lieu of affordable housing units, the formula was dependent on what zone a development would be proposed in. Chairman Pacekonis explained that Director of Planning, Michele Lipe, had performed extensive research to see what other towns had done to create a fee in lieu of and tried to create a formula that was clear and relatively easy to understand. Chairman Pacekonis reviewed sample formulas.

Chairman Pacekonis asked for comments from town staff.

Director of Planning Michele Lipe commented that the Town Attorney, Richard Carella, did have comments and reviewed his email (Exhibit B). Ms. Lipe also presented some additional staff comments and read them into the record (Exhibit C). Ms. Lipe clarified the formula for the fee in lieu of affordable units and reviewed comments from CRCOG, Capital Region Council of Governments. CRCOG found no apparent conflict with the proposed amendments and commended the town for expanding affordable housing and housing choices. CRCOG did question the minimum lot size requirement for duplex dwellings.

Chairman Pacekonis asked for public comment.

Roy Normen of 158 Homestead Drive spoke about the challenges of creating affordable housing units.

Rob Mannarino of 585 Clark Street and also President of Mannarino Builders commended the work of the Subcommittees for updating the Zoning and Subdivision Regulations. Mr. Mannarino commented that he has helped develop and build many housing projects in South Windsor and had recently built an affordable single-family development, Clark Estates. Mr. Mannarino commented on the costs of affordable single-family units. Mr. Mannarino discussed the return of the SRD zone and questioned the need for the maximum unit size. He explained that from his experience the most attractive size for market units is somewhere between 2,000 and 2,400 square feet. The 1,400 square foot unit is challenging to build in terms of cost to build. His recommendation would be to increase the 1,400 square foot unit to at least 1,650 square feet.

Joe Kennedy of 81 Alison spoke in favor of ending the moratorium and increasing the economic activity in South Windsor to help stabilize the tax base. Mr. Kennedy spoke in favor of adding more affordable housing and the updates made to increase more open space in subdivisions.

Ben Tripp of Metro Realty commented that he emailed recommendations for the regulations. Michele Lipe distributed this email (Exhibit D). Mr. Tripp reviewed his recommendations and his reasoning for some of the changes.

Peter DeMallie of 35 Peterson Way and President of Design Professionals made comments on the proposed regulations. Mr. DeMallie commented that he appreciated the comprehensive review of the regulations. He spoke in support of increase of affordable units from 10% to 15%, feels that South Windsor is in need of more affordable units. Additionally, more multifamily housing and high-density developments would help increase the tax base. Mr. DeMallie commented on reintroducing the Senior Residence Development back in the regulations.

Mr. DeMallie spoke in favor of the changes made to Section 2.5, allowing non-conforming lots to be combined. Michele Lipe explained that this was language that was included in the Regulations many years ago that the Commission is reinstating. Mr. DeMallie commented on the addition of inclusionary zoning, specifically Section 2.24.4.A Affordable Requirements in Subdivisions. He suggested the fee in lieu of affordable units be paid the way the fee in lieu of open space is paid; a check should be given once the unit is sold or bought. Mr. DeMallie commented on the 15% affordable unit requirement for multifamily units and

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recommended adding an incentive for these affordable units or even a sliding scale. Spoke in favor of the decrease in minimum lot acreage required in multifamily zone on Table 3.1.2A. Mr. DeMallie commented on both Section 3.1.2.B and Section 3.2.2 Interior Lots. Mr. DeMallie commented on Section 3.4.3 Multifamily Residential Zone and the Density Requirement, he suggested looking into increasing the density for these developments and perhaps allowing buildings higher than two-stories. Mr. DeMallie reviewed Table 3.4.6 Unit Mix, suggested updating the unit mix to accommodate more 3-bedroom units. Mr. DeMallie spoke in favor of changes made to Section 5.7.11.D Multifamily Limitation. Mr. DeMallie also spoke in favor of the return of the Senior Residence Development.

Marek Kozikowski of 861 Clark Street commented as both a Town Council member and a resident of South Windsor. Mr. Kozikowski generally spoke in favor of the changes made to the Zoning Regulations. Mr. Kozikowski commented that he wanted to make some general comments. He commented in support of the addition of inclusionary zoning, it's important for South Windsor residences to live in town throughout all stages of life. Mr. Kozikowski commented that he had hoped to see more incentive to create smaller multifamily developments, for example, 3 to 6-unit developments. Mr. Kozikowski commented that there are properties that would benefit from small scale redevelopment. Additionally, while he does not agree with mandating affordable units in these types of developments, he felt that these types of developments would still offer an affordable type of housing since they will be smaller in size. Mr. Kozikowski reviewed the definition of abutting.

Secretary Wagner read letter into the record from Attorney Chris Smith (Exhibit E) recommending that the approval requirement in Assisted Living/Independent Living facilities be reduced from 15% to 10%.

Chairman Pacekonis asked for Commissioner comments. Chairman Pacekonis commented that this public hearing would be held open.

Commissioner Bernstein commented that he would also like to see smaller developments as suggested by Marek Kozikowski and questioned if he had any suggestion on how to achieve this. Marek Kozikowski suggested that they change the affordable unit requirement from any development with 4 or more units to any development with 7 or more units. Michele Lipe commented that they would have to look at this further. She added that ultimately the concern for the Planning and Zoning Commission is every time 10 units gets created without an affordable unit South Windsor falls behind with affordable housing

Mr. Kozikowski discussed affordable housing further and the dilemma faced with communities across Connecticut. He commented that he understood with the requirements and restraints with 8-30g, however, he wants to also consider affordable housing that may not technically fall under the umbrella of this State statute.

Commissioner Vetere commented on Peter DeMallie's suggestion of increasing the maximum units allowed in a SRD development. Commissioner Vetere questioned what would be a better number to consider. Mr. DeMallie commented that he would prefer to see 50 or 60 units. He added that he thinks increasing the units allowed would also help increase the number of affordable units and better balance the cost burden for these affordable units for a developer. Commissioner Vetere and Mr. DeMallie discussed a sliding scale for affordable units.

Commissioner Cavagnaro commented on Table 3.1.2.A and the lot area requirements for the multifamily zoning. Commissioner Cavagnaro commented that he would not be opposed to further decreasing the minimum acres required. Commissioner Cavagnaro commented on Table 3.4.5.A Unit Mix and agreed with Peter DeMallie's comments, he also thinks they should consider reducing 1-bedroom units and perhaps increasing 3-bedroom units. Commissioner Cavagnaro also spoke in favor of increasing the unit cap in

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Section 7.17.5. Commissioner Cavagnaro commented on Public Act 21-29 and spoke against opting out. Commissioner Cavagnaro commented that he would discuss this item further later in the meeting.

Commissioner Wagner questioned some of the specific changes Rob Mannarino was suggesting. Mr. Mannarino commented that in the SRD zone he would prefer to see revisions for a restriction in size. For example, a maximum size of 1,400 square feet is not cost effective, therefore, a maximum size of at least 1,600 square feet would be a better change. Additionally, he would like to see the option for 2,200 square feet units. Mr. Mannarino commented on his most recently built DRZ development and the constraints with building a 2-bedroom affordable units per CRCOG's formula. With that said, it actually ends up being easier to build affordable units that are 3 or 4 bedrooms. Mr. Mannarino commented that the suggestion of 2-bedroom affordable units in the SRD will be difficult for developers. Commissioner Wagner discussed the ongoing concern of affordable housing in South Windsor and trying to include all types of affordable units for a variety of people.

Commissioner Wagner commented that he also appreciated Mr. Kozikowski's comments on smaller developments. He questioned Mr. Kozikowski on the fee in lieu of affordable unit, would this fee help encourage the development of smaller multifamily projects instead of mandating a certain number of affordable units. Marek Kozikowski commented that it could, however, it would depend on what the amount would be for the fee in lieu of. It could work as long as fee is scaled appropriately.

Commissioner Dexter questioned if the two residential subcommittees would be meeting again given some of the proposed changes. Michele Lipe commented that the next step would be to close public hearing and work on changes. At this point it would not be appropriate to have any additional subcommittee meetings since they are in the middle of public hearings. Ms. Lipe commented that she may be able to draft some language based on the comments received tonight that the Commission could review.

Commissioner Carey commented on Section 7.17.5 and agreed that the increase in maximum unit caps should be explored. Additionally, Commissioner Carey commented that she would also like to explore the square footage requirements in the SRD zone.

Commissioner Quraishi commented that he would also like to review Section 7.17.7.D and unit square footage size.

Chairman Pacekonis commented that the change and update of the regulations has been a large undertaking. He commented that he felt the language that had been created and updated is a good starting place for updating the Zoning and Subdivision Regulations. With that said, additional changes and recommendations can be created in the future if they find there is need for additional improvement. Chairman Pacekonis commented that the Commission is under a time constraint to make decisions due to the moratorium ending. The Commission can move forward and adopt some regulations and then make other changes in the future, however, he feels they need to make some concrete decisions sooner than later.

Chairman Pacekonis commented that he had mixed feelings on some of the suggestions that were discussed. He commented that increasing the square footage or bedrooms in any unit will drive up the cost of the housing unit. Chairman Pacekonis commented on changing the unit count and reducing the number of 1-bedroom units required in a development and he spoke of his concerns on reducing 1-bedroom units. Chairman Pacekonis cautioned the Commission on making too many changes and extending the moratorium for a longer period of time. Chairman Pacekonis reviewed Marek Kozikowski's suggestion on smaller developments, the Subcommittees did consider this and tried to find a way to better incorporate these into the Regulations. Chairman Pacekonis commented that they felt they should look further into smaller

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developments in the future and focus on what they have in front of them currently. He added that he did appreciate the public feedback and input.

Chairman Pacekonis commented that he would like to extend this public hearing to February 28th.

Commissioner Carey motioned to continue public hearing.

Commissioner Bernstein seconded the motion. The motion was called and passed unanimously.

2. **PZC proposal** to opt out of provisions of Public Act 21-29 (subdivision (9), subsection (d) of Section 8-2) regarding limitation on the number of parking spaces for dwelling units.

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe reviewed Public Act 21-29, which would limit parking to one space per unit. Ms. Lipe explained that she would suggest opting out of this provision since South Windsor is not considered a transit community and most developments need more than one parking space per bedroom unit.

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Wagner questioned if this required Town Council approval as well. Michele Lipe responded that Town Council would also need to agree to opting out as well.

Chairman Pacekonis commented that he supported the Director of Planning's suggestion of opting out.

Chairman Pacekonis commented that he would close the public hearing and this item would be on for decision at the February 28 meeting. The public hearing for this item was closed at 9:16pm.

3. **PZC Sponsored Subdivision Text Amendment-** Add to Definitions; Chapter 3, Sections H. Inclusionary Zoning requirements, I. Agricultural Division, J. First Cut, K Lot line Revisions; Chapter 4, Modify Section B and C with minor changes related to landscaping and sidewalk requirements; Add Appendix B regarding street trees.

Director of Planning Michele Lipe commented that Power Point presentation covered both the changes for the Subdivision and Zoning Regulations. She added that the comments that were discussed in the previous public hearing seemed to be more focused on changes or updates to the Zoning Regulations.

Chairman Pacekonis asked for public comment.

Marek Kozikowski of 861 Clark Street commented as a resident but also with his experience as a Town Planner for the Town of Middletown. Mr. Kozikowski made comments on the affordable housing requirement or the fee in lieu of option. In his opinion and his experience, he suggested that the Commission just have a fee in lieu of affordable units for single family homes. He explained that he has seen developments created and often times developers cut corners on the affordable units. Additionally, when these units would go on for sale it would often be difficult for someone to confirm and review the financials for the affordable unit to make sure the next was an appropriate and qualified buyer for an affordable unit. Lastly, often these affordable units do not always get long term updates needed by homeowners since their resale amount can only be so much, many homeowners will opt of updating a kitchen or a bathroom since they not be seeing a return on the investment. It would be easier to have a fee in lieu of affordable unit and use these funds for affordable units or developments down the line. Mr. Kozikowski also commented on the funds that would be created by this fee in lieu of and questioned who would oversee these funds and how

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they are used. From his understanding, there may be an Affordable Housing Advisory Committee created in town. Michele Lipe commented that she was approached by the Town Manager about combining an Affordable Housing Committee with a Fair Rent Commission, she explained that this type of Committee may be created and reviewed by the Town Council.

No additional public comment.

Chairman Pacekonis asked for Commission comments.

Commissioner Bernstein commented that he appreciated Mr. Kozikowski's input.

Commissioner Vetere also thanked Mr. Kozikowski.

Commissioner Cavagnaro commented on Chapter 4 B.4 Residential Development Design and questioned if they should have a requirement for planting trees and other screening for homes facing collector streets as he thought this may cause increase the prices for these specific homes or lots.

Commissioner Wagner thanked Mr. Kozikowski for his comments and questioned if he had noticed a similar problem for condos or apartments that had affordable units within them. Marek Kozikowski commented that from his experience there have been fewer problems for multifamily rental developments like condos and apartments. Mr. Kozikowski commented that he assumed there are fewer problems with these developments because the units need to stay competitive with the rental market. Commissioner Wagner questioned how the affordable units change ownership. Michele Lipe explained that she has worked with Human Services to review resale formula, however, they are considering a third-party reviewer for this. Ms. Lipe commented that in terms of Mr. Kozikowski's experience with affordable housing units and the lack of updates, they have not experienced this in South Windsor, however, many of these units have been recently built. Ms. Lipe commented that a goal she would like to see with some kind of Affordable Housing Committee is a group tracking the affordable units in South Windsor, especially, the deed-restricted units that carry a time frame of 30 or 40 years. Ms. Lipe reviewed some ways to track these affordable units, such as sending annual letters to the homeowners.

Commissioner Wagner questioned how CO were issued for homes if they were not entirely complete. Michele Lipe and Marek Kozikowski reviewed requirements for a CO for a home, for example, you do not need carpet installed to receive a CO. Commissioner Wagner questioned if there is something that they should be requiring on the Commission's end or within the regulations. Ms. Lipe commented that approval conditions could be added at the time of an application. She explained that the Building Inspector has certain Building Code requirements that they are looking for when they are inspecting a property for CO approval.

Chairman Pacekonis commented the subcommittee that met over these regulations struggled a bit with the fee in lieu of formula. Chairman Pacekonis commented that he thinks this fee formula should be revisited and perhaps increased a bit.

Commissioner Bernstein asked for clarification for the fee in lieu of affordable units. Chairman Pacekonis reviewed the formula and incentives that can be created with these funds. Michele Lipe commented other communities have used these types of funds to help create additional affordable housing developments in the community. Ms. Lipe commented that as mentioned by previous speakers, there is not a large amount of land left in South Windsor to subdivide, therefore, they do not anticipate receiving a large amount of money for affordable housing from subdivisions.

Chairman Pacekonis questioned if they should continue this public hearing. Michele Lipe commented that she would recommend keeping the public hearing open for this item.

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Commissioner Vetere motioned to continue the public hearing to February 28th meeting.

Cavagnaro seconded. The motion was called and the motion passed unanimously.

REGULAR MEETING

CALL TO ORDER

PUBLIC PARTICIPATION:

MINUTES: 1/24/23 & 1/31/23- Chairman Pacekonis requested a minor change to the 1/31/23 minutes and the minutes were accepted by consensus.

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

1. **Appl. 22-41P Telecommunications Facilities Zone Text Amendment**- request by the Town of South Windsor to modify Section 7.18.4 General requirements, subsection d and j to allow for commercial wireless towers owned by the Town to be of a lattice design, limited in size.

Director of Planning Michele commented on the changes in text that were made from comments at the last public hearing. Ms. Lipe added that she distributed approval conditions should the Commission chose to act on this item.

Commissioner Cavagnaro requested a comma be added in Section 7.18.4 item D after the word playground.

Commissioner Wagner commented on removing the wording Town owned in Section 7.18.4 item J. He explained that private owned communication towers should have the same design opportunity as Town owner towers. Chairman Pacekonis commented that his understanding of why that wording exist is because other communication towers that exist in South Windsor are already monopole design towers. Michele Lipe reviewed that when these regulations were initially adopted it was the opinion of the Commission to have only monopole towers in town since lattice towers typically are not as clean looking. This text amendment would only allow Town owned towers to be of lattice design.

Commissioner Carey commented that she did not agree with Commissioner Wagner's recommendation for item J. She commented that typically commercial towers carry larger equipment and are designed to collapse upon themselves, which is why monopole towers make more sense. She commented that she felt it was best to keep the wording in this section as it currently reads.

Commissioner Dexter agreed with Commissioner Carey.

Chairman Pacekonis questioned heights of other commercial towers in South Windsor. Michele Lipe commented that to her knowledge all commercial towers in town are monopole and above 150 feet. Chairman Pacekonis commented that he also agreed with Commissioner Carey and felt item J should remain the same.

Commissioner Wagner motioned to approve the text amendment as revised, stating:

1. The Planning and Zoning Commission finds that the zone text amendment in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone text change is 3-2-23.

Commissioner Dexter seconded the motion. Commissioner Cavagnaro questioned if the addition of the comma was incorporated. Both Commissioner Wagner and Commissioner Dexter agreed to adding the comma to 7.18.4 item D.

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The motion was called and the motion passed unanimously.

BONDS: Callings/Reductions/Settings

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 23-01P- Miller Heights Subdivision (Resubmission)** - request for a Minor Subdivision for one interior lot, on property located at 73 Miller Road, AA-30 zone
2. **Appl. 23-02P Villa of Lebanon Temporary Trailer Parking T&C-** request for a 2 year temporary and conditional permit for storage of 8 food truck trailers, on property located at 797 John Fitch Boulevard with access from Mascolo Road through property at 787 John Fitch Boulevard, GC zone
3. **Appl. 23-05P TOSW Recreation Department-** request for a site plan approval for a “Splash Pad” to be located in front of the Community Center at 150 Nevers Road, RR zone.
4. **Appl. 23-07P Poulin Interior Lot Special Exception and Site Plan Modification-** request a modification to the approved interior lot to reduce the size of the lot and change location of the house, for property known at 586 Strong Road, RR zone.

CORRESPONDENCE/REPORTS:

Chairman Pacekonis commented that there is a Connecticut Federation of Planning and Zoning Agencies Conference on March 23rd and those interested in attending should notify town staff as soon as possible.

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourn.

Commissioner Vetere seconded the motion.

Meeting adjourned at 9:51 pm.

Respectfully Submitted,

Caitlin O’Neil, Recording Secretary