

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

**MINUTES**

**-1-**

**JUNE 22, 2021**

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

**ALTERNATES PRESENT:** Paul Bernstein, Megan Powell

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

Town Council Liaison Janice Snyder in attendance.

**PLEDGE OF ALLEGIANCE**

Commissioner Dexter read the legal notice.

Chairman Pacekonis appointed Alternate Commissioner Powell for Commissioner Bonzani and Alternate Commissioner Bernstein for Commissioner Foley.

**CALL TO ORDER:**

**PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 PM**

1. **Appl. 21-27P, UW Realty VII LLC**, request for a zone change of 33,750 sf from Industrial to General Commercial, on property located at 140 Troy Road, I zone

Benjamin Wheeler from Design Professionals was present on behalf of the applicant to review the application. Mr. Wheeler informed the Commissioners that the property owner and applicant Bob Urso and John Jacques of Jacques Construction, who would be the intended builder should the application be passed, were both in attendance for additional questions. Mr. Wheeler reviewed the zone change request from an industrial zone to a general commercial zone. Mr. Wheeler commented that in 2018 the property was in the general commercial zone but was re-zoned to the industrial zone. The plan at that time was to put a small construction company on the property but the plan did not move forward. As a result, there is a site plan, that were approved by the Planning and Zoning Commission, that go with the property since the plan as submitted in the last 5 years. Mr. Wheeler explained the property to the east is an A-30 zone, single-family residential, there were three lots that recently received a zone change from general commercial to residential in 2019. Across the street from the property is rural residential. To the south of the property, there is existing general commercial, currently home to Imperial Oil Co. Lastly, there is Industrial zoning to the west. Mr. Wheeler commented that the intent of the zone change is not to put a commercial building. They are proposing to put a residential duplex on the site, which is allowed by special exception in the general commercial zone. Mr. Wheeler explained that the property would not be a good candidate for a rural residential or A-30 residential zone change because of the lot configuration, a variance would be needed to meet the buffer zone. Mr. Wheeler summarized due to the buffer restrictions the applicant chose to request a zone change back to the general commercial with intent of building a duplex on the property rather than

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

**MINUTES**

**-2-**

**JUNE 22, 2021**

request a zone change to residential and apply for a variance. Mr. Wheeler commented that Troy Rd is a primarily residential road and the applicant is attempting to maintain the residential character of Troy Rd. Director of Planning Michele Lipe gave the following Planning Report:

1. Request for a zone change of 34,000 sf (.75 acres) from Industrial to General Commercial Zone on property located on the southerly side of Troy Road, westerly of Brookfield Street. The property is currently bordered by Industrial land to the west, general commercial to the south and residential zoning to the north and east.
2. The minimum lot size in the General Commercial zone is the same as the I zone at 30,000 sf minimum lot size. Frontage requirement for both zones is 100 feet. The primary difference in bulk requirements are setbacks; Industrial zone has a 35 foot front yard setback and 25 foot rear yard setback for structures; the general commercial zone has a 50 foot front yard setback and a 15 foot rear yard setback. The lot coverage ratios are different as well; 50 % lot coverage allowed in Industrial zones and 30% in GC zones. Impervious coverage is the same in both zones allowing 65%.
3. The possible uses in the GC zoning are more geared to retail and service uses whereas the industrial zoning category include manufacturing, offices, warehousing, distribution centers, general contracting establishments, etc. The general commercial does allow for certain uses by special exception such as duplexes.
4. The Town Plan designates this area for economic development and encourages keeping industrial land so that it can accommodate today's businesses.
5. In acting upon the zone change, the Commission shall take into account the various factors favorable and unfavorable to such a change, including but not limited to:
  - The goals, objectives, and recommendations of the Plan of Conservation and Development;
  - The purposes of zoning and of these regulations;
  - Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
  - The supply of land available in the present and proposed zone;
  - The physical suitability of the land for the proposed zone;
  - The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
  - The general character and zoning of the neighborhood;
  - Impacts on the surrounding area;

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

**MINUTES**

**-3-**

**JUNE 22, 2021**

- Traffic congestion impacts;
  - The impact on surrounding property values;
  - The environmental impacts;
  - The health and general welfare of the community;
  - Neighborhood acceptance weighed against community needs; and
  - The protection of historic factors.
6. There is existing water and sewer available in Troy Road. WPCA approval will be required at the time of any site plan application.
  7. There are no regulated wetlands on the existing parcel. At the time of a site plan, an IWA/CC application is required for Conservation approval if over ½ acre is disturbed.
  8. A zone change is the appropriate time to discuss traffic impacts. Troy Road is a collector road. The anticipated traffic from this use could easily be accommodated.
  9. Site plan of development would be required prior to any commercial and/or special exception use for this site.
  10. If this zone change is approved, the Commission must state on the record that you have found the zone change to be consistent with the plan of conservation and development.

Town Engineer Jeffrey Doolittle had no comments.

Commissioner Dexter read letter into the record, a petition from 11 surrounding neighbors on Troy Rd objecting the application. (Exhibit A).

Chairman Pacekonis directed a question to Director of Planning Michele Lipe regarding CT General Statute 8-3 which refers to at least 20% of the property owners within 500 feet of the proposed property being opposed to the application which would then require a 2/3<sup>rd</sup> majority vote from the Commission rather than a majority vote. Ms. Lipe commented that she would need to review property list and calculate the total acreage of the signatures and report to back to the Commission.

Commission Wagner asked for clarification of the need for a 2/3<sup>rd</sup> majority vote. Ms. Lipe explained the need to calculate the acreage of the abutting property owners to clarify if the signatures total 20% or more of the acreage of the applicant's property.

Chairman Pacekonis asked for public comment. No one present for public comment.

Chairman Pacekonis asked for Commissioners comment.

Commissioner LeBlanc commented that he had concerns about the application. He drove through the neighborhood and felt that it is not necessary project for the neighbors and town. Additionally,

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

**MINUTES**

**-4-**

**JUNE 22, 2021**

---

Commissioner LeBlanc commented that it's clear the neighborhood is not in favor and therefore he is not in favor of the application.

Commissioner Flagg asked a question to Director of Planning regarding the term spot zoning used in the petition letters from the neighbors. Ms. Lipe defined spot zoning, Ms. Lipe used an example of being in an industrial zone and rezoning a parcel to a residential zone to build a house in the middle of the industrial zone would constitute spot zoning. Ms. Lipe commented that there is general commercial, industrial and residential zoning adjacent to this piece, therefore, she would not consider this application spot zoning. Ms. Lipe commented that this would be a difficult property to use in a zone residential due to the buffer requirement. but an applicant could bring an application to the Zoning Board of Appeals to apply for a variance and a duplex could still be proposed in a residential zone by special exception.

Commissioner Flagg clarified with Ms. Lipe why the property would not be a good candidate for a residential zone. Ms. Lipe explained the difficulty due to the acreage, narrow lot size and zoning requirements for a 50 ft. buffer along the commercial properties and a 50 front yard and rear yard setback.

Commissioner Flagg commented that he understood the concerns of the surrounding residents.

Commissioner Dexter commented on application that she had some concerns regarding the zone change, particularly concerned with the potential loss of industrial acreage and further commented that once industrial acreage is lost it is gone. Commissioner Dexter commented that the Town's Plan of Conservation and Development notes that there is 12% of land in South Windsor that is zoned general commercial or industrial and feels it is important to keep the flavor of the property. Commissioner Dexter commented that she may be a bit more excited about the zone change if a small business with the owner living above the property was to go into the duplex.

Commissioner Dexter questioned Benjamin Wheeler if affordable housing was being proposed with the duplex. Mr. Wheeler responded that it is not.

Commissioner Wager clarified why a zone change was needed. Director of Planning Michele Lipe commented on the property is currently zoned industrial and a duplex is not allowed in the industrial zone. Ms. Lipe clarified that the property was previously zoned general commercial in 2018. The current request is to turn it back to general commercial zoning.

Commissioner Wagner asked Ms. Lipe what the buffer requirements are for a general commercial property. Ms. Lipe responded there is a 50 ft. buffer requirement for property abutting residential property which the property could accommodate, however, they could not accommodate the buffer if it were a residential zone. Ms. Lipe commented that this request was likely the easier solution for getting a duplex on the proposed

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

**MINUTES**

**-5-**

**JUNE 22, 2021**

---

property because a variance would be needed for a rural residential or A-30 residential zone. Mr. Wheeler commented the property is currently zoned industrial as of 2018, the applicant feels that re-zoning the property back to general commercial and building a duplex would be an appropriate use to this mostly residential road.

Commissioner Wagner confirmed the issue of zoning the property to residential is the issue of the buffers and the need for approval by the Zoning Board of Appeals. Commissioner Wagner commented that he liked the idea of building duplexes on various properties in town as it is consistent with making housing more affordable, however, he is nervous about making zone changes for the purpose to avoid the buffers in a primarily residential zone.

Commissioner Bernstein commented on petition letter from residents, he wanted to understand why the residents felt that they were being harmed by the proposed zone change and potential duplex. Chairman Pacekonis responded that this would be a more appropriate question for residents who wrote or signed the letter. However, no one who signed the petition was in attendance.

Commissioner Bernstein asked Director of Planning Michele Lipe if her department had a point of view on the letter and the suggestion of spot zoning. Ms. Lipe responded that she ultimately would not define this application as a spot zoning application.

Commissioner Powell commented the Town Plan of Conservation and Development should be considered when looking at this application.

Chairman Pacekonis commented that property was recently re-zoned and is not in favor of constantly re-zoning properties. Additionally, Chairman Pacekonis commented that he was not in favor of losing any industrial land because of the importance of this land, as noted in the Town's Plan of Conversation and Development.

Director of Planning Michele Lipe commented that she would like to verify ownership of properties in the petition letter to report back to the Commission on whether a 2/3<sup>rd</sup> majority vote is needed.

Chairman Pacekoinis commented that the applicant's narrative mentioned the lack of land available to build housing, however, Chairman Pacekonis noticed another property for sale on Troy Rd., unsure of the zoning on that property.

Mr. Wheeler requested the public hearing to remain open for verification of property ownership of signatures. Commissioner Wagner motioned to keep public hearing open for Appl 21-27P. Commissioner Dexter seconded the motion. The vote was called and the motion passed unanimously

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

**MINUTES**

**-6-**

**JUNE 22, 2021**

2. **Appl. 21-28P, UW Realty VII LLC**, request for a special exception to Table 4.1.1A and site plan of development for a duplex, on property located at 140 Troy Road, GC zone

Chairman Pacekonis felt that a public hearing could not be held on application until clarification on Appl. 21-27P. Benjamin Wheeler, representing applicant Bob Urso agreed to postpone to a later date as well.

**REGULAR MEETING/ COUNCIL CHAMBERS**

**CALL TO ORDER** Chairman Pacekonis called the Regular Meeting to order at 7:45pm.

**PUBLIC PARTICIPATION:** No public participation.

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

1. **Appl. 21-26P, Unitex** – request for a site plan of development to create an off-site parking lot with 50 parking spaces on 1.4 acres, on property located at 150 South Satellite Road, I zone

Suzanne Choate, P.E. from Design Professionals represented Appl. 21-26P. Ms. Choate noted that Rob Potack, owner of Unitex, John Onofrio Chief Engineer, Jeff Morris Plant Manager of Unitex, and Glen Martin, landscape architect with Design Professionals were also in attendance. Ms. Choate reviewed application for a parking lot across the street from the existing Unitex facility at 145 South Satellite Road. Ms. Choate explained their initial site plan was intended for 50 spaces but they have updated the site plan to reflect a 49 space parking lot to allow for more room for a pedestrian connection from proposed parking lot to the building across the street. Ms. Choate commented that cross walk signage needs to be added which she will be completed on the final plans. Ms. Choate noted that Unitex operates from 6am to 4:30pm and at this time a sign is not being proposed on the property.

Ms. Choate commented that initially the parking lot had been designed to drain by sheet flow across the pavement to leak offs on either side. The Town Engineer Jeffrey Doolittle had suggested simplifying the plan and asked that the sheet flow go directly to a stone strip along the lower edge of the parking lot and the applicant has agreed to this and will be reflected on the final plans. Ms. Choate explained the storm water quality basin was designed to match the 2, 10, 25, 50 and 100 year storms as required by the regulations, providing well over the water quality volume based on the 2004 Connecticut Storm Water Quality Manual. Ms. Choate further explained the basin will overflow to the existing wetland to the west and through the soil. Additionally, a 6 inch under drain below the basin has been proposed as a safe guard to drain the basin between storms. Ms. Choate commented that the Town Engineer has requested

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

**MINUTES**

**-7-**

**JUNE 22, 2021**

further information be provided so coordination can be done when South Satellite Road is reconstructed over the summer by the Town. Ms. Choate commented that the erosion control devices include silt fence and inlet protection and the designs are based on 2002 Sedimentation and Erosion Control Guidelines. Ms. Choate introduced Glen Martin, landscape architect with Design Professionals. Mr. Martin explained reviewed the landscape and lighting in the proposed parking lot. Mr. Martin commented that the landscape being proposed are trees and shrubs in parking lot and the landscape islands. He indicated the landscape islands are greater than 10% of the parking area as required by zoning regulations. On the southern border of the property, they are proposing an evergreen screen of rhododendrons adjacent to the 50 ft. buffer. Mr. Martin commented that the lighting will consist of two 20 ft. high light poles with modern LED fixture that will light the parking lot in a safe manner. Mr. Martin summarized that he believes the proposed development is appropriate for the site and meets the zoning regulations.

Director of Planning Michele Lipe gave Planning Report:

1. Request for site plan approval for off-site parking at 150 So Satellite Road, I zone, in accordance with the provisions of Section 6.4.7. The proposed parking lot will be for employees of Unitex located across the street at 145 South Satellite Road.
2. Criteria for off-site parking per Section 6.4.7.C include: the building the parking lot serves must be within 600 feet of the lot. A waiver is required when the off-site parking lot requires crossing of a public street to access the primary facility. The applicant must demonstrate that there is no other practical and feasible solution and that the proposed road crossing does not create an unsafe condition.
3. This application is in response to address an existing parking problem that has existed for many years. The applicant has proposed a pedestrian crosswalk across South Satellite Road to connect to a sidewalk that will bring pedestrians to the building entrance on the Unitex site. There are also showing a sidewalk proposed along the property frontage. This piece of sidewalk will connect with to other sidewalk that are required to be built along South Satellite under a previous subdivision approval.
4. The proposed parking lot will accommodate 49 spaces. Proposed impervious coverage is 29.3%, maximum impervious coverage allowed is 65%. Interior landscaping is 10.4%; 10% required.

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

**MINUTES**

**-8-**

**JUNE 22, 2021**

5. Proposed lighting is very low intensity, with full cutoff fixtures on 25' poles. There is no spillover lighting at the residential site boundary to the south. The Commission may want to include an approval condition that parking lot lights be turned off within an hour of the close of business.
6. There is a buffer requirement as this lot is adjacent to residentially-zoned property to the south. The plans show that the 50 feet buffer area will remain untouched and the existing tree, primarily deciduous, will remain. The applicant is proposing to supplement the buffer with a row of arborvitaes at the southern end of the parking field.
7. There are regulated wetlands on this site. IWA/CC approval was granted in June 2, 2021 with no unusual approval conditions and bonds in the amount of \$15,000 for installation of storm water controls and \$20,000 for maintenance of erosion controls.

If this application is approved, the Planning Dept. has no additional comments.

Town Engineer Jeffrey Doolittle gave staff comments.

1. The curb on the west side of the parking lot can be eliminated so water can sheet flow off the pavement. Provide a 2 ft wide stone strip along the edge of the pavement and then grass into the detention basin
2. Show more elevations, slope and details for the proposed underdrain pipe from the DB to the CB in S Satellite Rd.
3. The Town will be repaving South Satellite Road to 30 feet wide and will be moving the southern curb line and CBs north about 6-7 feet this summer. New bituminous curb and CB's will be constructed there and the driveway into this parking lot can be installed in the new curb line.

Please let me know if there are any questions.

Commissioner Wagner commented that he believed the site would require 3% electric vehicle charging stations installed. Ms. Choate responded that her interpretation of the regulation is that requirement only occurred at 50 parking spaces or more. Commissioner Wagner responded that he understood that this only applied to rehabbed parking lots. Director of Planning Michele Lipe commented and clarified that the regulation reads that the electric vehicle regulation is only required for a new parking lot with 50 or more parking spaces. Commissioner Wagner commented on the use of level 1 charging which would require a 120 volt plug at the street lights may be a nice accommodation.

Commissioner Dexter questioned how many employees work at Unitex. Plant Manager Jeff Morris responded there are approximately 85 employees in South Windsor location.

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

**MINUTES**

**-9-**

**JUNE 22, 2021**

---

Commissioner Flagg questioned if there were handicapped spots. Ms. Choate responded that the handicap spots will be added across the street in main lot.

Commissioner Flagg confirmed operating hours of 6am -4:30pm. Commissioner Flagg commented that there are lighting poles that are 20 ft. tall and would these be for employees who are working overtime or did Unitex plan that some time in future a second shift would be added. Ms. Choate clarified that the light poles are 25 ft. and the lot can be dark in winter at 6am, additionally applicant would like some security lighting. Ms. Choate commented that applicant is amendable to adding dimmable feature on the light poles to be used after hours and overnight with full lighting during regular working hours.

Commissioner Flagg confirmed a crosswalk is provided to walk across the street. Ms. Choate confirmed a cross walk is proposed to be added.

Commissioner LeBlanc questioned if there would be adequate lighting near the proposed cross walk. Glen Martin confirmed there is existing street lighting on the road that would be provide enough light for the cross walk. Rob Potack commented that there is also lighting on the main Unitex building.

Chairman Pacekonis commented on the lighting options, motion sensor lights in addition to dimmable lights. Suzanne Choate commented that the intention is to put motion sensors in addition to the dimmable lighting feature on the light posts. Chairman Pacekonis questioned amount of parking spots available in current parking lot. Mr. Potack responded there are 25 existing spaces. Chairman Pacekonis commented that with this additional parking lot there would be adequate parking for the 85 employees. Mr. Potack responded that there are 85 employees total but Unitex operates 7 days a week, therefore, it is not 85 employees at all times.

Chairman Pacekonis questioned Town Engineer Jeffrey Doolittle on the removal of the curb and on the snow shelf. Mr. Doolittle confirmed a larger snow shelf will now be provided with curb removal.

Chairman Pacekonis commented on current handicap parking, currently nothing is denoted as handicap. Chairman Pacekonis discussed ADA requirements.

Chairman Pacekonis directed a question to Town Engineer Jeffrey Doolittle regarding the narrowing of South Satellite Rd. from 36 ft. wide to 30 ft. wide. Mr. Doolittle informed Chairman Pacekonis that all other industrial roads in town are 30 ft. wide.

Chairman Pacekonis questioned if the property is currently leased or owned? Mr. Potack responded the property is currently under negotiation to be purchased.

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

**MINUTES**

**-10-**

**JUNE 22, 2021**

---

Commissioner Wagner questioned the safety of motion sensor lighting. Mr. Potack responded that the light poles will be fully lit up until 10pm at night and then move to a dimmable or motion sensor setting at that time. Suzanne Choate confirmed the lights will be fully lit from 5am-10pm. Commissioner Wagner voiced his preference for dimmable lights instead of motion sensor lights. Ms. Choate commented they will be dimmed overnight.

Commissioner Wagner asked about electric vehicle charger, suggested a 120 volt outlet in the base of the street lights. Applicant said they are agreeable to install level 1 electric vehicle charging station equipment. Town Engineer Jeffrey Doolittle commented that 2 level 1 electric vehicle charging stations per light pole would be appropriate.

Commissioner Flagg motioned to approve Appl. 21-26P with the following conditions:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$15,000 to ensure compliance with the erosion and sediment control measures and \$ 20,000 to ensure establishment of storm water system.
4. A landscape bond in the amount of \$5,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. The building street number must be included on the final plan.
9. Pavement markings must be maintained in good condition throughout the site drives and parking areas.

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

**MINUTES**

**-11-**

**JUNE 22, 2021**

10. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.

11. A waiver has been granted to 6.4.7C to allow the off-site parking lot across the public street.

12. Engineering comments dated 6-22-21 must be incorporated into the final plans.

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

**2. CGS Referral 8-24** for the sale of 725 Sullivan Avenue

Town Manager Michael Maniscalco reviewed referral. Mr. Maniscalco commented that the Town Charter requires any town property with real value over \$25,000 needs to go to a referendum. Mr. Maniscalco explained the Town was approached by an individual through a real estate agent who was interested in purchasing the property, the buyer intends to put a medical office building headquarters on the site. Mr. Maniscalco continued that the buyer made an initial offer to the Town, the Town Council then received an appraisal on the property, and the appraisal came back higher than the initial offer. The buyer offered to meet the higher appraised price of the property. A purchase and sale agreement for \$265,000 was put together for the property. Mr. Maniscalco commented that the plan is for the sale of the property to be a ballot question in November election. Mr. Maniscalco explained the property had originally been cut off and subdivided with intention to be used for economic development, the proposed use fits within the Town's Plan of Conservation and Development.

Director of Planning Michele Lipe reviewed the mapping that had been provided, subdivision plan that was created when Town purchased the land. Subdivided the lot, used one parcel for the Fire Station on West Rd., sold another parcel to Connecticut Valley Brewery. The PZC did put two requirements when it this subdivision did go into development- the sidewalk on Sullivan Ave would be continued to this property, any access to this property would be coming off of West Rd. Ms. Lipe confirmed that the plan for this parcel of property was to use for economic development.

Town Engineer Jeffrey Doolittle had no comment.

Commissioner LeBlanc commented that this is a win-win for the town.

Commissioner Flagg asked if there the lot is currently used. Mr. Maniscalco responded the lot is currently not being used.

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

**MINUTES**

**-12-**

**JUNE 22, 2021**

---

Commissioner Flagg questioned if this lot could be utilized as a ball field. Mr. Maniscalco responded it could not, additionally, the town has a fiduciary obligation, and the lot should be used for highest and best use.

Commissioner Dexter commented that she is pleased that the main entrance of the proposed building will be put on West Rd. Commissioner Dexter mentioned she had concerns about the brewery using the lot for overflow parking.

Commissioner Wagner commented in support of the plan. Commissioner Wagner questioned if the brewery had an option for this one piece of land. Mr. Maniscalco responded at the time the brewery was being developed they had negotiated an option early on, around 2014, that option was for 2 year. The option expired, the brewery came forward and asked for another 2 year extension and this expired again. Mr. Maniscalco commented that from his understanding, the brewery had conversations with predecessor about doing another extension but the plans never came to fruition, therefore, there is no legitimate first options.

Commissioner Bernstein clarified the prospective buyer's plan is to put their office headquarter on the site as well as offering medical services.

Chairman Pacekonis questioned if there was ever a RFP (request for proposals) sent out for the property where the brewery is currently located when it was initially discussed. Mr. Maniscalco responded there was no RFP to his knowledge.

Chairman Pacekonis confirmed that a buyer approached the town and a RFP was not sent out for this parcel of land. Mr. Maniscalco confirmed no RFP was discussed for this property. Chairman Pacekonis commented on concerns about transparency issue with sale of the property. Chairman Pacekonis commented that a local business could have wanted the opportunity to move to Sullivan Ave. Mr. Maniscalco responded that the town was approached with a good opportunity and Town Council agreed.

Commissioner Wagner motioned to give a favorable recommendation. Commissioner Bernstein seconded the motion. Favorable recommendation passed unanimously.

**BONDS:** Callings/Reductions/Settings

Subdivision Bond

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

**MINUTES**

**-13-**

**JUNE 22, 2021**

---

**Appl 20-02P Kilkenny Heights Subdivision** – Engineering Department recommends a bond in the amount of \$920,000 for public improvements.

Chairman Pacekonis read letter into the record from Rob Mannarino in regards need for a surety bond instead of letter of credit for Kilkenny Heights Subdivision (Exhibit B). Director of Planning Michele Lipe commented and further explained why Mr. Mannarino would need to post the subdivision bond at this time. Ms. Lipe also commented that current policy for Planning & Zoning is a letter of credit or a cash bond, surety bonds are not the standard for Planning & Zoning. Ms. Lipe also added that Mr. Mannarino has offered to file a document on the land records that would state Mr. Mannarino would not sell any lots during the time between now and the start of construction.

Commissioner Dexter motioned to allow Mannarino Brothers to post surety bond in place of a letter of credit in the amount of \$920,000. For the public improvements associated with Appl. 20-02P, Kilkenny Heights II Subdivision. Commissioner Dexter commented that because the Town and the Commission has a long-standing relationship with Mr. Mannarino she feels this is appropriate.

Commissioner Flagg seconded the motion.

Commissioner Bernstein questioned if this is a matter for Planning & Zoning Commission or the Town Attorney. Director of Planning Michele Lipe explained that this is a matter for the Commission as it is their policy. Commissioner Flagg confirmed with Michele Lipe that the Town is still protected with a surety bond.

Commissioner Wagner questioned if the Commission needed to amend the motion to add restrictions that will not allow Mr. Mannarino to sell any lots and Mr. Mannarino will also replace the surety bond with a letter of credit prior to construction. Commissioner Wagner felt this condition would be appropriate as part of the motion.

Commissioner Dexter motioned to amend the surety bond with the condition that the builder will not sell any lots and a letter of credit will be provided prior to construction and these conditions are to be filed on the land records. Commissioner Flagg accepted the amendment. The vote was called and the motion passed unanimously.

**IWA/CC Bond**

**Appl 18-36P Philip Smith School** - E&S Bond in the amount of \$15,000 reducing by \$15,000 with a balance of zero. Stormwater Bond in the amount of \$25,000 reducing by \$25,000 with a balance of zero.

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

**MINUTES**

**-14-**

**JUNE 22, 2021**

---

Commissioner Dexter made a motion to reduce both the bonds. Commissioner LeBlanc seconded the motion. The motion was called and passed unanimously.

**MINUTES:** 5/25/21; Chairman Pacekonis to review with Recording Secretary Caitlin O’Neil and approve at next meeting.

**OLD BUSINESS:**

**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 21-32P, The Shops at Evergreen Walk** – request for a site plan of development for a new 50,000 sf retail building, on property located at 151 Buckland Road, Unit 500, Buckland Gateway Development Zone
2. **Appl. 21-33P, Treglia Storage Lot** - request for a 2-year temporary and conditional permit (Section 2.13.a) to allow a storage lot for vehicles, boats, campers on property located at 15 Edwin Road, I zone

**OTHER BUSINESS:**

**CORRESPONDENCE / REPORTS:**

Commissioner Dexter read letter into the record from Katherine Kerrigan of 1838 Main St (Exhibit C) in opposition of proposed potential 24 hour diesel gas station on the corner of Sullivan Ave & John Fitch Blvd. Chairman Pacekonis clarified there is no application at this time.

**ADJOURNMENT:**

Commissioner Flagg motioned to adjourn meeting. Commissioner Bernstein seconded the motion. The vote was called and the motion passed unanimously

The meeting was adjourned at 8:52pm.

Respectfully Submitted,  
Caitlin O’Neil, Recording Secretary