

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

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**MAY 10, 2022**

**MEMBERS PRESENT:** Stephanie Dexter, Bart Pacekonis, Michael LeBlanc, Robert Vetere, Alan Cavagnaro, Steve Wagner (Arrived at 7:28pm)

**ALTERNATES PRESENT:** Carolyn Carey

**STAFF PRESENT:** Jeffrey Folger, Senior Environmental Planner; Jeffrey Doolittle, Town Engineer; Michael Lehmann; IT Support; Caitlin O’Neil, Recording Secretary

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER:**

Commissioner Dexter read the legal notice posted in the Journal Inquirer.

Chairman Pacekonis seated Alternate Commissioner Carey for Commissioner Foley.

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

1. Appl. 22-15P, Lightning Fitness Expansion, 85 Nutmeg Road – request for a modification to the Special Exception approval to increase the recreational square footage from 24,000 sf to 28,000 sf, on property located at 85 Nutmeg Road, I zone

Frances Vacca, licensed Engineer from the BSC Group in Glastonbury presented on behalf of owners of the applicant. Mr. Vacca explained that the applicant would be looking to increase the recreational square footage by 4,000 square feet on the top floor of the facility. Mr. Vacca then reviewed the site plan for the proposed change. Mr. Vacca reviewed the history of the property, citing that the property is zoned industrial, predominantly as a warehouse with some office space and the building received a special exception for recreational use of the building. Mr. Vacca commented that since this building is industrially zoned, they needed to confirm that the parking would be adequate for the increased space, which for a recreational use would be 1 space per 250 square feet. Mr. Vacca added that currently the building has 197 parking spaces and the proposed increased development would allocate 111 parking spaces for Lightning Fitness. Additionally, five of these spaces would be utilized for handicap parking. Mr. Vacca summarized that increasing the size of the use for recreational space would not affect the parking.

Chairman Pacekonis asked for staff comment.

Senior Environmental Planner Jeff Folger read the Planning Report.

1. Request for Special Exception to Table 4.1.1A and Article 7.13 of the zoning regulations and site plan for the expansion of an existing gym facility located in a portion of the existing building at 85 Nutmeg Road South, I zone. The PZC had previously approved 24,000 sf. for recreational use and the request is to expand the use to 28,000 sf.
2. The PZC approved a CrossFit Facility in 2015 and the Airborne Fitness facility in 2016 for this location. Both of those businesses are no longer operating and the Lightning Fitness facility has taken advantage of that approved square footage and currently operate a 16,000 sf facility on the second floor. The applicant’s proposal is to utilize approximately 28,000 sf
3. A floor plan has been provided that shows the existing facility and proposed expansion.
4. The facility operates 24/7.
5. The parking requirement for this use is 111 spaces; 111 spaces have been provided.
6. There are no exterior site improvements proposed with this application.
7. The site is lit by building mounted lights as well as parking lot lighting.

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8. The site is served by public water and public sewers. WPCA approval is not required as the site is already connected to the sewers.
9. Any new building or free-standing signage would require a sign permit.
10. The applicant has consulted the Fire Marshal and Building Official regarding the proposed changes to the facility. A building permit will be required for the change of use.

If this application is approved, the Planning Dept has no additional modifications to request.

Town Engineer Jeff Doolittle had no comment.

Chairman Pacekonis asked for public comment. No public comment.

Commissioner Dexter read letter from property owner Constantinos Constantinou.

Chairman Pacekonis asked for Commissioner comments.

Commission Vetere commented that the Planning Report mentions that Lightning Fitness currently uses 16,000 square feet and questioned if the additional 8,000 square feet was being utilized. Mr. Vacca responded originally the facility had a CrossFit gym that accounted for the recreational area but has since left. Lightning Fitness utilizes 16,000 square feet.

Chairman Pacekonis commented that the current facility operates 24 hours, however, the two previous applications had operating hours. Chairman Pacekonis questioned if Jeff Folger knew when this change took place to allow for a 24-hour operation. Mr. Folger responded that he was unsure when this change occurred. Chairman Pacekonis questioned how long the applicant had been operating in the building. Constantinos Constantinou, owner of Lightning Fitness, responded that they moved into the facility in February 2021 and had been operating for 24 hours since. Chairman Pacekonis questioned if the Planning Department had received any complaints since they moved in. Mr. Folger responded that they had not received any complaints. Chairman Pacekonis commented on the subfloor as he thought this space was initially built for office space and questioned if this would have a weight limit and that would be an issue with the proposed activity. Frances Vacca commented that the main building was designed to be a warehouse and only the southeast corner was intended to be used as office space. Mr. Vacca added that since it was initially designed as a warehouse space he believed it could withstand the activity from Lightning Fitness. Chairman Pacekonis commented that he would like to list the 24-hour operating hours as an approval condition.

Chairman Pacekonis closed the public hearing at 7:18pm.

2. Appl. 22-07P, Evergreen Walk, LLC Multifamily Text Amendment – request to amend Specific Requirements for Multifamily Residential Use in the Buckland Gateway Development Zone - including Section 4.2.15 A.2.e to increase the number of units permitted to 365 units; and modify Section 4.2.15 A.2.c to modify the criteria for achieving the required 2:1 residential to commercial ratio for mixed use developments within this zone

Attorney Chris Smith of Alter and Pearson presented on behalf of Evergreen Walk LLC. Attorney Smith reviewed the three applications that are in front of the Commission, zone text amendment, the amendment to the general plan and lastly, special exception. Attorney Smith commented that per his discussion with the Director of Planning Michele Lipe, the Commission would like two separate public hearings, one for the text amendment and another for the special exception and changes to the general plan. Attorney Smith commented that during the previous public hearing for the application there was a comment made by Commissioner Dexter that expressed concern about more school children in the school, no matter how small the number, which was part of her reason for denying the application. Attorney Smith asked for

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Commissioner Dexter to recuse herself, as this statement would be considered a predetermination of a vote. Commissioner Dexter responded that she has sat on the Commission for almost 10 years and she has always made her decisions objectively and because of this she would remain seated. Attorney Smith thanked her for the opportunity for the discussion and continued to review the application.

Chairman Pacekonis commented that the letters submitted for the record should have been submitted with the other application and not this text amendment application. Chairman Pacekonis commented that he wanted to be sure Attorney Smith and all other presenters focused on only zoning text amendment issues during this public hearing. Attorney Smith commented that he understood but did have a brief overview to review with the Commission.

Attorney Chris Smith presented and reviewed the Power Point that would be used the presentation (Exhibit A). Attorney Smith commented on the zone text amendment, which would limit this zone text amendment to properties located in the GD zone on the westerly side of Buckland Road, would clarify the 2 to 1 aggregate of the residential to commercial floor area provision and lastly would increase cap of multifamily units in the GD zone from 200 to 365. Attorney Smith added that two other items that he had mentioned, the change to the general plan and the special exception, would be discussed and presented in the second public hearing for Appl. 22-08P.

Attorney Smith briefly reviewed the previously denied application and changes made in this current application to correct some of the issues that caused the denial. First, the applicant has limited the text amendment to Buckland Gateway Development (BGD) zone on the westerly side of Buckland Road. Additionally, the new text amendment would clarify residential to commercial ratio formula, incorporate affordable units that would meet the goals of the newly adopted Affordable Housing Plan and would consider additional information presented in the Goman and York Municipal Fiscal and Economic Impact Analysis. Attorney Smith then discussed the prior reasons for denial citing Commission concerns with utilization of zone text amendment use by future applicants, open space, wetland impact and potential for school age children. Attorney Smith reviewed who would be presenting on behalf of the application, Alan Lamson of FLB Architecture and Planning, Ron Bomengen P.E. with Fuss and O'Neill, Steve Mitchell Traffic Engineer and Michael Goman of Goman and York. (Commissioner Wagner arrived). Attorney Smith commented that the approval of this text amendment would allow for residential units in the BGD zone that would complement the existing retail and restaurants in Evergreen Walk and added that Michael Goman would be able to provide further overview on this during his presentation. Attorney Smith commented that there is currently a high vacancy rate at Evergreen Walk and this proposed housing would help the current and any new development in Evergreen Walk, which would be crucial for economic viability. Attorney Smith commented that he understood the Commission's desire to separate the text amendment public hearing from the general plan and special exception hearing, however, he did feel the information provided in the Municipal Fiscal Impact report would be important to consider for this public hearing as it is consistent with the Plan of Conservation and Development. Additionally, this text change would assist with the recently approved Affordable Housing Plan by adding affordable housing units.

Chairman Pacekonis commented that he did not feel the economic component was pertinent to this zone text amendment public hearing. Chairman Pacekonis added that he understood that the applicant was trying to justify the text change but asked that a more detailed overview of the economics be discussed in the public hearing for Appl. 22-08P. Attorney Smith commented that he would like to continue with his portion of the presentation and added that the economic benefit to allow additional residential housing would ultimately be a benefit to the community. Attorney Smith commented that he would like to briefly review the Plan of Conservation and Development and the Affordable Housing Plan.

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Attorney Smith reviewed the standards for a zone text amendment. These standards include, being consistent with the comprehensive plan, being consistent with the goals and objectives of Section 8-2, being consistent with Plan of Conservation and Development and the Affordable Housing Plan. Attorney Smith reviewed the newly adopted Affordable Housing Plan and the highlighted needs for affordable housing in South Windsor, noting that this development would provide affordable housing units, specifically deed restricted housing. Currently, there are a small amount of deed restricted units in South Windsor and the Affordable Housing Plan has a goal of creating more of these and this development includes deed restricted affordable units. Attorney Smith highlighted additional ways this development meets the goals of the Affordable Housing Plan.

Attorney Smith reviewed how the application was relevant to the Plan of Conservation and Development. The development would promote new housing opportunity within close proximity to adjacent commercial uses within Evergreen Walk. There would also be additional pedestrian connectivity with use of nearby open space enhancements and close proximity to bus services and arterial roadways. Attorney Smith commented that Evergreen Walk is a lifestyle community with limited space left, this zone text amendment would help promote mixed use development in town. Attorney Smith reviewed who else would be presenting and the topics that would be covered, such as traffic impacts and utility availability. Chairman Pacekonis commented that he did not feel these topics were relevant to the text amendment. Attorney Smith commented he felt that certain pieces of information would be important, such as how adding mixed use in this area would support a stronger economy, which is focused on in the Plan of Conservation and Development. Chairman Pacekonis reiterated that he understood the point trying to be made, however, it needs to be focused on the text amendment and the change of language. Attorney Smith commented that the proposed text amendment is specific in to allow an increase in the residential cap in BGD zone. He added that he thought that testimony from various professionals that review why this project would work on this site would be important. Attorney Smith commented that for the Commission to allow for additional use in this zone, he felt it would make sense that Commission would want to hear how the text amendment is consistent with various guidance documents such as the Plan of Conservation and Development.

Commissioner Wagner commented that a text amendment is a policy procedure and it would be important to understand the economic implications of changing the use of the land. In his opinion, it is more than just looking at the wording, it's looking at the implications of putting housing where commercial use was previously allowed. Chairman Pacekonis commented that he felt the Commission needed to only focus on the specific text language and whether they would want to approve this or not. Commissioner Wagner reiterated that he felt this would be a policy change and would want to hear the implications of that change. Chairman Pacekonis commented that he felt that this application was a specific example of looking how this change would meet goals. Attorney Smith commented that the Plan of Conservation and Development is a goal for the town, how the town should look, and to achieve those goals amendments must be made when possible. This is why Attorney Smith felt that they should continue reviewing the development and how this text amendment would allow for a change to the regulations that would then allow for a development that fits the needs and objectives of the town and the Commission. Attorney Smith added that the Goman and York report would show how this text change would also be supported in this zone and added that the intention during this public hearing is to briefly review some of these items, they would go into greater detail during the public hearing for the change to the general plan and the special exception. Chairman Pacekonis agreed and commented that they could continue their presentation.

Alan Lamson of FLB Architecture and Planning reviewed the general plan of development for Evergreen Walk. Mr. Lamson commented that for the record, there have been several items the Commission had requested for improvements in Evergreen Walk over the years such as, completion of the trail system,

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completion of Tamarack Avenue and construction of a berm on the southwest corner. Mr. Lamson commented that he wanted to discuss the open space at Evergreen Walk. Chairman Pacekonis asked for this item to be skipped and discussed at the next application's public hearing. Mr. Lamson commented that he would wait until that time to review the open space. Mr. Lamson continued and commented that the text amendment is technically a five-part change to the regulations. First, the current regulation sets the number of units that can be constructed and this is currently at 200 units and the applicant is looking for an increase to 365 units. Next would be to modification to the concept of the plan that provides the commercial offset for the 2-to-1 ratio, which should be done at the general plan level. Mr. Lamson commented that currently the 2-to-1 ratio applies to the Tempo Apartments with three parcels in Evergreen that provided the commercial square footage, the hotel, daycare and Unit 7E. With that said, nothing that is being proposed for this application would change the commercial offset for Tempo.

The next item they are proposing is to change this to a maximum ratio of 1-to-1 of the commercial area to residential if it's shown on a general plan of development that was approved June 1<sup>st</sup> 2020 to April 30<sup>th</sup> 2022. Mr. Lamson commented that as mentioned before, the proposed residential component would include 10% affordable housing units. Mr. Lamson commented that lastly, this text amendment would be limited to property located to the west of Buckland Road in the BGD zone.

Mr. Lamson commented that Evergreen Walk LLC has developed approximately 785,000 square feet of commercial use since its inception, with 483,000 square feet of that being approved since the development of Tempo. Mr. Lamson commented that their research has shown that the market no longer supports commercial and residential on the same parcel. Mr. Lamson reiterated that this proposal would allow the 1-to-1 offset for only general plans approved from June 1<sup>st</sup> 2020-April 30<sup>th</sup> 2022. Mr. Lamson commented that there could be an approval condition that states if this development were to be approved then all commercial development created during June 1<sup>st</sup> 2020- April 30<sup>th</sup> 2022 time frame could be absorbed for this application. Mr. Lamson summarized that they feel this text amendment is in line with the Plan of Conservation and reviewed why. Mr. Lamson added that the text amendment as revised covers previous concerns brought up at the last application's public hearing.

Ron Bomengen Engineer with Fuss and O'Neill briefly reviewed the existing infrastructure and the sanitary sewers. Mr. Bomengen added that this amendment would not have a negative impact on the community and there are adequate services for this site.

Steven Mitchell Traffic Engineer with Mitchell Traffic Engineering briefly reviewed the traffic impacts on the site. Mr. Mitchell commented that a change from commercial to residential use would slightly decrease the number of trips generated, therefore, there would be no negative health or safety impacts with this change of amendment.

Michael Goman of Goman and York reviewed the Municipal Fiscal Impact report and the economic development for the development. Mr. Goman commented that COVID had impacted commercial business and accelerated existing trends, such as working remotely, online retail and the decrease demand for office space. Mr. Goman commented that there is currently a high demand for warehouses and apartments, specifically, horizontal mixed use, which is housing adjacent to retail. Mr. Goman began reviewing the state of Connecticut's job market and population growth. Chairman Pacekonis asked that that this information be presented during the general plan and special exception public hearing as it was not relevant to the text amendment public hearing. Mr. Goman briefly reviewed the fiscal impact and commented that this was applicable to the text amendment to show how mixed-use development has proven to be successful near food, beverage and retail spaces.

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Attorney Smith commented he had not reviewed the letters but commented that he believes they could fall under either application. Attorney Smith summarized that the text amendment would be complimentary to the BGD zone and the expansion of this zone and addition of different housing choices would be in line with the Plan of Conservation and Development. Attorney Smith reviewed the overlay zones and added that the text amendment would be similar to the three exiting overlay zones to promote the mixed used also discussed in Plan of Conservation and Development. Attorney Smith commented on that importance of mixed use, particularly in Evergreen Walk as there are many vacancies in Evergreen Walk but having additional housing would help support the shops in this development.

Chairman Pacekonis asked for staff comments.

Senior Environmental Planner Jeff Folger read the Planning Report.

1. Request by Evergreen Walk, LLC for a text amendment to change Specific Requirements for Multifamily Residential Use in the Buckland Gateway Development Zone - including Section 4.2.15 A.2.e to increase the number of units permitted to 365 units; and modify Section 4.2.15 A.2.c to modify the criteria for achieving the required 2:1 residential to commercial ratio for mixed use developments within this zone. This is a resubmission from the amendment previously denied by this Commission in January of 2022 (and is subject of pending litigation)
2. Currently the regulations permit multi-family residential use; however, the unit number is limited to 200 units in conjunction with new commercial development at a ratio of 2:1 square footage. The current apartments were approved under those regulations.
3. The proposed changes would allow for an additional 165 multi-family units including a 1:1 ratio of residential to commercial square footage when the commercial area is shown on a General Plan approved on or after June 1, 2020 and prior to April 30, 2022; toe proposed residential component provides a minimum of 10% of the housing as affordable for individuals or families at the 80% median income level where there is a deed restriction for such component for a 40 year timeframe; and the property to be consider must be the westerly of side of Buckland road
4. The text proposal changes how the mixed-use ratio of residential to commercial would be calculated, proposing the commercial square footage requirement consider current/proposed commercial construction activity with the Evergreen Walk site – not necessarily new construction in the area of the proposed housing. Applications for this use require a special exception application along with an update to the General Plan.
5. A consideration when evaluating a text amendment is a review of the goals of the POCD and the recently adopted Affordable Housing Plan. In the Residential section of the current Town Plan of Conservation and Development, the potential for mixed-use development is referenced. One of the stated goals is: Support Housing Opportunities that Help Achieve Economic and Transportation Goals

The plan states: The Residential Densities Plan identifies possible Housing Opportunity Areas. These areas are identified as good housing candidates because they are within walking distance to commercial areas, have bus service and are located along an arterial road.

New housing in these Opportunity Areas should be:

- Supportive of and co-exist with commercial development so the housing does not reduce the economic viability of these areas. A mixed-use approach is encouraged.

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- Planned and laid out to avoid traffic issues. Housing development should minimize curb cuts, provide pedestrian and bicycle connections to nearby commercial uses and take other measures to reduce congestion issues.

Also, the recently adopted affordable housing plan has one of its strategies to increase deed restricted units.

6. The applicant has provided Municipal Fiscal & Economic Impact Analysis outlining the economics of the project.
7. The Capitol Region Council of Governments has reviewed this amendment as required and has forwarded the following report: \*\*\*CRCOG Report\*\*\* dated March 4, 2022

If this amendment is approved, the Commission must find that the text is in conformance with the Town Plan and must set an effective date.

Town Engineer Jeff Doolittle had no comment.

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis commented that the letters received were tough to distinguish between the two applications as they seemed to cover both. Chairman Pacekonis asked for the letters to be read into the record. (Exhibit B)

Secretary Wagner read letters of support from Elaine Abouakar of 23 Wapping Avenue, Andrew Paterna of 301 Strawberry Lane, Scott Kelley of 845 Main Street, Renu Cabot of 37 Kelly Road and Daria Plummer of 235 Orchard Hill Drive.

Commissioner Dexter read letters of support from Bill Jodice of 32 Green Lane and Kerri Moore dba Style Points Salon, LLC of 90 Buckland Road Building A.

Commissioner Cavagnaro read letters of support from Anthony Vidal dba Massage Envy of 90 D Buckland Road, Derek Marder dba Aquatic Wildlife Company of 70 Buckland Road, Wendy Upton dba Clothes Mention of 90E Buckland Road, and Yanil Teron of 1010 Sand Stone Drive.

Commissioner Carey read letters of support from Rick and Liza Love of 863 Main Street, Peter DeMallie of 35 Peterson Way, and Brian Gaer dba Plato's Closet of 70E Buckland Road.

Commissioner Vetere read letter of support from Evan Guttman dba European Wax Center of 70 Buckland Road. Chairman Pacekonis asked for Commissioner comments.

Commissioner Carey clarified if this verbiage applied to only this area. Attorney Smith commented that this was correct, it would only apply to this portion of the BGD zone. Commissioner Carey questioned if other applications have referenced what has been approved or changed, essentially, would the Commission be setting a precedent for future application by approving this text amendment. Attorney Smith reviewed the precedent that happened in this instance. Initially the BGD zone did not permit residential housing, however, years ago the Commission approved this use by special exception for the Tempo apartments and capped the residential units at 200 units. Attorney Smith added that there is a similar cap in other overlay zones and a similar formula for permitted uses. Attorney Smith commented that the Commission typically supports promoting the mixed-use component, the applicant just needs to have the cap raised by 165 units.

Commissioner Carey questioned why the garages were not counted as part of the residential component. Alan Lamson responded that in the original language, facilities such as club houses and garages, were agreed on by the Commission to not be counted as either residential or commercial.

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Commissioner Cavagnaro commented that he had no questions and that he did not see any issue with the proposed text amendment. Commissioner Cavagnaro added that a majority of his comments would be for the next application.

Commissioner Dexter thanked the applicant for formally adding the affordable housing component.

Commissioner Wagner commented that he did not agree with asking Commissioner Dexter to recuse herself. Attorney Chris Smith commented that he had to create a record and expected her response, however, he had an obligation on behalf of his client to ask. Attorney Smith added that he was looking to focus on the merit of the application. Commissioner Wagner reiterated that the proposed text amendment is focused on adding 165 apartments, incorporating 10% of affordable housing units in this development and only allowing these units on the westerly side of Buckland Road. Commissioner Wagner commented that he felt the question in front of the Commissions seems to be if the Commission finds it to be good idea to add more residential units to Evergreen Walk.

Commissioner Wagner commented on the Goman and York report, which he felt pointed out that a residential component seems to be essential in keeping Evergreen Walk as a viable commercial area. He added that also noted in the report was the number of students that would be generated by the development and commented that he felt the estimated 30 students was a conservatively large number. Commissioner Wagner commented that the cost of students would be easily absorbed by the revenue that would be generated by this development. Commissioner Wagner commented that there would be an avoided loss of retail if the Commission were to pass this application as the addition of apartments would be essential to the continued success of Evergreen Walk.

Commissioner Vetere commented that he was in agreement with the text amendment.

Chairman Pacekonis commented that his issue is not with the change of the residential cap, he is concerned with the change in the way the commercial square footage is used in the offset ratio. Chairman Pacekonis commented that he did not like the precedents that would be set by changing the regulations for a specific application. Chairman Pacekonis commented that he understood the economic viability component, however, he did not feel it was necessarily the issue in front of them with this specific application. Chairman Pacekonis commented that it was important for the Commission to focus on the language in front of them. Chairman Pacekonis commented that he appreciated the efforts to change the text amendment language, however, he was unsure if he could support it as it is currently written.

Commissioner Wagner commented that he did feel the text amendment was similar to spot zoning and suggested an alternative of limiting new housing to 1,500 feet from Buckland Road.

Commissioner Wagner commented that the residents want this development and he also supports this application and perhaps changing the method in which units are allowed in this zone would be the best solution. For example, not allowing units too close to Buckland Road. Attorney Smith commented that this would be something he could look into further should they hold the public hearing open. Chairman Pacekonis commented that he did feel Commission Wagner's suggestion would be more palatable but does not want the zone to be exclusionary. Attorney Smith pointed out that when the Commission first approved the change to BGD zone with Tempo Apartments and the increased cap of 200 residential units, the point then was to make it impossible for someone to build more residential units without going through the Commission first. With that said, it is always possible for someone to come back to the Commission and propose a change, like the applicant is doing this evening. Attorney Smith commented that he would certainly look into what was suggested this evening and will come back to the Commission to see what can be accommodated.

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Commissioner Wagner motioned to keep the public hearing open to May 24.

Commissioner Carey seconded the motion. The motion passed unanimously.

3. Appl. 22-08P, Evergreen Walk, LLC – request to modify the Evergreen Walk General Plan of Development in accordance with Section 4.2.15 D.2 and a special exception to Section 4.2.15 D.1 for an 165 unit residential development, for a portion of 151 Buckland Road [within "Evergreen Walk"] known as Unit 7C, and being approximately 2,000 feet west of Buckland Road and 1,000 feet north of Smith Street, Buckland Road Gateway Development Zone

Attorney Chris Smith presented again on behalf of Evergreen Walk LLC. Attorney Smith commented that this public hearing and application was to amend the general plan and request a special exception to allow for 165 multifamily residential units. Attorney Smith commented that the same presenters would be reviewing previous discussed items but with more site-specific details.

Alan Lamson, Vice President of FLB Architecture and Planning and Planning Consultant for Evergreen Walk, reviewed the general plan of development. Mr. Lamson commented that multiple modifications to the general plan have taken place over time with changes of market needs. Mr. Lamson reviewed the issue of open space at Evergreen Walk and the large amount of wetlands, DEP non-development area and riparian buffer restrictions. Mr. Lamson reviewed the upland review area in more detail. Mr. Lamson added that they must consider open space area that has been a part of various approvals that cannot be developed on as well. Mr. Lamson reviewed the property for Unit 7C and the 3 acres of dedicated open space for the proposed development. Mr. Lamson commented that they did submit the application plan to the Architectural Design Review Committee and received approval.

Mr. Lamson commented on the parcel that are currently remaining in Evergreen Walk, which includes Unit 7E, Unit 5, which recently received approval for a bank and has additional space for potential future development, and lastly Unit 8, which is approved for independent senior living. Mr. Lamson reviewed the general description of the proposed buildings. There would be 165 units with 83 one-bedroom and 82 two-bedroom units. Mr. Lamson commented that the development meets or exceeds the requirements of the Buckland Gateway Development and provides buffers to adjacent residentially zoned properties. There would be provisions to provide pedestrian and bicycle accommodations and ample parking as well. Mr. Lamson commented that the roadways and utilities would be owned and maintained by other entity, not the town of South Windsor. Mr. Lamson commented that they are requesting a special exception because the text amendment as proposed is a special exception requirement. Mr. Lamson summarized that the site is physically suited for the proposed use.

Ron Bomengen, Engineer with Fuss & O'Neill reviewed the infrastructure for the site. Mr. Bomengen commented that there is an existing sanitary sewer system in Evergreen Walk that could support this future development. Mr. Bomengen reviewed the water supply for Evergreen Walk. Mr. Bomengen explained that they look at the overall demand with the proposed changes, if they find that any of the changes cause an increase then they would need receive approval from various utility companies, however, there is no increase in demand for this general plan. Mr. Bomengen commented that they did also receive letters from Connecticut Water and Connecticut Natural Gas that confirms there are adequate utilities to support this development change.

Steve Mitchell of Mitchell Traffic Engineering reviewed the traffic report in more detail. Mr. Mitchell commented that he has worked on traffic for Evergreen Walk for over 20 years and is very familiar with the site. Mr. Mitchell reviewed the trip generation summary portion of the report. Mr. Mitchell explained

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that in the previous general plan there was a proposed use of office space for this site, which would generate more traffic than the proposed residential unit. Mr. Mitchell reviewed the ITE database and standards and how this information is gathered for traffic counts for various types of facilities. Mr. Mitchell summarized that by changing to a residential use the trip generation would be reduced and therefore, less traffic would be produced from this site.

Michael Goman of Goman and York reviewed the Municipal Fiscal Impact Report. Mr. Goman commented that there is an increase in vacancies in Evergreen Walk and there not a large demand for retail. However, there is a high demand for apartments, specifically, horizontal mixed use where residential is adjacent to retail. Mr. Goman reviewed the slow job growth and population growth in Connecticut. Mr. Goman reviewed South Windsor's school aged population projections graph and commented that essentially the number of children entering the school systems appears to be staying flat and declining slightly. Additionally, newly constructed multifamily and renter occupied housing has only accounted for 6.1% of new school enrollments, sales of existing homes accounts for 62% of new school enrollment. Mr. Goman reviewed the revenue that would be generated by this 165-unit development, which would be approximately \$710,000 in revenue for property taxes. Mr. Goman reviewed the breakdown of the revenue further and explained that with the projected revenue subtracted by the proposed expenditures such as school enrollment, the Town of South Windsor would generate about \$419,000 a year plus approximately \$460,000 in one-time development fees. Mr. Goman also commented on the projected consumer spending that would also occur at local businesses.

Howard Rappaport, Principle with Continental Properties one of the largest developers in Connecticut and developer of Tempo 1 reviewed the design objectives. Mr. Rappaport commented that Continental Properties has expertise in building modern rental properties with generational holders, meaning they do not intend to sell the properties, the intent is long term property ownership. Mr. Rappaport commented that Evergreen Walk is a premier lifestyle center and new apartments would further enhance this area with addition of Costco and Whole Foods. Mr. Rappaport commented that the Tempo Apartments have been successful, however, this development would be intentionally different than those units and would provide a new type of housing for South Windsor. Mr. Rappaport reviewed the design for the proposed development, which would feature a majority of cottage style units. These units would offer residents a separate entrance and direct entry to their garage with no common interior hallways or staircases. The development would also feature a four-story building that would be serviced by an elevator and a 3-story building that would have common hallways. Mr. Rappaport reviewed the breakdown of the buildings in more detail, which would include fourteen residential buildings in total, twelve cottage style buildings, one four-story building and one three-story building. Additionally, the site would feature a lavish clubhouse, pool and cabanas. Mr. Rappaport commented that walkability and sustainability would be important to the development, which be in close proximity to restaurants and retail in Evergreen Walk. The development would also include electric vehicle charging stations and a communal bike share program with bike racks dispersed throughout the development. Mr. Rappaport summarized that he felt this residential development would be a great addition to Evergreen Walk.

Chairman Pacekonis asked for staff comments.

Senior Environmental Planner Jeff Folger read the Planning Report.

1. This is a request to modify the Evergreen Walk General Plan of Development in accordance with Section 4.2.15 D.2 and a special exception to Section 4.2.15 D.1 for an 165 unit residential development, for a portion of 151 Buckland Road [within "Evergreen Walk"] known as Unit 7C, and

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being approximately 2,000 feet west of Buckland Road and 1,000 feet north of Smith Street, Buckland Road Gateway Development Zone

2. The changes to Unit 7C and the General plan include:

Elimination of 30,950 sf of office use including 70 parking spaces from general plan; remove all retail from Unit 7C (9,209 sf and 46 parking spaces) and relocate it on Unit 8; a to unit 8, and adds 165 units of multi-family on unit 7C with 313 parking spaces.

3. The applicant's request is also for a Special Exception for the 165 housing units showing units. Special exception review criteria listed in 4.2.15.D.4 include:

The location of the multifamily residential use is fully integrated with other commercial, retail, office and/or recreational uses;

The proposed multifamily residential use shall be appropriately buffered from adjacent residential uses

The multifamily residential use has been designed to meet the legal requirements for the disabled; and

Whether the site either is, or will be, within reasonable pedestrian proximity to shopping, services, and institutions, as are routinely required by the future residents of the site.

4. A 75-foot buffer is required along residential zone boundaries and has been shown on the development plan in addition to the required setback line. A detailed landscaping plan will be required calling out the specific species of trees and plants with sizes proposed. Recently a berm was constructed along the south westerly property boundary. The PZC had approved this berm last year.
5. The Open Space requirement for the residential development is 750 sf for each residential unit. It is the applicant's intent to meet this requirement by providing the a clubhouse and continuation of the trail system adjacent to the residential area and extending west on the site and dedication of an open area of wetlands.
6. Pedestrian access has been provided throughout the site. With the original approval of the apartments, the developer completed the sidewalk connection on the south side of Tamarack from the new development up to tie in with the existing sidewalk. Additionally, the developer installed a four-way stop sign at the intersection of Tamarack and Evergreen Way. This proposal will have sidewalk linkages into the existing Tempo project and staff have requested that there be a road connection between the two developments as well.
7. A traffic report was submitted and Table 1 provides a land use Summary Table Summary showing the square footages of the residential uses and the total square footages new general plan development.

A Mitchell traffic report concludes with the introduction of the residential uses and elimination of commercial uses there will be reduction in the traffic (approximately 200 less vehicles a day). The applicant will be required to return to STC to modify their approval such approval is required to be in place prior to issuance of building permits.

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8. Public water and sewer are available. The applicant submitted a utility statement indicating the availability of utilities for this project. WPCA approval will be required as well as approval from CT Water.
9. There are regulated wetlands on the site in the vicinity of the apartments. A site plan submission to the IWA/CC would be required.
10. The Architecture and Design Review Committee reviewed the architecture design and concept layout on November 4. The committee was pleased with the designs and materials presented and forwarded a favorable recommendation. The applicant would return to the ADRC as a part of the site plan process to review final designs, lighting and landscaping.
11. If this application is approved, in addition to existing conditions of the General plan, the Planning Dept. requests the following:
  - Site Plan of Development approval is required prior to construction, per Section 4.2.15.D of the zoning regulations. Construction phasing must be included on the Site Plan of Development if appropriate.
  - As required in section 4.2.15.2.d, the applicant shall present their proposal and schedule to meet the 2:1 residential to commercial ratio as the phasing and project progresses. A “Table of Ratios and Uses”, the construction timeline, and proposed phasing narrative.
  - No building permits will be issued until any required STC approval has been issued (per CGS §14-311).

Town Engineer Jeff Doolittle commented that the general plan shows only one main access and he would like to see a second access drive in and out of the development. The applicant commented that this could be accommodated.

Chairman Pacekonis asked for public comment and added that for the record, the letters read in the public hearing for Appl. 22-07P would be included for this public hearing.

James King questioned the use of sustainable energy for this project.

Chairman Pacekonis asked for Commission comments.

Commissioner Vetere questioned if there was a breakdown of the 10% affordable housing units for one-bedroom versus two-bedroom units. Howard Rappaport responded that these units would be split evenly for the overall number of units. Commissioner Vetere questioned how many electric vehicle car charging stations would be on the property. Mr. Rappaport responded that there would be four EV charging stations but would also create provisions underground for more to be created in the future.

Commissioner LeBlanc commented that the renderings did not show sidewalks and had safety concerns with these missing from the plan. Ron Bomengen commented that as they get into detailed site plan they can review how to accommodate sidewalks on this site plan. Attorney Smith added that a site plan would be the next step with the application process, however, if the Commission would like to add an approval condition to the special exception application that confirms the necessity of sidewalks, the applicant would be open to it.

Commissioner Wagner questioned if there were changes in this application from the previously denied application. Attorney Smith responded that this is essentially the same application. Commissioner Wagner

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commented that he also has a concern with sidewalks and would like to see these as much as possible on a future site plan. Commissioner Wagner added that the garages must also be wired to support electric vehicle charging stations inside the garage. Commissioner Wagner commented that he saw solar panels in some renderings and would hope to see solar panels throughout the site plane. Commissioner Wagner questioned if they would consider avoiding natural gas for the utilities. Ron Bomengen responded that as they get to detailed site plan design, they would review how building systems would function and what would be the most efficient for the owners. Commissioner Wagner asked for a response for the public comment made by James King regarding water recapture and solar. Mr. Bomengen commented that water recapture would also be looked at during site plan design, however, it is not always cost effective. Mr. Bomengen added that in multifamily developments they have not seen much use of water recapture but have seen more use of solar.

Chairman Pacekonis commented on the recently completed walking trail and questioned the piece of trail by the clubhouse entrance of Tempo that does not appear to be connected to the rest of the walking trail on the general plan drawing. Alan Lamson responded that the intent of this piece would help connect the walking trail with the portion by the Tempo clubhouse.

Commissioner Cavagnaro commented that he also had the same concern about the sidewalks and would like to see this at site plan. Commissioner Cavagnaro commented that he would also hope to see more bike racks on the detailed site plan. Commissioner Cavagnaro questioned where the closest bus stop would be located. Town Engineer Jeff Doolittle responded that he believed the closest one would be on the corner of Buckland Road and Tamarack Avenue. Commissioner Cavagnaro commented that adding more bus stops to mixed use developments should be considered. Commissioner Cavagnaro questioned the range for rental prices for these units, would they be similar to the prices of Tempo Apartments. Howard Rappaport responded that in general the range would be similar to Tempo, however, the cottage style units would be higher because of the direct access to the garage. Commissioner Cavagnaro commented that the recently approved Affordable Housing Plan calls for housing diversity and feels that this application offers this and he supports the application. Commissioner Cavagnaro added that he would like the applicant to consider adding speed bumps and raised crosswalks where necessary to ensure safety around the development.

Chairman Pacekonis commented that they would like to continue the public hearing to May 24.

Commissioner Vetere motioned to move the public hearing to May 24.

Commissioner Cavagnaro seconded. The motion passed unanimously.

Commissioner Vetere motioned to extend the meeting until 10:45pm

Commissioner Cavagnaro second the motion. The motion passed unanimously. Commissioner LeBlanc left.

**REGULAR MEETING/COUNCIL CHAMBERS:**

**CALL TO ORDER:**

**PUBLIC PARTICIPATION:**

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

1. Appl. 22-15P, Lightning Fitness Expansion, 85 Nutmeg Road – request for a modification to the Special Exception approval to increase the recreational square footage from 24,000 sf to 28,000 sf, on property located at 85 Nutmeg Road, I zone

Commissioner Dexter motioned to approve the application with the following conditions:

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1. This approval is for Lightning Fitness facility for approximately 28,000 sf of the existing building at 85 Nutmeg Road North as shown on the approved site plan.
2. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
3. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
4. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
5. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
6. A building permit is required for the change of use of the additional square footage
7. The hours of operation will be 24 hours

Commissioner Vetere seconded the motion. Commissioner Wagner recused himself since he was not present for this portion of the public hearing. The motion passed unanimously.

2. Appl. 22-12P, J.E. Shepard Company– request for renewal of a 2-year temporary and conditional permit (Section 2.13.a) to allow a modular office at 185 Governor’s Highway, I zone

James King Senior Asset Manager for JE Shepard commented that he was present on behalf of the application as he understood there were questions from the previous public hearing. Mr. King commented that they are still using the site occasionally and would like to continue the permit.

Chairman Pacekonis asked for staff comment.

Senior Environmental Planner Jeff Folger read the Planning Report.

1. Request for renewal of a two - year temporary and conditional permit for a modular office at 195 Governor’s Highway, I zone.
2. This temporary and conditional permit was originally granted in 1991. The office area is approximately 880 sq. ft. (40’ x 22’) and it is located slightly outside the building line along Governor’s Highway.
3. The modular office is currently not in use.
4. In 2018 the Commission approved the permit with the condition that the property be brought into compliance before renewing the permit again; however, it was renewed in 2020.
5. The wording of the T & C permit regulation is that, “Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, 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.”
6. If this application is approved, the Planning Department has no modifications to request.

Town Engineer Jeff Doolittle had no comment.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Cavagnaro motioned to approve application with conditions

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1. The permit is for a two-year renewal and will expire on May 10, 2024. If this use is to continue beyond that date, a renewal will be required.

Commissioner Dexter seconded the motion.

Commissioner Wagner clarified that the modular home was not in conformance. Jeff Folger and Chairman Pacekonis confirmed this. Commissioner Wagner questioned if this temporary and conditional permit would correct this issue. Chairman Pacekonis commented that per the 2018 approval letter, the applicant was supposed to return with a site plan as the applicant had said it was no longer being used for its original intent. Chairman Pacekonis added that this temporary and conditional permit has existed for 31 years and the Planning Report states that the modular office is no longer in use. Therefore, Chairman Pacekonis feels the use has expired and to continue the permit would be an insult. Chairman Pacekonis commented that he could not support this permit any longer as it is not there for its intended use.

Commissioner Wagner questioned the requirements for a modular office. James King responded that this modular office had been hardwired and it would take some time for it to be moved. Chairman Pacekonis confirmed with the applicant that the intended use no longer exists. Mr. King responded that he was unsure what the intended use was but currently it has been used as a temporary office on and off for projects. Commissioner Wagner questioned what exactly is a modular building. Town Engineer Jeff Doolittle reviewed example of modular buildings, such as the modular classrooms at Pleasant Valley School.

Commissioner Wagner questioned why the application did not come in as a site plan. Chairman Pacekonis commented that it did not fit with setbacks and other regulation requirements, which is why it originally came in as a temporary and conditional permit. Commissioner Wagner commented that if the modular home/site cannot receive site plan approval then it should be removed.

The motion was called. Commissioner Dexter voted in favor. Commissioners Vetere, Cavagnaro, Carey, Wagner and Pacekonis voted against. The motion failed.

**BONDS:** Callings/Reductions/Settings

**Landscape Bond**

Appl. 18-29P Harbor Chase Landscape Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-

Commissioner Cavagnaro made a motion to reduce the above-mentioned bonds. Chairman Pacekonis seconded the motion. The motion passed unanimously.

**MINUTES:** 4/5/22, 4/12/22 and 4/19/22- Chairman Pacekonis and Commissioner Wagner made minor changes to the minutes and they were accepted by consensus with discussed corrections.

**OLD BUSINESS:**

**APPLICATIONS OFFICIALLY RECEIVED:**

**OTHER BUSINESS:**

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Commissioner Cavaganaro motioned to adjourned.

Commissioner Vetere seconded the motion.

The meeting adjourned at 10:45 pm

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary