

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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MARCH 14, 2023

MEMBERS PRESENT: Michael LeBlanc, Stephanie Dexter, Stephen Wagner, Bart Pacekonis,

ALTERNATES PRESENT: Atif Quraishi, Paul Bernstein and Carolyn Carey (7:10pm)

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 Quraishi for Commissioner Foley and Alternate Commissioner Bernstein for Commissioner Vetere.

CALL TO ORDER

PUBLIC HEARING/7:00 PM:

1. **PZC Sponsored Text Amendment** Remove Section 1.5 Moratorium on New Truck and Freight Terminals and Warehouses and Distribution Centers ; Modify Sec 2.11.A, C and C storage requirements; Modify Sec. 2.16 Ancillary Structure Screening requirements; Modify Table 4.1.1.A to add specific requirements for certain uses, change for permitted to special exception; and minor use corrections; Modify 4.15 Traffic Requirements; Modify Sec 4.4.6.C Parking requirements; modify Sec. 4.5.1 Industrial zone Purpose and Intent; Modify Sec. 4.5.4 Outdoor storage of Material; Add Sec. 4.5.7 Pedestrian and Bicycle Requirements; Add Sec 4.5.8 Performance Standards; modify Sec 6.2 Landscaping and Buffers Sec 6.2.1.B,D,G and H; modify 6.2.2 Maintenance of Landscaping and bond requirements; modify Sec. 6.2.4 A-E to change landscaping standards, buffer sizes, buffer descriptions and include Sec F Berms; add Section 6.2.5 Screening requirements – establish standards and criteria for types of screening; modify Sec. 6 Off-Street Parking requirements for various uses; modify Sec. 6.4.4 A, and J Off Street Parking – General Provisions; modify Sec 6.4.5 Design of Parking Areas A and C and add Sec. 6.4.5. K, L M and N; modify Sec 6.4.8.1 A and B Off-Street Loading General Provisions; add Sec 6.4.8.1 Sec C and D; modify Sec 6.4.9. Modification of Minimum Parking; modify Sec. 6.7.2.A Pedestrians Design Standards Sec 6 and 7; Add Sec 6.7.4 Mass Transit Provisions; Add Sec 7.24. Freight, Truck, Bus Terminal and Warehouse Distribution Centers – including definitions and design criteria and application requirements; add to Definitions access Drive; add to Definitions – Screening; add Sec 11.9 Appendix I Buffer and Landscape Designs which includes standards for buffers and sample cross-sections.

Chairman Pacekonis and Director of Planning Michele Lipe reviewed the Power Point presentation regarding the changes in the text amendment (Exhibit A). Chairman Pacekonis reviewed the one-year moratorium that was approved on April 5, 2022 and the reasoning for this moratorium. The moratorium allowed time for the Commission to review the current regulations regarding warehouses and distribution center type of facilities. Chairman Pacekonis commented that a Warehouse Subcommittee was created to review the warehouse portion of the regulations. Chairman Pacekonis reviewed some of the consideration for the Subcommittee, these included zoning classifications, level of intensity, size of building, number of dock doors, level of noise, impact on traffic and hours of operation among other items. Chairman Pacekonis reviewed the members of the Subcommittee, Commissioners Bernstein, Pacekonis and LeBlanc. He also thanked Director of Planning Michele Lipe for her hard work and large amount of research.

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Chairman Pacekonis commented on the changes being proposed, which includes formal definitions of different types of uses, setback requirement, screening and buffer requirements, increased size in buffer plantings, and updated size design criteria among other items. Chairman Pacekonis then reviewed the intensity ranking that would be used when considering an application. This ranking would be on a scale of 1 to 5 scale, with 1 being considered the lowest intensity. Developments with an intensity levels of 1 and 2 would only require a site plan approval while projects with a higher intensity level would require a special exception. Chairman Pacekonis explained that the Commission will assume the highest level of intensity if an applicant does not have a designated type or use for a facility.

Chairman Pacekonis reviewed the newly created definitions for the different types of warehouse facilities such as a distribution centers, freight terminals, and storage facilities. Chairman Pacekonis then reviewed distance requirements for some of these types of uses and facilities. He then commented on some of the excerpts of language changes being proposed. Chairman Pacekonis commented that the Subcommittee had a large discussion on buffer changes and updates. They are ultimately suggesting a buffer increase from 50 feet to 75 feet. Chairman Pacekonis commented that they did hire a Landscape Architect to help review and discuss the number of plantings that should be required for buffer plantings and highlighted some examples created by the Landscape Architect. Additionally, the Subcommittee reviewed and updated the types of trees that should be used when creating buffer. He commented that ultimately, they are trying to help create a thicker buffer for these types of developments. Chairman Pacekonis reviewed an example of a drawing of a 75-foot buffer at initial planting and at the 5-year mark. Chairman Pacekonis commented that a 75-foot buffer would substantially help alter the view of a nearby 40-foot-high building. Chairman Pacekonis discussed the purpose of a buffer, such helps with noise control, visual screening and creation of crop pollinator habitats. Chairman Pacekonis reviewed proposed standards for screening and the types of adequate screening such as fences and/or walls and types of required materials to be used.

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe read report received from Capital Region Council of Government, CRCOG, regarding the proposed text amendments.

Chairman Pacekonis asked for public comment.

Richard Delhaie of 95 Cody Circle spoke in favor of the text amendment changes but commented on some potential additional language. Mr. Delhaie commented that standard warehouses did not have a distance requirement and felt this should be changed to 500 feet. Mr. Delhaie submitted his letter for the record (Exhibit B).

Tim Wentzell of 630 Governors Highway commented in favor, especially the highest intensity use scale. He commented that he felt truck terminals and distribution facilities are similar and therefore should be considered the same type of use.

Peter DeMallie, President of Design Professional with offices at 21 Jeffrey Drive, commented on the changes proposed. He commented that he felt that there were many positive changes, however, he spoke on some items that he felt should be considered for improvements. Mr. DeMallie commented on the screening of solar panels discussed in Section 2.16. Mr. DeMallie questioned distance requirements for facilities and if this should be applied to the property line or from where the activity takes place on the site. His opinion was to consider the distance requirement from the activity occurring on the site. Mr. DeMallie discussed Section 4.5 Industrial Zone Purpose and Intent questioned the wording of small-scale warehousing and low-scale industrial facilities. Mr. DeMallie commented on Section 6.2.1.D Landscape Standards, he felt that ponds

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should not require fencing. Michele Lipe clarified that this would not always be required, it would only be considered necessary for safety reasons. Peter DeMallie discussed the proposed 75-foot buffer and felt that this should be reconsidered, particularly on existing lots. Mr. DeMallie then reviewed the berms discussed in Section 6.2.4.F and suggested a slightly higher slope ratio. Mr. DeMallie also commented that some of the definitions regarding warehouses and distribution centers appeared to be slightly confusing.

Wayne Brotha of 720 Governors Highway commented in favor of the changes and updates made the regulations. Mr. Brotha spoke in favor of the larger plantings and also questioned how noise issues could be enforced.

Peter Andrews of 80 Cody Circle spoke in favor of the regulations and commented that the initial moratorium was to help protect residents. He commented that the Commission should continue to focus on protecting its residents.

John Holowczak of 39 Cody Circle commented on changes Section 4.5.1 and the idea of a compatibility use for sites next to one another. Mr. Holowczak commented on definitions used by the ITE for different types of warehouses and distributed articles that reviewed these various definitions (Exhibit C). He also commented on buffers and the importance of these next to residential areas.

Mark Duclos owner of Sentry Commercial, an industrial real estate agency, offered a perspective from different businesses that consider developing in the South Windsor community or other surrounding towns. Mr. Duclos commented on how regulations affect companies selecting areas to build or maintain businesses. He commented that he has heard from various businesses that have chosen to look at other town's for development, citing that they felt South Windsor had created some difficulties for developers. He added that while warehousing has been a business that has grown recently the town should also consider the effects of the regulations for manufacturing type of business. Mr. Duclos spoke about the tax base for South Windsor and the role distribution centers, warehouses and manufacturing businesses play. He commented that foot area ratio is also how land is valued.

Jim Aldrich of Aldrich Construction, a General Contracting and Engineering firm in Manchester, commented on the regulations as a contractor that has helped build and renovate many buildings in South Windsor. His typical customers would fall on lower end of the intensity scale discussed earlier. Mr. Aldrich commented that he felt the process to approved projects has become increasingly difficult and has created additional complexities for projects. Mr. Aldrich commented that he felt these potential complexities causes him concerns with small and family owned businesses in South Windsor. Mr. Aldrich commented that the proposed 75-foot buffer being required for abutting residential properties would be difficult to accommodate and added that he felt a 50-foot buffer was large enough. Mr. Aldrich then discussed landscaping requirements. Lastly, he commented that small scale storage is something that should be considered.

Chairman Pacekonis sat Commissioner Carey for Commissioner Cavagnaro.

Chairman Pacekonis commented that they had a letter submitted by Trio Investment Properties (Exhibit D). Daniel Rosow, owner of Trio Investment Properties and resident of South Windsor, spoke on behalf of letter and reviewed the request in the correspondence.

Don Cusson owner of Cusson Auto on Mascolo Road submitted a letter for the record and reviewed his concerns about some of the potential changes (Exhibit E). Mr. Cusson commented on potential obstacles to complete his project, which would expand his family owned business in town.

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John Holowczak questioned if the 40,000 square foot requirement for a special exception could be extended to other uses.

Mark Duclos commented that Special Exception requirements pushes clients away as they prefer to work with towns where their use is approved by Site Plan.

Chairman Pacekonis turned to Commissioner for comments.

Commissioner Bernstein commented that he served on the Subcommittee and thanked Michele Lipe for her efforts on the Regulations. Commissioner Bernstein commented that they used and reviewed a large amount of different sources and materials. Commissioner Bernstein commented that the paperwork given by resident John Holowczak was previously submitted and was considered during the Subcommittee meetings. Commissioner Bernstein commented on the definitions created for various types of warehouses and how they made a conscious effort to define each type as best as possible. He thanked the public for their comments.

Commissioner LeBlanc commented that he also sat on the Subcommittee and they tried to keep everyone in mind when writing these Regulations and credited the Director of Planning for the large amount of research that was done during this moratorium. Commissioner LeBlanc commented that they took a hard look at surrounding towns and impacts of these types of facilities. Commissioner LeBlanc commented that there have been large changes that have occurred in the past 10 years with warehouses and distribution centers. He commented that they were trying to look at what would be best for South Windsor in general, not looking to take a side. He also thanked the public for coming out despite the bad weather.

Commissioner Wagner commented on the proposed screening of solar panels and some questions he had around this requirement. Ultimately, he felt screening for these would be important on flat roofs, similar to air conditioning units. Commissioner Wagner commented that he was confused on the different automobile approval types and uses. He suggested combining some of the fitness facility uses. Commissioner Wagner commented on storage facilities and self-storage and would agree to adding this use by either site plan or special exception in the Industrial zone like the General Commercial zone. Commissioner Wagner added that in terms of storage facilities, he feels that if individual doors are exposed these facilities can be seen as unattractive and would suggest doors open to the interior to deter their view from roadways. Commissioner Wagner clarified wholesale sales and questioned if this meant like a Costco or Sam's Club type of facility. Michele Lipe commented that this use would be an automobile so similar to a Boardwalk Auto business. Commissioner Wagner commented on the note at the bottom of use table that highlights special exception requirements and commented that there may need to be a better way to make applicant's aware of these prerequisites. Commissioner Wagner added that the Commission had been primarily consumed by large warehouses and perhaps they have overlooked smaller facilities and the requirements for them.

Commissioner Wagner commented on Section 4.1.5 Traffic Requirements and the letter they received from resident Derrick Butler (Exhibit F), which suggested additional wording for types of trucks entering and exiting the site. Commissioner Wagner commented that he had similar opinions as Mr. DeMallie on Section 4.5.1 Purpose and Intent of the Industrial zone and the wording of small-scale warehousing versus and low-scale industrial facilities and better defining those uses. Commissioner Wagner commented on Section 4.5.4 Outdoor Storage and questioned if Home Depot fell under this Section. Michele Lipe commented that this updated wording may make Home Depot and some other sights non-conforming. Commissioner Wagner commented that he was pleased with Home Depot's facility and their outdoor storage. Michele Lipe commented that she would look into this section and wording further. Commissioner Wagner discussed

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Section 4.5.8.b Noise, which he understands there is a State law limiting idling to about three minutes and commented how this can be difficult to enforce. Commissioner Wagner commented on Section 4.5.9 Illumination and questioned the reduction of light during nighttime hours and suggested the wording of overnight hours instead. Michele Lipe suggested the wording light reduction during non-business hours instead. Chairman Pacekonis commented that this lighting could also be motion sensor lights.

He then commented on the website link in Section 6.2.1.b and the thought this link could one day expire and was curious if this list could be put somewhere in the Regulations. Commissioner Wagner commented that he also agreed with Mr. DeMallie's point regarding fencing around ponds, he also feels this should not be required. Michele Lipe gave example of the fenced in pond around Home Depot on Ellington Road, the applicant wanted to fence this pond due to the depth of the pond. Ms. Lipe added that the reason this wording was added was to ensure decorative fencing would be used instead of chain link fencing. Commissioner Wagner commented that they should be able to adjust the 75-foot buffer for smaller lots. He also agreed with Mr. DeMallie's comments on the berm and adding wording about not impeding the wildlife. Commissioner Wagner went back to reviewing the 75-foot buffer, he said he felt this buffer size was only necessary for large, noisy warehouses. He commented that a 75-foot buffer would reduce the value of existing properties due to foot area ratios. Commissioner Wagner personally felt the buffer size should remain at 50 feet. Commissioner Wagner commented on Section 6.2.4.F Berms and agreed to allow a steeper slope for berms.

Commissioner Wagner questioned if Section 6.2.5.B.3 should include solar screening on a flat roof top. He then questioned Section 6.2.5.C and if both an 8-foot-tall fence and five-foot-wide landscape planter need to be required. Chairman Pacekonis questioned if the 5-foot-wide landscape planter was meant to be a berm. Michele Lipe commented that she would clean up and review this requirement. Commissioner Wagner questioned the Off Street Parking Table and whether some of these requirements were excessive. Commissioner Wagner commented that throughout the Regulations the word warehouse is frequently used when describing the general use of warehouses, distribution centers, freight terminals. He questioned if there should be some type of statement made about the general use of this word to cover similar uses throughout the regulation, however, there are still specific definitions of all warehouse type uses. Commissioner Wagner commented on Section 6.4.4. I Perimeter Circulation Road and commented that the primary parking user is employees, especially in warehouse type of facilities Chairman Pacekonis commented that this Section is an improvement of parking for an applicant to allow some parking on a perimeter road, whereas it was not allowed before. Commissioner Wagner commented on the need to refer to the EVSE regulations in Section 6.4.5. Commissioner Wagner reiterated his concerns with the wording of warehouses throughout the regulations and using it as a general description. Commissioner Wagner then commented on Section 6.7.2.A.3, he would prefer to see 10-foot-wide multiuse path along collector and arterial roads.

Commissioner Wagner commented on wording that should be added to Section 7.24 which would state that there the term warehouse is used throughout these regulations, the term warehouse would include facilities such as warehouses, distribution centers, bus and truck storage facilities, freight terminals and last mile delivery facilities. Commissioner Wagner then commented on the freight terminal definition and some minor adjustments. Commissioner Wagner commented on the issue of the noise ordinance and way to potentially limit the issue. Chairman Pacekonis commented that per the conversation with the Town Attorney, if the noise is produced offsite it cannot be dealt with, the town can only enforce noise issues that take place onsite. Michele Lipe explained that it does become an enforcement issue but it also is contingent on how easily that issue can be enforced. Commissioner Wagner commented on the importance of providing and creating adequate buffers to help prevent noise. Commissioner Wagner then commented on Section 10.2 definition of

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screening and reiterated that loading doors should be screened if they are visible from the roadway or a residence. Commissioner Wagner commented on Section 8.4.B Special Exception Review Criteria suggested adding a 15th criteria which reviews noise created by onsite activity, including vehicles and equipment.

Commissioner Dexter commented that she needed time to review some of the details, however, she had concerns with the effect on small businesses versus the larger businesses. Commissioner Dexter commented that she understood that it is not the intention to negatively affect smaller businesses in South Windsor. She commented that she would consider taking a step back to review things further before moving forward on any changes.

Commissioner Carey thanked the Subcommittee for their hard work and agreed with Commissioner Dexter's comments.

Commissioner Quraishi thanked the public for their input. Commissioner Quraishi commented on some language clarification for low scale versus small scale. Commissioner Quraishi discussed some of the concerns discussed about the increase to 75 feet for the buffer and questioned if they should look further to see where this buffer requirement makes sense. Commissioner Quraishi commented that he appreciated the resident comments regarding compatibility requirements for properties abutting one another. Lastly, he discussed some of the challenges regarding enforcement of the regulations.

Chairman Pacekonis commented that he would wait to give all his comments until the next meeting as he needs time to review some of the comments and questions that were brought up during tonight's meeting. Chairman Pacekonis did note that in terms of the buffer increase, the proposed language clearly states that an applicant could still use the 50-foot buffer provided that the design meets standards. Chairman Pacekonis commented on the proposed screening for solar panels and explained that this would only be a concern for flat roofs and the need for a parapet wall. He added that the parapet walls are important for rooftop screening of HVAC units.

Commissioner Wagner commented on the wording in Section 6.2.1.H, he felt that the whole site should be regularly monitored for trash. Chairman Pacekonis commented that this issue came up at a previous meeting when discussing the unsightly trash that occurs in between commercial properties, for example on Sullivan Avenue.

Chairman Pacekonis commented that this public hearing would be extended to their next regularly scheduled meeting on March 28. Director of Planning Michele Lipe agreed that this public hearing should be continued.

Commissioner Wagner motioned to extend public hearing.

Commissioner LeBlanc seconded the motion. The motion was called. The motion passed unanimously.

2. **PZC Sponsored Zoning Text Amendment-** Extend for four months Section 1.5 Moratorium on New Truck and Freight Terminals and Warehouses and Distribution Centers to Article 1 Introductions/Districts.

Chairman Pacekonis commented on possibility of extending moratorium due to deadline issues. He explained that if the Commission finds that deliberations take longer than expected then they will need to extend the moratorium. With that said, Chairman Pacekonis commented that they should also continue this public hearing to the March 28 meeting.

Commissioner Wagner motioned to continue this public hearing.

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Commissioner Carey seconded the motion. The motion was called. The motion passed unanimously.

REGULAR MEETING

Commissioner Wagner extend meeting to 10:15pm

Commissioner LeBlanc seconded. The motion was called. The motion passed unanimously.

CALL TO ORDER

PUBLIC PARTICIPATION:

MINUTES: 2/28/23 & 3/7/23- Commissioner Wagner commented on minor typos to both sets of minutes. The minutes were accepted by consensus with these minor changes.

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

BONDS: Callings/Reductions/Settings

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 23-10P Cusson Automotive Enterprises, LLC** – request for a zone change of 9.92 acres of land from General Commercial to Industrial for property located at 753 John Fitch Boulevard.
2. **Appl. 23-11P Industrial Flex Space** – request for site plan approval for 39,850 sf of “flex” space contained within in multiple buildings, on property located at 75 Connecticut Avenue, I zone.

CORRESPONDENCE/REPORTS:

ADJOURNMENT:

Commissioner LeBlanc motioned to adjourned.

Commissioner Bernstein seconded the motion.

Meeting adjourned at 10:04 pm.

Respectfully Submitted,

Caitlin O’Neil, Recording Secretary