

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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MARCH 23, 2021

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

ALTERNATES PRESENT: Paul Bernstein, Michael LeBlanc, Elizabeth McGuire

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

EXECUTIVE SESSION / 6:00 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

Chairman Pacekonis invited the Director of Planning Michele Lipe, Town Engineer Jeff Doolittle, Planning & Zoning Commissioners (Frank Bonzani, Stephanie Dexter, Bill Flagg, Kevin Greer, Bart Pacekonis and Steve Wagner) and Alternates (Paul Bernstein, Michael LeBlanc, and Elizabeth McGuire) and Town Attorney Kari Olson into the Executive Session.

Commissioner Flagg made a motion to go into Executive Session; Seconded by Commissioner Wagner. The motion carried and the vote was unanimous.

Commissioner Wagner made a motion to come out of Executive Session at 6:55 p.m.; Seconded by Commissioner Dexter. The motion carried and the vote was unanimous.

PLEDGE OF ALLEGIANCE

Council Liaison Janice Snyder was in attendance.

Secretary Commissioner Bonzani read the legal notice as published in the Journal Inquirer on Thursday, March 11 and Thursday, March 18, 2021.

Chairman Pacekonis reviewed the procedures under which the online WebEx meeting will be held.

Chairman Pacekonis appointed Alternate Commissioner Bernstein to be seated for Commissioner Foley. Commissioner Bonzani stated he had reviewed previous minutes and audio and can be seated. Commissioner Wagner also stated he had reviewed materials and minutes from the last meeting and can be seated.

PUBLIC HEARING / Webex Conference ONLINE MEETING 7:00 PM

- 1. Appl. 21-02, Evergreen Walk Lifestyle Center, LLC** – request for a zoning text amendment to modify Section 4.2.5 Permitted Uses in the Buckland Gateway Development Zone to eliminate Section 4.2.5.B which places limitations on grocery store locations within the zone (**Continued from 3/9/21**)

Managing Agent Karen Johnson of Charter Realty and Development Corporation for Evergreen Walk Lifestyle Center LLC continued the presentation with a revised text amendment that retains Section 4.2.5.B, but reduces the separating distance from 1,500 to 1,000 feet to another grocery store within the Buckland Gateway Development zone. As built's were analyzed by the applicant, and a measurement of 1,000 linear feet from corner to corner was determined to work but would require moving their building slightly. Another

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option would be 1,300 linear feet door to door. Ms. Johnson asked how the commission would determine the measurement, corner to corner, or door to door.

Director of Planning Michele Lipe had no additional staff comments.

Commissioners discussed measurements with Ms. Johnson and concluded 975 linear feet corner to corner could work for the applicant and as a separating distance.

Chairman Pacekonis confirmed with Mr. Lehmann that there were no calls from the public to connect or correspondence to read.

Chairman Pacekonis closed the public hearing at 7:20 pm

- 2. Appl. 21- 18P, Hendrickus and Rebecca Schurink** – request for a special exception to Section 7.12.2 to operate a commercial horse farm using the existing barn, on property located at 1116 Main Street, A- 40 zone

Applicant was not online so the agenda moved to the next item.

- 3. PZC Sponsored Text Amendment** – Electric Vehicle Charging Supply Equipment Zoning Text Amendment

Commissioner Stephen Wagner presented the EV Charging Text Amendment power point presentation. The State of Connecticut has a number of climate objectives, one of which is to reduce greenhouse gas emissions 80% below the 2001 level by 2050, and 45% below 2001 level by 2030. Transportation makes up a large part of greenhouse gas emissions. The Governor's Council on Climate Change (GC3) recommends reducing transportation emissions 29% from 2014 levels. The International Zero Emission Alliance recommends all new passenger vehicles be zero emission by 2050. Revised zoning regulations and building codes can support expanding charging networks in order to insure that consumers buying electric vehicles are confident they get it charged, with recommended minimum number of parking spaces with EV charging in multi-unit developments and for new construction on commercial properties. New residential construction is recommended to be EV ready but is not presently required for single family home construction. The proposed regulation was reviewed.

Director of Planning Michele Lipe gave staff comments including the March 12, 2021 CRCOG report finding no apparent conflict with regional plans and policies or concerns of neighboring towns.

Chairman Pacekonis asked for public comment.

Energy Subcommittee member Stephen Lewis representing the Sierra Club Connecticut Greater Hartford Group as Chair of their Executive Committee stated Sierra Club has a strong interest in promotion of EV charging infrastructure to address clean transportation as part of the GC3 recommendations. Mr. Lewis stated he is resident of South Windsor with three electric vehicles that are charged at home. These regulations will go a long way in promoting electric vehicles providing convenient publically assessable destination charging for those on business or vacation. Renters will adopt EV as soon as there is capability to charge at home.

The Chairman asked for comments from commissioners

Commissioners were highly complimentary of Commissioner Wagner's presentation and efforts and discussed how electric vehicle charging is paid for, potential tax benefits to the Town, and percentage requirements for underground infrastructure and above ground charging equipment.

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Chairman Pacekonis continued the public hearing to April 13, 2021. Motion made by Commissioner Wagner and seconded by Commissioner Bonzani. The motion carried and the vote was unanimous at 8:07 p.m.

- 2. Appl. 21- 18P, Hendrickus and Rebecca Schurink** – request for a special exception to Section 7.12.2 to operate a commercial horse farm using the existing barn, on property located at 1116 Main Street, A- 40 zone

Mr. Jerry (Hendrickus) Schurink presented their application for a special exception to operate a commercial horse business. The property currently has four horses on it and their intent is to purchase the property to have 4 to 6 training horses that would be boarded. Cliental would not visit on a daily basis but more typically once a week. Mr. and Mrs. Schruink are lifelong equestrians, previously employed by UMass and Mount Holyoke, with cliental in New England. They are not seeking a large commercial enterprise with people coming in for lessons, but would be training the horses and providing high end care for the horses and property.

Director of Planning Michele Lipe gave staff comments:

1. Request for a special exception to 7.12.2, Commercial Animal Agriculture, and site plan approval for the establishment of a commercial boarding and training facility for property located at 1116 Main Street, A-40 zone.
2. Applications for special exceptions are subject to the criteria listed in Section 8.7. and may be approved if the Commission determines that:
 - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
 - The application has met the requirements of the zoning regulations.
 - The land is physically suited to the proposed use.
 - Minimal, if any, adverse environmental impacts are created.
 - No traffic or other hazards will be created.
 - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
 - There will be minimal or no adverse effects on existing uses in the area.
 - Surrounding property values will be conserved.
 - The character of the neighborhood will be maintained or minimally disrupted.
 - The general welfare of the community will be served.
 - There is a balance between neighborhood acceptance and community needs.
 - Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
 - The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
 - The architectural design is aesthetically pleasing and blends well into the surrounding area.

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- The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above are satisfied.
3. The property at 1116 Main Street is 6.7 acres. A previous approval for a 12,000 + sf horse barn arena with an access drive was approved and constructed in the rear of 1116 Main Street in 2005 by a previous owner. The current owner owns both the house and barn on one lot and the entire property is the subject of the application.
 4. The applicant's (potential buyer) narrative indicates that he would like to offer boarding, training and instruction for horses. A maximum number of horses proposed is 10 based on use of the existing structures on site and existing 5 paddocks. This facility would not be open to the public and would not offer public lessons or "school horses" for others to ride.
 5. An aerial has been provided which gives a good picture of the paddocks and barns that exist on the property today. Zoning regulations require that the housing/stabling of horses is restricted to the rear yard of the premises. The accessory buildings used to shelter or feed the horses must be located at least 125 feet from the street, 40 feet from any side or rear property line, and 100 feet from any dwelling located on an adjacent property. In addition, the area is to be wholly or partially fenced.
 6. Off street parking requirement for this use is 1 parking space for each 5 users of the facility. The applicant has indicated that he has adequate parking around the existing arena that can accommodate any anticipated parking. The trailer parking is shown on the plans to the rear of the barn.
 7. The applicant does not plan any public activities. There is no signage, no new lighting, nor any public address system proposed with this application.
 8. There are regulated wetlands to the rear of the property, however they are no activities proposed near the wetlands
 9. The applicant indicated that the paddock areas will be maintained with grass and good equine management practices including manure pick up, mowing and weed trimming. Will there be a manure pile on site? Zoning regulations require that manure piles be a minimum of 20 feet from the property line.
 10. The Fire Marshal has indicated that he has no concerns at this time. If, in the future, the riding rink is opened to the public, the use of the building will change and additionally the fire codes would have to be addressed at that time.

If this application is approved, the Planning Department would recommend adding an approval condition that no public events, activities, show, etc. will be held at this site unless further approval is granted by this Commission.

Town Engineer Jeff Doolittle had no staff comments

Chairman Pacekonis asked for public comment.

Commissioner Dexter read a letter from Ms. Linda Levack Dalpe of 1090 Main Street regarding the history of a shared property line. (Exhibit A)

Mr. Lehmann connected a call from Ms. Martocci of 1121 Main Street who voiced concern about residential property values of neighboring properties being affected by a commercial rezoning of the property and if the commercial use would run with the property if sold. Director Lipe clarified the property would not be rezoned and would remain A-40 residential. The special exception request is to do a commercial operation in the residential zone. Special exceptions run with the land so provided the next owner was to use the property

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exactly how it was conditioned by the Commission, it could be sold and reused the same way. Ms. Martocci asked how much traffic may be generated since their driveway is right across from her home. Mr. Schurink stated he and his wife are trainers and no other trainers will be coming in. Traffic will be minimal for the board and training package with owners coming in infrequently on the weekend or in the week. There will be 6-8 horses on the property with 4-6 of them in training, 3 of which are owned by one client, and not a lot of traffic going up and down their driveway at night.

Chairman Pacekonis asked for comments from commissioners.

Commissioner McGuire asked about boarding and training on the property. Mr. Schurink stated the only horses on the property will be boarded and trained on the property. They provide all daily care and training for the horses they board.

Mr. Lehmann connected a call from Ms. Carole Bancroft of 1117 Main Street who voiced opposition to the application because there are already three horse farms on Main Street and voiced concern about all the traffic that already shines into her house from the property.

Commissioner Bernstein stated he lives in the area and takes walks on Main Street and sees a lot of activity with horses.

Commissioner Wagner discussed the letter about the property line dispute with Mr. Schurink who described a corner of the neighbor's barn on the property they intend to purchase that has been discussed with realtor and property owner about an easement around the barn. They intend to erect a fence to keep their horses contained and give right of way for the easement. Director Lipe stated no approval conditions would be necessary in regard to the easement.

Commissioner Greer had no comments.

Commissioner Flagg voiced familiarity with horse training operations and stated they are easy going, quiet operations with very little traffic. Mr. Schurink stated there will be dressage training on site and jumping would be done elsewhere.

Commissioner Dexter stated this a beautiful use of the land and the Schurinks will be wonderful neighbors.

Commissioner Bonzani asked about manure management. Mr. Schurink stated the current owner has it shipped out by a local farmer and foreseeably they will do same, but if that is problematic it can be contained and taken away weekly or biweekly. Commissioner Bonzani voiced his support.

Chairman Pacekonis stated he visited the site on the access road and noted the location of the manure pile close to the property line east of the barn. There appears to be understanding between all parties regarding the property line dispute and no need to keep the public hearing open. The Chairman noted the concern from neighbors about headlights but stated the use is similar to existing uses in the area. He noted that he lives $\frac{3}{4}$ of mile away from the property on Main Street, and wishes the applicant success and to be a good neighbor.

Chairman Pacekonis closed the public hearing at 8:40 pm.

REGULAR MEETING / Webex Conference ONLINE MEETING

CALL TO ORDER Chairman Pacekonis called the Regular Meeting to order at 8:40 p.m.

PUBLIC PARTICIPATION:

Mr. Lehmann stated there were no callers to connect.

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Commissioner Bonzani read a letter from Ms. Anne Ravalese of 1543 Sullivan Avenue requesting a spokesperson for residents living on Sullivan Avenue noting issues from truck traffic. (Exhibit B) Chairman Pacekonis asked Director Lipe to reach out to the letter writer.

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

1. **Appl. 21-08P, T's Auto Service**– request for renewal of a two year temporary and conditional permit (Section 2.13.a) to allow display of four vehicles for sale at 718 Ellington Road, RC zone

Mr. Richard Tarascio, owner of T's Auto Service, was not online.

Director of Planning Lipe gave staff comments:

1. Request for the renewal of a two-year Temporary & Conditional permit for the display of four (4) automobiles for sale at T's Auto Service on the corner of Ellington Road and Pleasant Valley Road (across from the 7-11 store), RC zone.
2. This application was originally granted by the Zoning Board of Appeals (ZBA) in February 1986 to allow two (2) vehicles for sale and renewed by this Commission every two years since. The October 2010 Planning & Zoning Commission (PZC) approval allowed the applicant to increase the number of vehicles for sale to four (4).
3. The original ZBA approval and earlier PZC approvals included three conditions:
 - The permit is restricted to two (2) automobiles and excludes vans or trucks.
 - The cars are to be no closer than twelve (12) feet from the corner. No more than twelve (12) cars in a single row with two (2) other cars making a second row (as shown in the diagram submitted) are to be parked from the station to Pleasant Valley Road. This includes the automobiles for sale.
 - There will be no parking at any time in the front area of the parking lot.
4. The regulations state that Temporary & Conditional permits may be granted by the Commission for a use, if the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured and traffic and other hazards will not result from such use.
5. If this application is approved, the Planning Department has no modifications to recommend.

Mr. Tarascio presented his request for renewal of the temporary and conditional permit to display four vehicles for sale on his property and stated nothing has changed in the past 32 years.

Town Engineer Doolittle had no additional comments.

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

1. This permit is for a two (2) year maximum period;
2. This permit is restricted to four (4) vehicles for sale with a standard auto marker, and excludes vans or trucks;
3. The cars are to be no closer than twelve (12) feet from the corner. No more than twelve (12) cars in a single row with two (2) other cars making a second row (as shown in the diagram submitted) are to be parked from the station to Pleasant Valley Road. This includes the automobiles for sale; and

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4. There will be no parking at any time in the front area of the parking lot (triangle and near the dumpster).

The permit will expire in two (2) years, March 23, 2023, and will have to be renewed at that time.

Commissioner Flagg seconded the motion.

Commissioner Flagg noted the renewal is done every two years and asked if it could be a five year renewal. Chairman Pacekonis stated the Commission could look at it as an allowed use in the future and noted the language in #2 as written is too restrictive and should be clarified. Light pick-up trucks and autos are appropriate for sale, but not large commercial trucks:

2. This permit is restricted to four (4) vehicles for sale with a standard auto marker, and excludes commercial vans or trucks;

The motion carried with the amended approval condition wording and the vote was unanimous.

- 2. Appl. 21-10P, Messiah Evangelical Lutheran Church** – request for a site plan modification for a 1,500 +/- sf addition, on property located at 296 and 300 Buckland Road, Buckland Road Gateway Development zone

Mr. Peter DeMallie, President of Design Professionals, Inc. presented the application with Pastor Timothy Ehlers of Messiah Evangelical Lutheran Church and Architect David Wagner of Schadler Selnau Associates.

Mr. DeMallie described the location and improvements to the exterior of the church and 1,500 sf addition to the rear of the building. Minor site plan modifications include improvements to septic and redesign of their primary entrance to become ADA compliant. Future sidewalk improvements can be made on the west and south sides of the building. The 142-seating count and 48 parking spaces remains unchanged. IWA approval was granted on March 4th. The 1,500 sf addition to the rear of the building will improve the church's sanctuary and add bathrooms.

Pastor Ehlers stated the church was founded in 1967, 53 years ago. The eight acres were purchased in 1968 with adequate land for expansion. The building built in 1971 was meant to be a temporary building but wetland regulations came in and they lost use of 3.5 acres of their land. Their congregation is statewide with members in western MA and RI. Their goal is to build a real sanctuary and improve the look of their church and to provide handicap accessible bathrooms.

Mr. Wagner reviewed the existing church and their plans for improvement with the expansion to the rear of the church to increase the alter area, add a vestibule, handicap accessible bathrooms and make an accessible entrance and to make the building look more like a traditional New England church. Elevations were shown as seen from Buckland Road. They were able to match the existing masonry block. Pitched roof was described. Landscaping will remain with improvements overtime. Mr. DeMallie concluded with a brief review.

Director Lipe gave staff comments:

1. Request for site plan approval for a 1,500 sf building addition on property located at 300 Buckland Road, Buckland Gateway Development Zone.
2. The proposal is to add on to the sanctuary to the rear and to add restroom facilities and storage space along the northerly side of the building. The number of seats within the existing church will not change. There are no improvements shown in the parking area.

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3. The other improvements being made to the building include a façade change to the front of the building including creating a more traditional church appearance. Other changes include adding some sidewalk linkages from the parking area to the church entrance as well as a walkway to the parsonage house.
4. The site is serviced by a septic system and public water. The applicant has been working with Heather Oatis, Town Sanitarian on the septic system upgrades which she has reviewed and approved.
5. The applicant is proposing to add new accent lighting to the front face of the building. This project was reviewed by the ADRC on March 3, 2021. The Committee was very pleased with the design and goal of creating the church appearance. They did request the applicant consider adding some roof top screening in front of the existing unit on the north side of the building visible from the parking area.
6. There are regulated wetlands on the site, and the plan calls for some disturbances in the wetlands upland review area. A Minimal Impact Permit was issued on March 4, 2021 for this work with standard approval conditions.
7. Staff is recommending a bond in the amount of \$2,000.00 for erosion and sedimentation control

If this application is approved, the Planning Department requests that a new deed be filed combining the properties as both properties are integral to meeting the zoning requirement shown with this proposal.

Town Engineer Doolittle had no staff comments.

Commissioners Bonzani and Commissioner Dexter had no comments. Commissioner Flagg asked if lighting would change to illuminate the new façade and complimented the improvements. Mr. Wagner stated a few spotlights will be added as shown on the plan. Commissioner Greer had no comments and Commissioner Wagner complimented the building. Commissioner Bernstein had no comments and Commissioner LeBlanc complimented the improvements. Commissioner McGuire recalled the church coming before ZBA and complimented the changes. Chairman Pacekonis stated the improvements will really make the building look like a house of worship and wished them luck.

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

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$2,000 to ensure compliance with the erosion and sediment control.
4. All bonds must be in one of the forms described in the enclosed Bond Policy.
5. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
6. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
7. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
8. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
9. The building street number must be included on the final plan.

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10. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
11. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
12. A deed combining the properties at 296 and 300 Buckland Road shall be submitted

Commissioner Dexter seconded the motion.

The motion carried and the vote was unanimous.

- 3. Appl. 21-02, Evergreen Walk Lifestyle Center, LLC** – request for a zoning text amendment to modify Section 4.2.5 Permitted Uses in the Buckland Gateway Development Zone to eliminate Section 4.2.5.B which places limitations on grocery store locations within the zone

Commissioner Wagner suggested using a corner to corner distance of 975 feet in order to minimize the changes needed by the applicant and do no harm to the Commission's goals and objectives.

Commissioner Bernstein stated he will vote no because he is for the original request to eliminate the restriction. The restriction seems random and arbitrary. There are no restrictions on banks, nursing homes, and asked why the Commission is signaling out grocery stores.

Commissioner Wagner made a motion to approve with the following conditions revising Section 4.2.5.B to replace 1,500 feet separating distance between grocery stores to 975 feet corner to corner.

1. The Planning and Zoning Commission finds that the zone text amendment is in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone text change is 4/10/2021.

Commissioner Dexter seconded the motion.

Commissioner Wagner stated he leans in the direction of Commissioner Bernstein's comments to delete the amendment entirely.

Motion passed, 6 in favor and 1 against. Roll Call Vote taken: Commissioners Bonzani, Dexter, Flagg, Greer, Wagner, and Pacekonis voting for and Commissioner Bernstein voting against.

- 4. Appl. 21- 18P, Hendrickus and Rebecca Schurink** – request for a special exception to Section 7.12.2 to operate a commercial horse farm using the existing barn, on property located at 1116 Main Street, A- 40 zone

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

1. This permit is to operate a horse facility for boarding and training of dressage horses. This approval is for a maximum of 10 horses on the property of 1116 Main Street.
2. The property must be fenced, in whole or in part, to contain the horses within the property.
3. Housing/stabling of horses is restricted to the rear yard of the premises. Use of trailers for stabling horses is not permitted.
4. Manure shall not be allowed to accumulate to cause any health hazard, and shall be subject to inspection by the Health Officer. Fly control measures are required.

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5. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
6. No public events, activities, show, etc. can be held at this site unless further approval is granted by this Commission. No public address system is allowed to be used on site.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

1. Appl. 17-38P, Evergreen Crossing E&S Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-.

Commissioner Flagg made a motion to reduce the above mentioned bonds; Seconded by Commissioner Dexter. The motion carried and the vote was unanimous.

MINUTES: 3/9/21 accepted by consensus.

OLD BUSINESS: *see page 3*

APPLICATIONS OFFICIALLY RECEIVED:

Appl. 21-19P, TOSW Farmers Market – request for a two year temporary conditional permit to operate the Farmers Market weekly from May 22 – September 25, 2021, on property located at 220 Nevers Road, RR zone

Appl. 21-20P, Evergreen Walk Lifestyle Center LLC – request to modify the Evergreen Walk General Plan of Development for the realignment of Evergreen Way to accommodate a new 50,000 sf retail building (replacing the existing 53,000 sf of retail known as Units 500 B, C and D), on property located at 151 Buckland Road, Buckland Gateway Development Zone

Appl. 21-21P, Town of South Windsor Pleasant Valley Elementary School – request for a special exception to Table 3.1.1.A and site plan of development for a new 102,150 sf elementary school, on property located at 591, 623 and 647 Ellington Road, RR zone

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 9:28 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