

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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APRIL 26, 2022

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

ALTERNATES PRESENT: Paul Bernstein, Carolyn Carey

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

PLEDGE OF ALLEGIANCE

CALL TO ORDER:

Secretary Wagner read the legal notice posted in the Journal Inquirer.

Chairman Pacekonis seated Alternate Commissioner Bernstein for Commissioner Foley and Alternate Commissioner Carey for Commissioner Cavagnaro.

PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 P.M

1. PZC Consideration of adoption of the Affordable Housing Plan in accordance with CGS Section 8-30j

Director of Planning Michele Lipe commented Glen Chalder of Planimetrics would be presenting and reviewing the proposed Affordable Housing Plan. Ms. Lipe commented for the record, she did have a copy of the notice for the public hearing, with the required wording, that was posted in the Town Clerk's office and online 35 days ahead of the meeting. Mr. Chalder from Planimetrics reviewed the Affordable Housing Plan. Mr. Chalder commented that he had worked with Affordable Housing Working Group to prepare this plan, which is required by State statute. All municipalities in Connecticut must prepare and adopt an affordable housing plan by June 1, 2022. Mr. Chalder commented that the purpose of this requirement by the state is for municipalities to show how they intend on increasing affordable housing units within their town. Mr. Chalder reviewed the ratio between median income and median housing price nationwide, which shows that housing has become unaffordable. Mr. Chalder commented that in South Windsor there are only 739 state recognized affordable housing units.

Mr. Chalder commented that the vision for this affordable housing plan would be to seek and provide a variety of housing options and choice in South Windsor for people of all ages, incomes, and lifestyles. Ultimately, they would like to diversify the housing stock. Mr. Chalder reviewed the various strategies to achieve this affordable plan, such as establish an ongoing working group with support, establish a special housing fund, deed restricted housing and incentives for affordable housing developments. Mr. Chalder briefly reviewed recommendations from the plan that suggests a way to guide location and design of these affordable housing units. Items to be consider include walkable distances to services and facilities and locations that are connected to public water and sewer. Mr. Chalder commented that one of the first steps for South Windsor would be to seek land that could support affordable housing.

Mr. Chalder commented that the plan also includes South Windsor reviewing housing stock and options as to look at a longer-term affordable housing strategy. Mr. Chalder commented that there had been an update on new housing count for housing units that had been issued by HUD, which includes updated income information that effects the affordability threshold. Mr. Chalder added that South Windsor lost 41 affordable housing units with homes being sold with CHFA funded mortgages. Mr. Chalder finished his presentation and commented that he would be happy to answer any additional questions.

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Chairman Pacekonis questioned if Michele Lipe had any additional comments or questions. Ms. Lipe responded that she had no additional comments but thanked Glen Chalder and the Affordable Housing Working Group for putting together the plan.

Chairman Pacekonis asked for public comment.

Peter DeMallie of 35 Peterson Way questioned some items of the proposed Affordable Plan, such as the requirement of 10% affordable units for new developments. Mr. DeMallie commented in favor of the plan and added that he felt more should be done for young families who either currently live in South Windsor or are trying to move to the community.

Chairman Pacekonis asked for Commissioner comments and questions.

Commissioner Bernstein commented that he felt positive work had been done with this plan.

Commissioner Bernstein clarified the current housing numbers in the plan, which shows currently 640 affordable units and the need of approximately 300 more units to reach the 10% affordability goal.

Michele Lipe commented that these numbers were correct, however, they are currently waiting on the 2020 census information, which would likely include an update to these numbers. Ms. Lipe added she would not be surprised if the number of affordable units currently in town decreases with the 2020 census data. Ms. Lipe then explained the affordable housing moratorium that they are currently part of, which is based off of a point-based system. The purpose is to show how many units can be acquired over a period of time, which would give the town an opportunity to show the progress being made

Commissioner Bernstein commented that the plan shows 32 strategies and of these 32, two of the strategies identified having town staff helping, the remainder are in the hands of other Commissions in town. Commissioner Bernstein commented that he would be concern with the execution and implementation of some of these strategies falling solely on efforts of volunteers. Michele Lipe commented that these strategies would be run with volunteers from the community but would also include staff as an overarching reviewer to keep the project on track. Ms. Lipe added that she did not anticipate that this would be accomplished by strictly volunteers, these strategies would be intertwined with town staff to help see it through.

Commissioner Vetere questioned Michele Lipe on the housing points and the chart used to determine these points. Commissioner Vetere commented that they are approximately half way through the affordable housing moratorium period and questioned how they are lined up for 2024 to continue that appeal. Michele Lipe responded that they would have no units to add to the appeal that she would be aware of, the only project she can think of on the books would be Geissler's, which would create some affordable units if construction were to begin.

Commissioner Vetere commented on the small likelihood of creating approximately 300 or more units to meet affordability by 2024. Ms. Lipe commented that she could not realistically see that many units being created in that time frame. Commissioner Vetere clarified that the town would then become subject to affordable housing appeal procedure and questioned what this entails. Ms. Lipe commented that communities that do not have 10% affordable housing become open to developers looking to create housing projects that are not necessarily allowed in typical areas because they create affordable housing units within the project. These projects are difficult to deny as long as they meet the threshold for the state requirements for affordable units. Commissioner Vetere questioned if it would it be possible to be included in another affordable housing moratorium after 2024. Ms. Lipe commented that it would be a possibility.

Commissioner LeBlanc commented that he felt the plan looked good.

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Commissioner Wagner commented that he felt there were a number of issues coming to the Commission that affect housing. Commissioner Wagner commented that Mr. DeMallie mentioned the need for taller buildings during his public comment. Commissioner Wagner questioned Glen Chalder if the plan is proposing to build new housing on town owned affordable housing developments with a focus on taller buildings. Furthermore, would multi story units be a more efficient way to accommodate seniors and affordable units? Glen Chalder responded that the discussion about taller buildings was in response to the housing authority sites in town, which are all one-story units and his suggestion would be to turn these one-story units into two story units. Mr. Chalder added that he felt the regulations could be tweaked to advance the need for affordable units, every housing unit created should meet someone's housing needs. Mr. Chalder added that the immediate goal is not to just build a 300-unit affordable building, looking to spread the affordable housing around and create diversity housing.

Commissioner Wagner commented that the Commission often encourages studios and smaller bedroom units in developments, however, he heard public comment that there is a need for larger apartments. Commissioner Wagner questioned if they are we moving in the wrong direction when encouraging developers for studio units, should they instead be asking for larger apartments. Glen Chalder responded that per the state statutes, developers have a right to configure their development based on market needs, the only requirement would be the percentage of those units that are affordable, which must be split fairly. Commissioner Wagner commented that as of recently, the Commission has excluded the need for three bedroom units when looking at developments and questioned if they should reconsider this exclusion. Mr. Chalder responded that he would like to see the 2020 census data to better answer that question. Commissioner Wagner commented that another struggle the Commission faces is encouraging families for some of these affordable housing units but attempting to not put stress on the school system. Commissioner Wagner questioned if the Affordable Housing Working Group had discussed this issue. Mr. Chalder commented that they did not a lengthy conversation about school enrollment, most studies show that multifamily developments are not large generators of school aged students compared to single-family homes. Mr. Chalder pointed out that if empty nester cannot find a place to downsize to then they are holding on to homes that could house larger families.

Commissioner Wagner commented that he appreciated the inclusion of energy equity comments. Commissioner Wagner commented that he felt the types of energy used in homes is important as in many cases it helps the affordability of living in that house. Commissioner Wagner questioned if they have any way to implement energy equity in this current plan. Glen Chalder responded that the Commission cannot dictate the energy that is installed in homes, a developers looks at the affordability of the cost today, not long term. While, it may be more cost effective long term to implement certain energy criteria, most developments are looking at the upfront cost. This is especially true when looking to build affordable units. Mr. Chalder commented that the challenge is finding how to help homeowners get over the initial cost burden of installing these energy efficient tools so they can reap the long-term benefits. Commissioner Wagner commented that he would like to see something in the plan that has stronger energy language and criteria for municipal housing authority. Mr. Chalder responded that the housing authority is its own entity, not a municipal entity. Mr. Chalder commented that they could consider incentives in density housing for energy investments, again, developers are typically focused on the upfront cost of building, not the long term. Mr. Chalder added that he did not think anything immediate could be adopted into the regulations today for energy requirements, however, they could begin to plant the seed for this bigger conversation.

Commissioner Dexter commented that she was a member of the Affordable Working Group and thanked Michele Lipe and Glen Chalder for their work. Commissioner Dexter commented that she agreed with

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some of Commission Wagner's points, however, this plan is a five-year plan and they could include suggestions when they revise the plan in five years to include more energy equity requirements. Commissioner Dexter added that the Affordable Working Group seemed to agree that they were trying to achieve small goals to accomplish affordable housing in South Windsor. They did not feel the goal was to create one big four-story affordable housing unit.

Commissioner Carey commented that she was pleased with the plan and added that there are rising interest rates and housing costs that may impact the numbers.

Secretary Wagner read the Town Council Resolution Concerning the Proposed Affordable Housing Plan into the record (Exhibit A).

Chairman Pacekonis commented that Affordable Housing Plan was something brought on by state mandate and added that they are trying to embrace a plan that is productive in meeting the goal of 10% affordable housing. Chairman Pacekonis discussed potential strategy by modifying the zoning regulations to add 12.5-15% affordable housing units as part of a new development. Chairman Pacekonis commented on Mr. DeMallie's concerns of what is being done for young families in terms of affordable housing. Chairman Pacekonis added that the Working Group supports a percentage of all new projects to include affordability, not just condominium developments, all new projects. Chairman Pacekonis commented that this Affordable Housing Plan is a document similar to the Plan of Conservation and Development; it is something to be strived for but would need to implement these strategies into various documents. He added that this would take time but the plan itself is a step in the right direction to implement more affordable housing in South Windsor. Chairman Pacekonis added that this plan would be used when considering updating the Plan of Conservation and Development next year and when they are considering regulation changes. Chairman Pacekonis commented that he felt this Affordable Housing Plan was a step in the right direction and should be adopted as soon as possible. Chairman Pacekonis added that as far as solar and energy efficiency, these are good idea to be incorporated and feels this may be something to consider when they work on the Plan of Conservation and Development.

Chairman Pacekonis closed the public hearing at 8pm.

2. PZC Sponsored Text Amendment - Add Section 8.2.E to establish criteria for the resubmission of applications within one year of Commission action

Director of Planning Michele Lipe read the proposed text amendment Planning Report.

1. Request for amendment to add Section 8.2.E to the zoning regulations: No application, previously acted on by the Commission, may be re-submitted within one (1) year of said action unless based on facts presented in writing, that a material change in the situation justifies a new hearing. This provision does not apply to applications that are withdrawn by the applicant prior to action by the Commission.
2. The Town Plan of Conservation and Development encourages rehabilitation and redevelopment along Route 5 and notes that non-residential development should be compatible with the physical context of the surrounding area.
3. Precedence is the main consideration for this amendment. In the past year, the PZC has received two application that were not significant change. This new regulation would require an applicant demonstrate to the Commission's satisfaction that the new application contains material changes.
4. CRCOG reviewed the proposed amendment as required and found no apparent conflict with regional plans and policies or the concerns of neighboring towns.

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If this amendment is approved, the PZC shall make a finding that it is consistent with the POCD and set an effective date.

Chairman Pacekonis asked if there was any public comment. No public comment.

Chairman Pacekonis asked for Commissioner comments. No public comment.

Commissioner Wagner questioned which application had been resubmitted. Michele Lipe responded 25 Talbot Lane and the apartments at Evergreen Walk. Commissioner Wagner commented that the applicant for 25 Talbot did make some material changes. Ms. Lipe commented that should they adopt this text amendment, the Commission would be able to decide if the material changes were significant by looking for commentary on submitted changes to the plan. Commissioner Wagner questioned if they would be voting on the material changes being significant. Ms. Lipe responded that the Commission would have an opportunity to review the application resubmitted and would then vote if they found the changes to be enough for the Commission to rehear the application. Ms. Lipe clarified that if the Commission were to deny an application there would be an option for the applicant to appeal this decision. Commissioner Wagner commented that he understands this change should reduce the workload of the Commission, however, he does not feel it may be effective.

Commissioner Bernstein commented that he supports this text change and questioned Commissioner Vetere if the word materiality had a specific definition. Commissioner Vetere responded that defining materiality could be difficult as any lawyer could try to make an argument. Commissioner Bernstein commented that they could get input from Town Attorney on applications resubmitted.

Chairman Pacekonis suggested the language should be changed to say substantial material changes. Commissioner Vetere agreed and added that this may help give a better definition.

Commissioner Wagner questioned if any other towns have a similar provision. Ms. Lipe commented that she is aware of other towns having similar criteria but was unsure how it has worked, however, South Windsor's Inland Wetland Agency and Conservation Commission does currently have this provision. Commissioner Wagner discussed his concerns. Chairman Pacekonis questioned if it would be possible to have a definition for substantial material change, such as at least 10% of change in the building. Ms. Lipe commented that the Commission should keep the public hearing open to allow time to get more information on wording. A text amendment does not have time table and she suggested this item be taken up at another meeting, either May 24 or later.

Commissioner Wagner motioned to continue the public hearing

Commissioner Vetere seconded the motion. The motion passed unanimously.

3. PZC Sponsored Text Amendment- Delete Section 2.24 An one-year moratorium on retail cannabis establishments; and Add Section 7.24 Hybrid-Use Marijuana Dispensary and Production facilities; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add Hybrid-Use Dispensary by Special Exception in the General Commercial zone and Production facilities by Site plan in the Industrial zone

Director of Planning Michele Lipe read the proposed text amendment Planning Report.

1. This is a proposal to delete Section 2.24 An one-year moratorium on retail cannabis establishments that was adopted on Dec 6, 2021; and to add Section 7.24 Hybrid-Use Marijuana Dispensary and Production facilities; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add

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Hybrid-Use Dispensary by Special Exception in the General Commercial zone and Production facilities by Site plan in the Industrial zone

2. From previous discussion of the adopted law, we know that South Windsor will be eligible for one retail license and production license until 2024 when it may be opened up to more licenses. The PZC had discussed allowing retail sales through a Hybrid-Use Marijuana Dispensary model and recently approved a one-year moratorium in December 2021 giving the Commission time to create regulations governing the use.
3. The proposed amendment would allow Hybrid—Use Marijuana Dispensaries by special exception in General Commercial zones and allow Marijuana production facilities by site plan. The proposed text includes definitions of Adult-Use Marijuana Dispensary and Production Facilities; Hybrid-Use Marijuana Dispensary and Production Facilities and Medical Marijuana Dispensary Facility.
4. The regulation also establishes location criteria for Hybrid dispensary facilities – prohibiting any such facilities to be located within 500 feet of a municipal building, public park, public recreation area, licensed adult or child day care center, dependency treatment center, or place of worship and shall be located within 1,000 feet of any nursery/prekindergarten, kindergarten, elementary or secondary school, college, or university. The regulation also requires such dispensary facilities to be located on a collector or arterial road.
5. The Cannabis production facility is currently proposed as a permitted as of right use in the draft. In consideration of potential impacts from such use - e.g. smells, I would recommend that this use be allowed by Special Exception rather than as permitted as of right use.
6. In the Business Development section of the Town Plan, stated goals include encouraging business development in existing zones and attracting additional businesses that are consistent with the character and scale of its surroundings through updates to the zoning.
7. The Capitol Region Council of Governments has reviewed the proposed amendment as required. CRCOG provided the following report dated 1/14/22.

If this text is approved, the Commission shall make a finding that it is consistent with the POCD and set an effective date.

Chairman Pacekonis asked if there was any public comment.

Peter DeMallie of Design Professionals spoke on behalf of Wellflowers Farm on Strong Road owned and operated by Bruce Snow and Bernard Thomas. Mr. DeMallie commented that they generally support this text amendment but a proposed modification. Mr. DeMallie submitted draft modification wording (Exhibit B). Mr. DeMallie reviewed the proposed modification in more detail, which focuses more on supporting the agricultural community. Mr. DeMallie also reviewed the current state regulations for cannabis licensing. Mr. DeMallie submitted letters of support for the record (Exhibit C). Mr. DeMallie also submitted a circulated petition for others in favor of the modified text amendment (Exhibit D). Mr. DeMallie then submitted a copy of a map that shows the outline of the 154-acre Wellflowers Farm (Exhibit E). Mr. Snow is proposing a greenhouse on the Wellflower Farm property to grow marijuana that would be distributed to other dispensaries.

Bruce Snow owner of Wellflowers Farm spoke in support of the text amendment but with the proposed modifications presented by Peter DeMallie.

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Bernard Thomas of 29 Sunset Terrace spoke in favor of the text amendment but also with the proposed modifications presented by Peter DeMallie. Mr. Thomas reviewed the medical importance and benefits of cannabis.

Jim Stremper of 221 North Road Broad Brook spoke in favor of the text amendment but also with the proposed modifications presented by Peter DeMallie.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Bernstein questioned Bruce Snow that he currently grows hemp but has not grown marijuana. Mr. Snow responded that this is correct. Commissioner Bernstein questioned how Mr. Snow could be certain he could successfully grow a crop that he has not grown before. Mr. Snow reviewed how he could farm and successfully grow marijuana.

Commissioner Vetere confirmed with Bruce Snow that the greenhouse facility would be a secure building.

Commissioner LeBlanc commented that his biggest concern was security of the greenhouse, however, it seems there are adequate security measures being put in place. Bruce Snow commented that he would install at least an eight-foot chain link fence with 24-hour security cameras. Commissioner LeBlanc commented he was in favor of this proposed change.

Commissioner Wagner commented that he was also in favor of this proposed text change. Commissioner Wagner confirmed that Prime Wellness would not be affected since they already have what is needed for their license. Commissioner Wagner commented that he liked the idea and making this available to farmers as another source of income and it also creates a safer product. Commissioner Wagner commented that they should consider a distance provisions from a property line since some farms have residential structure on the property. Peter DeMallie commented that he agreed, it is not unusual for a residence to be on a farm and suggested there is a distance requirement of 200 feet from a residential structure.

Commissioner Wagner commented that this is text change is limited to RR zone, however, farming is allowed in all zones. Michele Lipe responded that this is correct, for example, Main Street is primarily an A-40 zone and many farms are located in this area. Peter DeMallie commented that they wanted to start small with their request and the Commission could consider expanding this to other zones. Commissioner Wagner commented on the proposed restriction of keeping the growing structure to resemble a greenhouse. Mr. DeMallie responded that they did not want the facility to look like an industrial building, they wanted it to fit what is found on a farm and a greenhouse is common on a farm. Additionally, they wanted to also take advantage of natural lighting. Commissioner Wagner questioned how the use of lighting would affect neighboring properties. Mr. DeMallie commented that they are suggested the greenhouse be located farther away from other properties as to not disturb neighbors, but also is proposing a specific kind of shade that is commonly used in these types of facilities. Mr. DeMallie added that these types of buildings exist, they would be using a structure that is pre-made and was created for this type of farming. Commissioner Wagner commented that he intended to support this change.

Commissioner Dexter clarified with Michele Lipe the licensing limits on a production facility per town. Michele Lipe responded that as she understood it, there is a limitation of one licensed production facility. Ms. Lipe added that if the Commission would like to consider adding the newly proposed wording then they would need to keep the public hearing open so they could re-advertise the updated text amendment. Commissioner Dexter commented that she immediately thought of schools and parks and perhaps should

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add some type of distance requirement from these places. Ms. Lipe agreed and commented that she would also like to get some input from the Police Department to see if they had any concerns.

Commissioner Carey commented that she supports the change presented by Peter DeMallie, however, she felt a few items needed to be looked at further.

Chairman Pacekonis agreed that the public hearing should be held open to explore some of the questions and concerns that were discussed. Chairman Pacekonis asked for clarification, the only approved place for retail sales of cannabis would be in the GC zone. Michele Lipe commented that they would want to caveat this in the Industrial zone where currently accessory sales of 20% are allowed, however, the Commission could adjust the regulations so retailers/producers could not take advantage of this provision. Chairman Pacekonis questioned Bruce Snow's position as far as retail sales. Bruce Snow responded that he would be strictly selling wholesale to dispensaries. Chairman Pacekonis commented that part of the proposed text amendment states that this would only be allowed on farms of a minimum of 50 acres and a micro cultivator is allowed a facility between 2,000-10,000 square feet. Chairman Pacekonis questioned what Mr. Snow was envisioning for a facility. Mr. Snow responded that he intends to build a 9,000 square foot building. Chairman Pacekonis questioned if this building would only be used to grow marijuana. Peter DeMallie clarified the building would be approximately 9,000 square feet, however, the growing space would be less than this, the greenhouse would include some office and storage space.

Chairman Pacekonis commented on the regulations for height and questioned if this building/greenhouse would fit within the existing height regulations for rural residential. Michele Lipe responded it would, the rural residential zone allows for a structure with a maximum height of 30 feet. Mr. DeMallie added that Bruce Snow is looking to build a one-story building. Mr. DeMallie and Mr. Snow briefly reviewed the greenhouse building in more detail. Chairman Pacekonis asked for clarification on the steel walls. Mr. DeMallie commented that these would be solid wall to ensure a secure environment, a traditional full glass greenhouse could not be used for safety reasons. Mr. Snow added the steel walls would also help contain the light.

Chairman Pacekonis questioned if the marijuana that is sold in Connecticut medical facilities is all Connecticut grown marijuana. Mr. DeMallie commented that from his understanding, the marijuana grown in Connecticut is regulated and sold in Connecticut, it cannot be imported and exported state to state. Michele Lipe commented that this was her understanding as well. Chairman Pacekonis commented that his understanding of the law is that there would be one production facility and one hybrid sales facility in South Windsor, however, by July 2024 more facilities may be allowed. Mr. DeMallie commented that Mr. Snow is not requesting the ability for production facility, strictly looking to grow and wholesale to other licensed facilities. Michele Lipe commented that ultimately what Mr. DeMallie is suggesting is adding the term micro-cultivator to be added in the definition of uses on the table for uses in the RR zone by special exception. Ms. Lipe commented that as Chairman Pacekonis pointed out, they may see an influx of applications for facilities come 2024 but will depend on state law.

Chairman Pacekonis commented that when the Commission is considering a change to language in the regulations, they are looking at the long-term effect and changes that could occur in the RR zone, in this instance. Chairman Pacekonis questioned how many farms over 50 acres are located in the RR zone. Bernard Thomas commented that the state of Connecticut is currently getting ready to pass a bill that would ban out of state companies from selling or advertising their product. Mr. Thomas added that there is a high demand for marijuana in Connecticut. Chairman Pacekonis questioned how South Windsor would meet the need for manufacturing if there is only one producer in town. Ms. Lipe commented that

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marijuana that is grown in South Windsor is not only used for South Windsor dispensaries, it could or would be used for facilities across the state. Chairman Pacekonis questioned if the state of Connecticut sees a difference of someone who manufactures marijuana versus someone who farms marijuana. Ms. Lipe commented that she is under the impression that this falls under one licensing category whether it is a producer or micro-cultivator but was unsure exactly how the lottery system would work. Ms. Lipe added that she believes the state wants to be sure there are enough producers to meet the needs of the dispensaries. Mr. Thomas commented that there are currently four major cultivators in the state of Connecticut, however, they are beginning to limit the lottery system and amount of licenses being given out and the state will then take a look at what happens over the next year in terms of cannabis sales.

Commissioner Wagner commented that he would be concerned if South Windsor had a large industrial producer and one of the multi cultivator since they would be essentially competing for the same license at the state. Michele Lipe commented that these would fall in the same license category. If the Commission allows this use by special exception then the Commission would grant approvals to applications that come forward and ultimately the state would decide who then gets the license.

Michele Lipe commented that she make the updated changes to the text amendment language that would be posted in the legal notice and online. Commissioner Wagner motioned to continue the public hearing.

Commissioner LeBlanc seconded the motion. The motion passed unanimously.

4. PZC Sponsored Text Amendment- Delete Section 7.1 Accessory and In-Law apartments and definitions; add Section 3.2.3 Accessory Apartments which establishes criteria for accessory apartments in single family zones; modify Table 3.1.1A Permitted Uses; and modify Table 6.4.3 Minimum Parking Requirements. PZC also proposes to opt out of Section 6 of Public Act 21-29

Director of Planning Michele Lipe read the proposed text amendment Planning Report.

1. This is a PZC Sponsored Text Amendment- Remove Section 7.1 Accessory and In-Law apartments and add Section 3.2.3 Accessory Apartments which establishes new criteria for accessory apartments in single family zones. In addition, the request is to modify Table 3.1.1A Permitted Uses; and modify Table 6.4.3 Minimum Parking Requirements.
2. This proposal is in response to new Public Act (PA) 21-29, Section 6, which establishes a provision that allows accessory dwelling units (ADU) by right on any property that contains a single-family residence. By definition, an ADU is an independent residential dwelling unit located on the same lot as a single-family home - either entirely within the building or detached as a separate building on the lot. One of the goals of accessory units is for the potential to increase housing affordability, create housing options, enable seniors to age in place, and provide flexible solutions for changing needs or life stages.
3. PA 21-29 creates a framework that requires towns to approve ADU's by right, resulting permitted with no special review, based on certain criteria. As it is written, the criteria does not allow the town to require standards any greater than what is set forth for single family residences pertaining to setbacks, lot size, lot frontage, lot coverage, building height, landscaping, design standards, and screening, and also sets a maximum floor area.
4. There is a provision, however, that allows the town to opt-out provided the town receives a 2/3 vote from both the zoning commission and legislative body. If a town chooses to opt out, it allows the P&Z to create its own regulations outside of the framework set in PA 2109. The PZC has drafted this text with the intention of opting out of the law, while still trying to meet the spirit of the law by making accessory apartments regulations more flexible and easier to permit.

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5. This text proposal would change the way we have been approving apartments in single family zones. Currently, Section 7.1 provides two ways to create an apartment in a single-family house – either as an in-law apartment or accessory apartment. Currently in-law apartment approvals are valid for 5 years and can be renewed under same ownership. Once an in-law apartment is no longer being used, it is required to be converted back to single-family living space. Accessory apartments, created through a special exception approval, are permanent and the unit remains even after the sale of the house. The planning staff currently sends out a notice every four years for owner to affirm that the house and/or apartment remain owner occupied.

6. The proposed regulation still would require either the primary dwelling unit or accessory apartment be owner-occupied. The size is limited to 30 percent of the usable floor area of the primary dwelling unit and/or shall be no more than 1,000 square feet (whichever is smaller). These units can have a maximum of two bedrooms and must provide off street parking for one vehicle for each bedroom.

7. Criteria has been added for detached accessory apartments – restricting the location to a minimum of 30 feet from the property line and provides criteria for landscaping screening.

8. The Housing Element of the Town Plan of Conservation does include goals that are relevant to this text amendment, including:

- Allow flexibility in meeting emerging housing preferences and needs – allow a multi-family type development as a transition.
- Monitor Housing Affordability - Town could encourage affordable housing and provides such tools as density bonuses to create affordable units.

9. The Capitol Region Council of Governments has reviewed the proposed amendment as required. CRCOG provided the following report dated January 14, 2022.

If this text is approved, the Commission will need to determine if they want to see accessory apartment application or if they want them to be handled at the staff level as a zoning permit (or some combination – I would recommend that detached apartments reviewed by the PZC).

Also, a statement related to the treatment of existing in-law apartments/accessory apartments that were built larger than 1,000 sf.

NOTE: For your reference, I am attaching the chart I had prepared in the fall that illustrated our current regulation as it compares to the PA 2109

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Dexter confirmed that the Assessor said approximately 160 accessory units are located in town. Commissioner Dexter questioned if the Assessor can see who rents. Michele Lipe commented they do not have this information. Commissioner Dexter confirmed these units are not allowed as short-term rentals. Ms. Lipe confirmed this, they are trying to avoid these properties from becoming Air BnBs. Commissioner Dexter commented that she supports accessory dwellings as long as the property own resides in one of the units on the property.

Commissioner Wagner questioned what would happen if an owner can no longer live on the property due to health reasons. Michele Lipe responded what they had done in the past for certain properties is allow both the primary and accessory unit to be rented by special exception approval. Ms. Lipe added that it is important for the Commission to decide if the property being owner occupied is a significant goal.

Initially, the idea of making one of the units owner occupied was to avoid absentee landlord.

Commissioner Wagner commented that it would be ideal to avoid absentee landlords, however, he is

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concerned about practicality. Commissioner Wagner suggested that perhaps if they grant a special exception to not require an owner to live on the property, then upon the sale of property it must return to owner occupied. Ms. Lipe commented that this could become a gray area if you allow it happen in some instances. Commissioner Wagner questioned the current zoning process if they find out a new owner has taken ownership of a property with an in law or accessory apartment. Ms. Lipe briefly reviewed the process and explained that Zoning Enforcement Officer Pam Oliva sends a letter. Commissioner Wagner reviewed WPCA billing for accessory apartments versus in law apartments. Commissioner Wagner pointed out a typo on paragraph 2. Michele Lipe commented that she could work on language for in law apartments that states once this permit expires, it would then become an accessory apartment.

Commissioner Vetere commented on the wording for the size.

Commissioner Bernstein commented that he would need to recuse himself.

Chairman Pacekonis commented due to the late hour they should continue the public hearing.

Commissioner Vetere motioned to extend the public hearing.

Commissioner Dexter seconded the motion. The motion passed unanimous.

Chairman Pacekonis asked for a motion to extend the meeting until 9:55pm

Commissioner Vetere motioned to extend the meeting.

Commissioner Carey seconded the motion. The motion passed unanimously.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

Richard Delhaie of 95 Cody Circle commented on the two received applications on tonight's agenda.

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

1. PZC Consideration of adoption of the Affordable Housing Plan in accordance with CGS Section 8-30j

Commissioner Wagner motioned to adopt the Affordable Housing Plan.

Commissioner Dexter seconded the motion. Michele Lipe commented that they would need to add an effective date 15 days after publication, which would be May 14, 2022. Commissioner Wagner and Dexter agreed the addition of the effective date. The motion was called. The motion passed unanimously.

2. PZC Sponsored Text Amendment - Add Section 8.2.E to establish criteria for the resubmission of applications within one year of Commission action

The public hearing was continued for this agenda item.

3. PZC Sponsored Text Amendment- Delete Section 2.24 An one-year moratorium on retail cannabis establishments; and Add Section 7.24 Hybrid-Use Marijuana Dispensary and Production facilities; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add Hybrid-Use Dispensary by Special Exception in the General Commercial zone and Production facilities by Site plan in the Industrial zone

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The public hearing was continued for this agenda item.

4. PZC Sponsored Text Amendment- Delete Section 7.1 Accessory and In-Law apartments and definitions; add Section 3.2.3 Accessory Apartments which establishes criteria for accessory apartments in single family zones; modify Table 3.1.1A Permitted Uses; and modify Table 6.4.3 Minimum Parking Requirements. PZC also proposes to opt out of Section 6 of Public Act 21-29

The public hearing was continued for this agenda item.

BONDS: Callings/Reductions/Settings- No action taken

MINUTES: 4/5/22 and 4/12/22- No action taken

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 22-17P-** Scannell Properties #644, LLC – request for a minor Resubdivision for the redesign of the cul-de-sac at the northern end of Kennedy Road, I zone
2. **Appl. 22-18P-** Scannell Properties #644, LLC – request for a site plan approval for a 241,800 sq ft warehouse and distribution center on 19.2 acres, on properties located at 67, 68 Kennedy Road and 352 Sullivan Ave., I zone

OTHER BUSINESS:

Michele Lipe commented on the draft subcommittee dates that the Commission has in front of them. Chairman Pacekonis commented that he and Ms. Lipe put together subcommittees with suggested members with proposed dates. Commissioner Wagner commented that he had too many commitments on Monday and would be unable to join a subcommittee at this time.

Michele Lipe commented that they received an application for a large distribution facility, the Commission should decide if there is public interest for a public hearing. Chairman Pacekonis commented the Commission needs to decide if they think the community would benefit by having a voice in the procedure. Chairman Pacekonis asked the Commission to vote on whether they would like to take the application to public hearing.

Commissioner Wagner motioned to hold a public hearing.

Commissioner Carey seconded the motion. The motion passed unanimously.

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Commissioner Carey motioned to adjourn.
Commissioner LeBlanc seconded the motion.
The meeting adjourned at 9:57 pm

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary