

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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AUGUST 16, 2022

MEMBERS PRESENT: Bart Pacekonis, Steve Wagner, Alan Cavagnaro, Robert Vetere, Kevin Foley, Michael LeBlanc

ALTERNATES PRESENT: Atif Quraishi

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

PLEDGE OF ALLEGIANCE

Chairman Pacekonis appointed Alternate Commissioner Quraishi for Commissioner Dexter.

Secretary Wagner read the legal notice into the record.

CALL TO ORDER:

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

1. **Appl. 22-26P, Friends of Wood Memorial** – request for Special Exception to Table 3.1.1A and site plan approval for the Wood Memorial Library Native American Village Exhibition, on property located at 787 Main Street (westerly of Wood Memorial Library), A-40 and FP zone

Chairman Pacekonis recused himself from this application. Vice Chairman Foley was seated as the Chairman for this application.

Carolyn Venne, Executive Director of Wood Memorial Library, reviewed the elements of the Nowashe Village that is located at the Wood Memorial Library. Ms. Venne reviewed the history of the exhibit and the previously approved temporary and conditional permits for the site. She added that as a result of the success of the exhibit they are now looking to make the Nowashe Village permanent at Wood Memorial Library. Ms. Venne reviewed the current operating hours, adding that there have been no complaints from neighbors. Ms. Venne summarized that this exhibit has been successful and great teaching tool for the library and for students and schools visiting the library.

Vice Chairman Foley asked for staff comment.

Director of Planning Michele Lipe read the Planning Report.

1. This is a request for a special exception/site plan approval for the Wood Memorial Library Native American Village Exhibition, on property located at L066 Main Street (westerly of Wood Memorial Library), A-40 and FP zone. This use was originally approved with a temporary and conditional permit in 2018, which was renewed in 2020. The most recent approval expired on 7/28/22 and the applicant is now requesting this be approved permanently as a special exception.
2. Special exception criteria for indoor recreational use include:
 - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
 - The application has met the requirements of the zoning regulations.
 - The land is physically suited to the proposed use.
 - Minimal, if any, adverse environmental impacts are created.
 - No traffic or other hazards will be created.
 - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
 - There will be minimal or no adverse effects on existing uses in the area.
 - Surrounding property values will be conserved.

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- The character of the neighborhood will be maintained or minimally disrupted.
- The general welfare of the community will be served.
- There is a balance between neighborhood acceptance and community needs.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

3. The applicant had provided a site plan showing the improvements made which include: outside “classroom” sites including a large house (wigwam), two smaller wigwams, two fire pits with sitting areas and gardens all built with native materials. The building department and fire marshal were consulted at the time of construction.
4. The previous approval limited the program to 2-3 days per week, from 10:00 am until 2:00 pm, for a six week program in the fall and six weeks in the spring. Students would be dropped off in front of the Wood Library and it was estimated that the program would run between 3-4 hours.
5. With this special exception application, the proposed dates/hours be adjusted from May into November, 2-4 days per week, within a 9:00 am to 4:00 pm window. Students will continue to be dropped off and picked up in front of the library.
6. The applicant’s narrative submitted addresses how parking needs are being met on the adjacent property, Union School, through a license agreement. Additionally, there is a permanent easement to the Nowashe Village along the north driveway of the Wood Memorial Library and the Fiends, via letter, have granted permission for car and pedestrian access to the entry gate of the Nowashe Village.

If this application is approved, the Planning Department requests that the address of 779 (application references 787 Main St) Main Street be added on the plans for this property.

Vice Chairman Foley asked for public comment. No public comment was made.

Vice Chairman Foley asked for Commissioner comments.

Commissioner Cavagnaro, LeBlanc, Quraishi, Vetere, Wagner and Foley all commented in support of the application.

With no additional comments, Vice Chairman Foley closed the public hearing at 7:12pm.

2. PZC Sponsored Revised Text Amendment- Delete Section 2.24 An one-year moratorium on retail cannabis establishments; and Add Section 7.24 Hybrid-Use Cannabis Dispensary and Production facilities including definitions; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add Hybrid-Use Dispensary by Special Exception in the General Commercial zone; Cannabis production facilities and Micro cultivator facilities by Special Exception in the Industrial zone and Modify Table 3.1.1A Permitted Residential Uses to include Micro-cultivator of cannabis by special exception on farms in excess of 50 acres in the Rural Residential zone, subject to specific setbacks (Continued from 4/26/22)

Chairman Pacekonis returned and was seated again as the Chairman. He asked for town staff comments.

Michele Lipe commented that she distributed an updated draft and reviewed some of the updates made based on comments made at the last public hearing. Ms. Lipe added that she researched if other towns have allowed similar uses in farming or residential zones and she could not find this occurring in other towns. Regulations being adopted limit the activities in commercial and industrial zones. Additionally, the Commission had asked her to do research on odors and odor control measures. Ms. Lipe suggested

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that that an odor control study should accompany any site plan for a proposed micro cultivator. Lastly, Ms. Lipe added that the law recently changed for cannabis and the state no longer limits the number of retailers or production facilities allowed in a town, it is up to the individual Planning and Zoning Commissions to establish limits through the regulations.

Chairman Pacekonis asked for public comment.

Peter DeMallie of Design Professionals spoke in favor of the text amendment and commented that he was also representing Bruce Snow and Bernard Thomas and Wellsflower Farm on Strong Road. Mr. DeMallie reviewed the proposed plan Mr. Snow and Mr. Thomas would pursue should the text amendment be passed to allow micro cultivators on farms in the RR zone. He added that Mr. Snow and Mr. Thomas were comfortable with the proposed distance requirements from neighbor residents as well. Mr. DeMallie commented on the odor issue adding that the cannabis industry has ways to mitigate odor issue with certain ventilation systems in greenhouses. Mr. DeMallie submitted packet that shows systems that are currently used to mitigate and help with odor issues (Exhibit A). Mr. DeMallie then reviewed the traffic, police comments for the site and proposed hours of operation. Mr. DeMallie commented that Mr. Snow had an example of a greenhouses that he proposed to use on this potential site and distributed this example (Exhibit B). Mr. DeMallie added that they had public support for this portion of the text amendment at the previous public hearing.

Michele Lipe, Director of Planning, commented that she wanted to be clear, this use would not be considered a farming operation under the state law.

Joe Kennedy from 81 Alison Drive, resident and member of the agricultural Commission, spoke in favor of the text amendment.

Secretary Wagner read letter in opposition into the record (Exhibit C).

Chairman Pacekonis asked for Commissioner comments.

Commissioner Quraishi asked about the text including residential zones, is this necessary or could the Commission only allow the proposed uses in strictly commercial and industrial zones. Michele Lipe responded that the Commission has the ability to choose which zones they want to offer the proposed cannabis facilities. Commissioner Quraishi questioned if the Commission allowed hybrid dispensaries or production facilities could they impose certain mandatory criteria on a plan, such as requiring ventilation systems or security systems. Ms. Lipe confirmed that they could impose certain criteria on an application provided they were listed in the regulations.

Commissioner Vetere confirmed that the site plan and application discussed that was discussed by Mr. DeMallie is not what is being discussed and voted on this evening. Commissioner Vetere commented that the Commission is strictly looking to discuss and vote on the text amendment.

Commissioner Wagner commented that in general he was in favor of the text amendment. Commissioner Wagner commented on the suggestion of limited the number of facilities and added that he did not see a need to limit these facilities. Michele Lipe commented that the state has put the law back in the hands of town to decide on amount of facilities that could be allowed in a town, there is no longer a restriction by the size of the town. Commissioner Wagner commented on the proposed distance requirement and questioned if an owner wanted to subdivide property how would that work, particularly to prevent dwellings near the property line. Ms. Lipe responded that a property owner would not be able to subdivide because site would then become non-compliant.

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Commissioner Wagner questioned where the odor comes from, would be from processing or growing. Peter DeMallie explained that the odors tend to come from the flowering of the marijuana plant, when it blooms a smell omits. He added that odor elimination systems have proven to be effective and this has been shown in Massachusetts. Commissioner Wagner and Mr. DeMallie discussed how the ventilation systems work. Bruce Snow from Wellsflower Farm commented that the system works to deodorize air by spraying a heavy mist over exhaust system as the air is being pushed out of the greenhouse. Bruce Snow added that should the text amendment be passed he wanted to be clear this is not to be confused for support for drug abuse, as suggested by the letter of opposition. He added that he would like to consider donating a portion of profits to help support drug abuse awareness.

Commissioner LeBlanc commented that he felt the text amendment was well written and added that he did not feel there should be limits on facilities.

Commissioner Cavagnaro commented that he was pleased with the text amendment language. Commissioner Cavagnaro added that he was disappointed in some of the public comment and the language being used.

Chairman Pacekonis questioned the proposed distance requirement of 1,000 feet and the proximity of the closest residence to the proposed micro cultivation facility. Peter DeMallie responded that the closest residence would be Bruce Snow's home, which is approximately 400 feet. Chairman Pacekonis questioned what would be the next closest home. Mr. DeMallie commented that this site would be roughly 800-900 feet to homes on Pierce Road. Chairman Pacekonis questioned if Mr. DeMallie was aware of the proposed guidelines for security for these facilities. Chairman Pacekonis commented that he does not want to see barbed wire as a solution for security. Mr. DeMallie commented that the expectation was not to have barbed wire fencing and commented that the greenhouse would be fully secured with alarm, security cameras and a fence surrounding the premises. Additionally, Mr. Snow and Mr. Thomas intend to work with the police for security. Chairman Pacekonis questioned if the state requires barbed wire. Mr. DeMallie responded that he was not aware of this being a requirement.

Chairman Pacekonis questioned how a plant excreting odor would be regulated, would there be any particular guidelines or thresholds for odors. Michele Lipe commented that she would suggest an odor study be required as part of an application. An applicant should have to demonstrate to the Commission that it would be minimal impact of odors and would need to show what types of filtration systems would be used. Ms. Lipe explained that this would be a condition with a special exception request and should an applicant not comply then it would become an enforcement issue. Chairman Pacekonis commented on concerns with surrounding residences being affected by odor. Mr. DeMallie suggested the Commission require in the first year of operation that there be ongoing monitoring by professionals and document any complaints and information for the Commission to review. Michele Lipe commented that while this sounds like a good suggestion, the Planning Department has had issues with compliance issues in the past and holding applicants accountable. Chairman Pacekonis commented on concerns with enforcement in general with applications with applicants agreeing to certain conditions and not following through on these promises and then the town getting stuck with enforcement issues. Chairman Pacekonis commented that he would prefer to see language on odor control prior to moving forward.

Commissioner Quraishi commented on distance requirements, particularly in residential zones. He questioned how the Commission would determine the best distance requirements.

Commissioner Wagner commented that the WPCA is currently dealing with odor issues with the Treatment Plant. He commented that his concern with cannabis is, unlike the Treatment Plant, he is unsure if there is a molecule that can easily measure the smell with certain instruments. Commissioner

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Wagner commented that the Commission would need to trust there are controls that are adequate to measure the smell. Commissioner Wagner discussed the delicate situation that comes from monitoring smell since can be temporary and is subjective to how sensitive someone is to certain odors. Ultimately, Commissioner Wagner commented the Commission ultimately must have faith that the proposed systems are going to work.

Chairman Pacekonis commented that there are also possible unintended consequences to be considered, such as what would happen during a power outage. Chairman Pacekonis commented that the Commission may want to consider requiring a backup generator for these ventilation systems. He discussed the ongoing issues that are currently affecting the Treatment Plant and odor mitigation. Chairman Pacekonis commented that he would also want more information regarding the life span for these systems, ultimately, he would like to review more information on these odor mitigation systems prior to moving forward. Mr. DeMallie responded that the system that they are proposing have had test results and he could submit these findings to the Commission. Mr. DeMallie went on to explain that the farms must document that these systems are functioning. Chairman Pacekonis commented that his concern is what would happen when these systems stop performing and how long do these systems last.

Mr. DeMallie commented that the difference between the system at the Treatment Plant versus the cannabis farm would be the Treatment Plant must operate 24 hours a day, 7 days a week. Mr. DeMallie went on to explain that should a micro cultivator not be in compliance they can be shut down. Bruce Snow commented that he wanted to be clear that the odor emitted from the flowering of the cannabis plants is not the same smell that comes from smoking marijuana. Additionally, the flowering of the plant occurs in two to three week cycles, which is when the odor would be emitted the most. Chairman Pacekonis commented on previous testimony from Commissioner LeBlanc where he discussed the odor that was smelt while driving through an out of state micro cultivator farm. Commissioner LeBlanc commented that in that instance there were hundreds of plants growing outdoors. Mr. Snow commented that these plants were out in the open, not in a greenhouse, like he is proposing. Commissioner LeBlanc and Mr. Snow discussed the growing cycle for cannabis plants.

Commissioner Foley questioned the enforcement process. Michele Lipe reviewed the zoning enforcement procedures for the town. Commissioner Foley commented on his experience with smelling cannabis odor in other areas and voiced his concerned with the smell in concentrated areas.

Chairman Pacekonis commented that he wanted to review the literature presented this evening. He added that he would like to extend the public hearing. Michele Lipe commented that if the Commission wanted they could act on a portion of the text amendment and revisit another portion at a later date. Ms. Lipe commented that the Commission should consider acting on a certain portion of the text amendment because, under new state law, it is possible for an application to come forward as a site plan use unless restrictions are adopted.

Chairman Pacekonis commented on the number of facilities allowed in South Windsor and reiterated that the state no longer has a cap on number of facilities, the Commission has the opportunity to determine the amount of facilities they would like to allow. He added that if they do not choose a cap then, per state law, there will not be a cap on the amount of facilities allowed. Chairman Pacekonis spoke in favor in adding distance requirements between these types of establishments. Chairman Pacekonis questioned if there were any suggestions for distance requirement between these facilities. Mr. DeMallie commented that with respect to dispensaries he would suggest 1,000 feet. Commissioner Foley commented that he felt they should limit the number of facilities and only allow one or two dispensaries. He added that they

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can always make adjustment to allow more as time goes on. Michele Lipe commented that the Commission could limit dispensaries to two facilities, no closer than 1,000 feet of one another.

Commissioner Wagner questioned the protocol should they chose to close the public hearing and vote on only part of the text amendment, such as acting on the hybrid dispensaries but not the proposed RR use. Michele Lipe commented that she would suggest the Commission close the public hearing for the entire text amendment and take action on only the portion they felt comfortable with. Then the Commission could redraft the remaining text language and host another public hearing at a later date.

Chairman Pacekonis closed the public hearing at 8:11pm.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

1. **Appl. 22-22P, Hartford Truck Equipment Site Plan-** request for site plan modification for a 45,000 sf. ft. storage building, 10,000 sq. ft. addition to existing building and additional storage areas, on property located 95 and 45 John Fitch Boulevard and 542 King Street, GC zone.

Attorney Meghan Hope with Alter and Pearson reviewed the application on behalf of McGuire Road Associates LLC. Attorney Hope commented that they are proposing a 45,000 square foot storage building and a 10,000 square foot expansion to the existing Hartford Truck building. Attorney Hope reviewed the timeline for the applicant, which includes the purchase of additional site at 45 John Fitch Boulevard, the zone change from RR zone to the GC zone, and the temporary and conditional permit for truck storage that was granted last year. Attorney Hope explained that the application in front of the Commission is the long term plan that was discussed last year during the temporary and conditional permit. She went on to explain that the Commission approved a site plan for a landscaped berm that abuts residential neighbors in February of 2022, however, the applicant has not completed this work on the berm because of the heat from the summer. With that said, the applicant is still committed to this berm and she added that Peter DeMallie would review this in more detail during his portion of the presentation. Attorney Hope commented that they did receive a favorable recommendation from the Architectural Design Review Committee and the Inland Wetland Agency and Conservation Commission and additionally, the applicant did complete the process to install a conservation easement along the property with the land trust, which was required with the zone change application.

Peter DeMallie of Design Professionals reviewed the proposed site plan and the type of business Hartford Truck operates. Mr. DeMallie discussed the recently approved zone change with a conservation easement and he explained that the applicant has followed through on this commitment. He then reviewed the plan for the buffer and berm, adding that due to the draught over the summer they had to pause on the berm. However, the applicant plans to continue and complete the berm in September and will also install the agreed upon fence once the berm is established.

Mr. DeMallie reviewed the proposed 45,000 square foot storage building, which would have a proposed height of 28 feet. Mr. DeMallie commented that 40-foot-high buildings are allowed in this zone, however, the applicant is only looking to only looking to build a 28-foot-high facility. Additionally, the applicant recently submitted a renewal application for their temporary and conditional permit for outdoor truck storage since this is set to expire in the fall. The applicant is looking for approval on this item while they build the proposed storage facility.

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Mr. DeMallie reviewed the phases for the building and explained that the proposed application would consist of three building phases. The first phase would be to complete the outdoor storage area, the next phase would be to build the 45,000 square foot storage building, and the third phase would be to complete the 10,000 square foot expansion on the existing Hartford Truck building. Mr. DeMallie reviewed the site plan in more detail and discussed the outdoor storage area. This area would include an additional 57 parking spaces, which would meet the regulation requirements. The middle section of the outdoor storage area would include 21 feet by 30 feet long spaces for trucks waiting to get outfitted. Additionally, there would be two outdoor storage areas. Mr. DeMallie commented that impervious coverage was below 60%, which meets the requirements for regulations.

Mr. DeMallie then reviewed the construction time line and details. He explained that as stated before, the previously approved berm and fence would be completed in September. By late fall the applicant would hope to start construction on the outdoor storage area. By early next year the intend to begin building phase 2, the 45,000 square foot facility, followed by the completion of the 10,000 square foot expansion. Mr. DeMallie commented that there would be no impact on traffic and no additional entrances would be created on Route 5 and no entrance at all onto King Street.

Architect Pat Mancuso of Capital Studio Architects reviewed the plans and building elevations for the proposed 10,000 square foot expansion and the 45,000 square foot storage facility. Mr. Mancuso commented that the building materials would be identical to the ones that exist already on site. He commented that the height of the 45,000 square foot storage building would be approximately 28 feet. Mr. Mancuso commented that the loading dock doors would only be on the eastern side of the storage building and they would not face any other side of the building. The neighbors on King Street would not have to see any loading docks. Additionally, the building will be well hidden because of the berm.

Glen Martin Landscape Architect with Design Professionals reviewed the landscape and lighting plan in further detail. Mr. Martin briefly reviewed the conservation easement that was agreed upon in the previous zone change application. He then reiterated the schedule for the berm. Mr. Martin reviewed the planting schedule, which would include 157 evergreen trees and 48 shrubs planted on the berm. Mr. Martin briefly reviewed the landscape islands that would be included in the various parking lot areas. He commented that there would also be an eight foot high fence screening the storage area facing John Fitch Boulevard installed. Mr. Martin reviewed the growth schedule and renderings of the growth of the trees and shrubs over time. Mr. Martin reviewed the lighting plan, adding that the applicant is not requesting higher light post than 25 feet tall due to surrounding neighbors. Additionally, all fixtures would be full cut off and dark sky compliant.

Daniel Jameson Professional Engineer of Design Professionals reviewed the engineering components of the proposed plan. Mr. Jameson reviewed the stormwater structures on the property, adding they identified a catch basin King Street. Mr. Jameson reviewed the peak flows from the site and commented that they would be proposing vast underground detention system. He commented that the isolation chambers were sized per the water quality flow specified in the 2004 Connecticut Stormwater Quality Manual. Mr. Jameson commented that the site would be serviced by utilities and public water. The site currently has a septic system and the Health Department made minor comments and changes, which the applicant can accommodate. Mr. Jameson commented that the storage building would not include a fire system, however, Fire Marshal Walter Summers did request fire service for the building addition. They are planning to tap into the existing water main on King Street for this request. Mr. Jameson commented on the erosion and sedimentation control measures, which included silt fencing, diversion swales, and temporary sediment basins. Lastly, they did receive comments from Town Engineer Jeff Doolittle and

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those items can be addressed in the approval conditions. Mr. Jameson summarized that the site plan should not cause any detrimental impacts.

Attorney Hope summarized the application and presentation.

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. Request for site plan modification for a 45,000 sq. ft. storage building, 10,000 sq. ft. addition to existing building and additional vehicle storage areas, on property located 95 and 45, 95 John Fitch Boulevard and 542 King Street, GC zone
2. About a year ago, the PZC approved a temporary and conditional permit for the storage of vehicle on approximately 1 acre of this site to accommodate the applicant growing needs as he went through the zone change and site plan process to create the berm that is now under construction. The applicant has requested renewal of that permit to keep the screening in place until this project gets underway.
3. The applicant's expansion includes multiple phases: phase 1 includes additional vehicle storage areas south and westerly of the existing building in the area recently rezoned to general commercial. Phase 2 includes the construction of a 45,000 sq ft storage facility along the westerly side of the property; and the final phase includes a 10,000 sq addition on the existing facility to accommodate additional work area.
4. Activities with the paved areas and the outdoor storage of vehicles waiting to be worked on will be screened by the new 45,000 sq storage building as well as by the berm that the PZC recently approved that is currently under construction.
5. In addition, the plans call for an 8-foot fence with screening to be installed along the John Fitch frontage of the site. I want to make sure s addressed is to ensure that there is specific screening in place after phase 1 to ensure that the vehicles are not visible from public ways.
6. Maximum impervious coverage allowed is 65%, 59.3% proposed. Front yard setback along Route 5 is 83 feet, 50 feet required. Lot coverage 10%; 30% allowed.
7. The site is serviced by public water and septic system. The system upgrades are subject to the review and approval of the town sanitarian.
8. There are no regulated wetlands on the site. The applicant received IWA/CC approval for their conservation plan on July 6 with the recommendation of a \$15,000 bond to ensure placement of the erosion & sediment control and \$20,000 bond for the installation and maintenance of stormwater structures.
9. Parking requirements breakdown for the proposed uses throughout the site requires 106 One hundred and eight spaces have been provided. The applicant is also proposing 6 Level 2 EV ready charging spaces and 2 installed EV ready charging stations.
10. The applicant's landscape plan meets the interior landscaping requirements with the inclusion of shade trees in the new parking areas. The property to the north along the McGuire Road properties' is subject to a 50 foot buffer. The applicant is proposing a double row of plantings along the property line. Sheet C-LS3 provides a cross section illustrating the cross section at 5 years and then at maturity.

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11. Lighting on the site will include wall packs along the building and 8, 25-foot-high pole lights in the parking lot in front of the storage building and on the building in the rear. A cut sheet of the LED lights proposed was submitted as well as an isometrics diagram illustrating the proposed lighting levels.
12. The applicant went to the ADRC on July 21. They were pleased the architectural and landscaping plans as presented.

If this application is approved, the Planning Dept requests the following modifications:

- The overall site plan should be submitted without the existing property lines so that the phasing can be easily identified;
- A deed combining all properties into one building lot shall be filed on the land records. The property address shall be known as 95 John Fitch Boulevard; and the storage building shall be addressed 85 John Fitch Boulevard.

Michele Lipe also reviewed the Engineering comments in Town Engineer Jeff Doolittle's absence.

1. The proposed septic plans including separation between the septic and storm drainage system will have to be reviewed and approved by the TOSW Health Dept.
2. Provide details for the proposed 8 foot high opaque wood fence
3. Any trees and bushes to be saved need to be noted on the plans

Chairman Pacekonis asked for Commissioner comments.

Commissioner Foley questioned the landscape planting schedule. Michele Lipe explained that landscaped berm was separately approved and the landscape plan is reflected on that approved plan. The landscape planting plan being presented is only for the landscape in the parking area.

Chairman Pacekonis commented on concerns with screening for the outdoor storage, specifically being able to view the storage from Route 5. He added that he did not feel that the proposed eight foot fence would be sufficient enough given the proposed height of the storage. Glen Martin reviewed the fencing details, which is an eight foot wooden fence. Chairman Pacekonis clarified that the height of the proposed storage would be 27 feet tall, he reiterated that he did not feel the proposed fence would be sufficient enough in screening this area. Mr. Martin commented that the storage would be 600 feet from the road and the existing building would also help screen some of the storage. Peter DeMallie reviewed the plantings that have already been established near the existing facility, in addition to the proposed fence. Mr. DeMallie commented that the arborvitaes would grow to 15 feet when mature. Property owner and applicant, Blake Brannon, commented that he understood Chairman Pacekonis' concerns with the outdoor storage and the visibility from Route 5. He added that the storage that is currently out there is stacked higher than they ever anticipated, which is why they are in front of the Commission to build a storage facility. Mr. Brannon added that he felt the already established trees and the building would assist in the screening of the property. Attorney Hope questioned if the applicant agreed to 18 feet of stacking in the corner of the property, would this alleviate some of the concerns of screening Chairman Pacekonis commented that this would solve that issue. The applicant agreed with this suggestion.

Chairman Pacekonis questioned the size of the largest vehicle entering the site. Blake Brannon commented that the site does have tractor trailer entering and exiting for deliveries, therefore, approximately 53 feet. Chairman Pacekonis asked for applicant to review traffic patterns for the site. Mr. Brannon reviewed the traffic pattern.

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Chairman Pacekonis asked for a review of the time frame for phase 2 of the site plan. Attorney Hope commented that the applicant did indicate he would be agreeable to Michele Lipe's suggestion of beginning the phasing after completion of the berm and fence. Peter DeMallie reiterated the time frame for the berm, which would begin in mid-September and would be completed by the end of September to early October. Chairman Pacekonis commented on concerns with the draught and the landscaping and questioned the length of the landscape bond. Mr. DeMallie commented that there is a two year landscape bond, additionally, the landscape company doing the work has a two year guarantee of survival as well. Chairman Pacekonis commented on concerns with getting water to the site. Mr. DeMallie commented that fall is the best time to establish plantings and grass.

Chairman Pacekonis asked a clarifying question about the roof. Architect Pat Mancuso reviewed the roofing.

Commissioner Wagner motioned to approved Appl. 22-22P 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. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
10. The building street number must be included on the final plan.
11. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
12. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
13. The overall site plan should be submitted without the existing property lines so that the phasing can be easily identified.

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14. A deed combining all properties into one building lot shall be filed on the land records. The property address shall be known as 95 John Fitch Boulevard; and the storage building will be 85 John Fitch Boulevard.

15. Engineering comments dated 8-9-22 must be incorporated into the final plans.

Commissioner Vetere seconded the motion. Chairman Pacekonis and Commissioner Foley commented on the importance of the survival of the berm and landscaping around the site for the surrounding neighbors given the current draught conditions. Chairman Pacekonis commented that he would like to see an approval condition that covers his concerns with the outdoor screening on the site. Michele Lipe commented that they could add an approval condition that states town staff would review the visibility of the outdoor storage and screening prior to occupancy. Commissioner Wagner and Vetere both accepted this amendment. Michele Lipe added that another suggested condition that she heard during discussion would be adding a point that state the fence and berm shall be completed prior to the use and occupancy of Phase 1. Both Commissioner Wagner and Vetere accepted this amendment. The motion was called. The motion passed unanimously.

2. **App 22-27P, Kebalo Office Temporary & Conditional-** request for renewal of a two-year temporary and conditional permit for the Kebalo Electric Company office located at 175 Wheeler Road, A-20 zone

Walter Kebalo presented on behalf of his application. Mr. Kebalo reviewed the need for the temporary and conditional permit, which has been in effect for many years.

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. Request for a two-year temporary and conditional permit for an electrical contracting business located at 175 Wheeler Road, A-20 zone. Kebalo Electric has been operating the business from this location since about 1987. The Commission originally approved a temporary and conditional permit for the Kebalo Electric office on 10/31/00, and the most recent approval expired on 7/28/22.
2. In previous permit renewal applications, the applicant has stated that there are three office workers as well as one of the owners that lives on site. There are no evening or weekend hours. The applicant has arranged for private refuse collection.
3. 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 judgement 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 hazard will not result from such use." PZC renewal approvals can be granted at a regular meeting.
4. If this application is approved, the Planning Department has no additional approval recommendations to request.

Commissioner Cavagnaro questioned the need for the temporary and conditional permit and if this should be a more permanent application. Michele Lipe explained the history of this permit and why they have continued to allow this as a temporary and conditional permit.

Commissioner Cavagnaro motioned to approve Appl. 22-27P with the following conditions:

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1. The permit will expire on 8/16/24, and will have to be renewed at that time if the use is to continue.
2. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
3. The number of non-family member employees is limited to three (full- or part-time).
4. Commercial vehicle parking on the street is prohibited.

Commissioner LeBlanc seconded the motion. Commissioner Vetere was not present for this vote. The motion passed unanimously.

3. **Appl. 22-26P, Friends of Wood Memorial** – request for Special Exception to Table 3.1.1A and site plan approval for the Wood Memorial Library Native American Village Exhibition, on property located at 787 Main Street (westerly of Wood Memorial Library), A-40 and FP zone

Chairman Pacekonis recused himself again from the application. Vice Chairman Foley was seated as the Chairman.

Commissioner Cavaganaro motioned to extend the meeting to 10pm. Commissioner Vetere seconded the motion. The motion passed unanimously.

Commissioner Wagner motioned to approved Appl. 22-26P with the following conditions:

1. The building street number must be included on the final 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. The exhibition is being approved with limited hours as presented. The exhibit is allowed to be open for 2-4 days a week with operating hours from 9 am- 4 pm. April through November.

Commissioner LeBlanc seconded the motion. The motion passed unanimously.

4. PZC Sponsored Revised Text Amendment- Delete Section 2.24 An one-year moratorium on retail cannabis establishments; and Add Section 7.24 Hybrid-Use Cannabis Dispensary and Production facilities including definitions; and Modify Table 4.1.1A Permitted Commercial and Industrial Uses to add Hybrid-Use Dispensary by Special Exception in the General Commercial zone; Cannabis production facilities and Micro cultivator facilities by Special Exception in the Industrial zone and Modify Table 3.1.1A Permitted Residential Uses to include Micro-cultivator of cannabis by special exception on farms in excess of 50 acres in the Rural Residential zone, subject to specific setbacks

Chairman Pacekonis returned and was seated again as the Chairman. He commented that he did feel it would a beneficial to move forward with some of the text amendment language.

Commissioner Wagner commented that the area of concern seems to be with the odor issue but added he would like to see some of the text amendment move forward. He specifically would like to move forward with at least the hybrid dispensaries and production facilities in the General Commercial and Industrial zone.

Commissioner Wagner motioned to approve the following zoning text amendment:

Delete: Section 2.24 – One-year Moratorium on cannabis sales

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Modify Table 4.1.1A Permitted Commercial and Industrial Uses to allow Hybrid-Use Cannabis Dispensary by Special Exception/Site plan in the General Commercial Zone and allow Cannabis Production Facilities in the Industrial zone by Special Exception

Add Section 7.24 Hybrid-Use Cannabis Dispensary and Production Facilities

Section 7.24 Hybrid-Use Cannabis Dispensary and Production Facilities.

7.24.1 Cannabis Dispensary and Production Facilities Definitions

Adult-Use Cannabis Dispensary Facility. A place of business where cannabis may be dispensed or sold at retail to qualifying adult-use consumers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive.

Adult-Use Cannabis Production Facility. A secure, indoor facility where the production of adult-use cannabis occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

Hybrid-Use Cannabis Dispensary Facility. A place of business where cannabis may be dispensed or sold at retail to qualifying medical patients, primary caregivers, and to qualifying adult-use consumers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Section 21a-408 through 21a-408q, inclusive.

Hybrid-Use Cannabis Production Facility. A secure, indoor facility where the production of medical and adult-use cannabis occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

Medical Cannabis Dispensary Facility. A place of business where cannabis may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.

Medical Cannabis Production Facility. A secure, indoor facility where the production of cannabis occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

~~Micro-Cultivator. A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment that is between 2,000 square feet and 10,000 square feet of grow space, prior to any expansion authorized by the Department of Consumer Protection commissioner.~~

7.24.1 Hybrid-Use Cannabis Dispensary Facility Permitted by Special Exception.

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The dispensing or sale at retail of Medical and/or Adult-Use Cannabis, as defined herein as a Hybrid-Use Cannabis Dispensary Facility, shall be considered a special exception use subject to all provisions of these Regulations governing special exception uses and limited to the General Commercial zone. All Connecticut state regulations and laws on the dispensing of cannabis shall be adhered to and form the basis for local regulation of cannabis sales.

1. The number of Hybrid-Use Cannabis Dispensary Facilities in South Windsor shall be limited to one.
2. Prior to issuance of a Zoning Permit, the applicant must provide to the Zoning Enforcement Officer a copy of the Hybrid-Use Cannabis Dispensary Facility license issued to the applicant under the authority of the State of Connecticut Commissioner of the Department of Consumer Protection.
3. No Hybrid-Use Cannabis Dispensary Facility shall be located within 1,000 feet of a municipal building, public park, public recreation area, licensed adult or child day care center, dependency treatment center, or place of worship (each a “Protected Use”), which are in existence as of the effective date of the application for a special exception. A Cannabis Dispensary Facility shall not become non-conforming by the later establishment of a Protected Use within 1,000 feet and may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
4. No Hybrid-Use Cannabis Dispensary Facility shall be located within 1,000 feet of any nursery/prekindergarten, kindergarten, elementary or secondary school, college, or university, whether supported by public or private funds (each a “School Use”), which are in existence as of the date of application for a special exception. A Cannabis Dispensary Facility shall not become non-conforming by the later establishment of a School Use within 1,000 feet and may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
5. All business transactions and deliveries shall be conducted in strict accordance with State law.
6. All advertising for Hybrid-Use Cannabis Dispensary Facility shall comply with the regulations specified in Section 33 of Responsible and Equitable Regulation of Adult-Use Cannabis (RERACA).
7. Vehicular access onto the site shall be provided solely from a collector or arterial street.
8. Distance requirements are measured as a straight line from the main pedestrian entrance of the proposed Hybrid-Use Cannabis Dispensary Facility to the nearest main pedestrian entrance of said use so referenced in 1. and 2. above.
9. All other provisions of these Regulations shall be met.
10. The number of facilities to be permitted is limited to two.
11. There is a minimum of 2,000 feet separating distance required between establishments.

7.24.2 Adult-Use and/or Medical Cannabis Production/Micro-Cultivation Facilities

- A. The growing of cannabis or the production or manufacturing of cannabis products is allowed in the Industrial zone subject to special exception approval. The operator must receive a producer license from the CT Department of Consumer Protection as Cannabis Production Facility.

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~~B. The growing of cannabis for medical or adult use in a state licensed and secure micro cultivator greenhouse facility is permitted by special exception in the Rural Residential zone on a farm with a minimum of fifty acres, provided such facility is at least 400 feet from a public street, at least 200 feet from a property line, and at least 200 feet from any dwelling.~~

C. Application Requirements and Performance Standards

The production of cannabis cannot create dust, odor, fumes, smoke, waste, noise, vibration, traffic and/or environmental impacts on surrounding properties. All production must take place indoors and any deliveries to and from residential sites shall occur during normal business hours.

The following additional information for any proposed cannabis production/micro-cultivation facility. This material shall be provided with the site plan at the time of application:

1. A general floor plan which illustrates the layout of the proposed use;
2. A narrative detailing such items as: the hours of operation, proposed number of employees, and proposed delivery hours;
3. A security plan approved by the police department chief;
4. A firefighting feasibility plan approved by the fire department chief;
5. An Odor Control Plan identifying measures to abate potential odors from the production facilities;
6. A proposed lighting plan (including greenhouse lighting) demonstrating they comply with Dark Sky lighting standards.
7. Any other information relevant to the operations of the facility.

4.5.3 Accessory Uses

Accessory uses normally incidental to the principal use, including garages, storage buildings, and power plants, as well as employee recreational, commissary and clinical facilities are permitted uses. Incidental sales shall be permitted as an accessory use provided that: (a) no more than 20% of the gross building floor area is devoted to such sales, or (b) in a landscape materials sales and storage use, not more than 20% of the gross exterior display/storage yard is devoted to such sales, or (c) not more than 6 sales events are held per year. Cannabis production facilities, ~~including micro cultivators~~, are prohibited from creating showrooms and/or retail sales on the site.

Commissioner LeBlanc seconded the motion.

Commissioner Wagner commented that he realized that micro cultivators could be allowed in the Industrial zone, therefore, he would like to include to reinstate that definition in the text amendment and re-add this use in in the Industrial zone, where he previously removed it. Micro cultivator use would not be included in RR zones on Table 3.1.1A. Michele Lipe commented that under Section 7.24.1 they could remove item #10 and relocate it to item #1 to reflect the number of dispensaries allowed in South Windsor. Commissioner Wagner agreed with this change. Commissioner LeBlanc also accepted the amendment.

Commissioner Quraishi clarified the changes being proposed and questioned if they need to be concerned with the odor impact in the General Commercial and Industrial zone. Commissioner Wagner commented

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that perhaps they should we require a distance in requirement for Industrial zone. Ms. Lipe explained they could add this change in Section 7.24.2 under paragraph B. The Commission and Michele Lipe briefly discussed the issue of odor, specifically in the Industrial zone. The Commission agreed to 1,000 feet for a distance requirement from ant residential zone.

Ms. Lipe commented that they would also need to set an effective date and rule if the text amendment was in conformance with the Plan of Conservation and Development. Additionally, it would be appropriate to make a separate motion to eliminate the existing moratorium on cannabis sales. Commissioner Wagner commented that the effective date would be September 3, 2022 and that the application was consistent with the Plan of Conservation and Development. Commissioner LeBlanc agreed to this update as well.

Commissioner Quraishi questioned why there was not a limit on the amount of production facilities since they limited the number of dispensaries. Michele Lipe commented that the Commission could also put a limit on production facilities, however, they do not have to. Commissioner Quraishi commented that he thought limiting these facilities would be beneficial for the community. Commissioner Foley suggested they allow one production facility for now adding that he had some concerns with the security for these facilities.

Commissioner Wagner commented that this change would be reflected in Section 7.24.2. Michele Lipe commented that since they would be removing item B in this section they could replace this line item to reflect only one production facility with a distance requirement of 1,000 feet from any residential zone. Commissioner Wagner and LeBlanc agreed to this change.

Commissioner Vetere suggested two production facilities instead of one. Commissioner Foley commented why he felt there would be a larger impact at a growing facility versus a dispensary. Chairman Pacekonis commented that he agreed with Commissioner Foley, however, two production facilities may make South Windsor more competitive.

Chairman Pacekonis commented that they should also consider requiring a backup generator for these facilities. Commissioner Foley agreed. Commissioner Wagner commented that he would allow this in the text amendment but would prefer if to read as a backup power source to be shown as part of the Odor Control Plan under Section 7.24.2 item C number 5. Commissioner LeBlanc agreed to wording. The motion was called. The motion passed unanimously.

Michele Lipe commented that they would also need to motion to end the moratorium.

Commissioner Wagner motioned to delete Section 2.24 effective 9/3/2022. Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

BONDS: Callings/Reductions/Settings

IWA/CC Bond

Appl. 13-50P, South Windsor Woods E&S Bond in the amount of \$5,000 reduced by \$5,000 to leave a balance of -0-.

Appl. 13-50P, South Windsor Woods Stormwater Bond in the amount of \$2,500 reduced by \$2,500 to leave a balance of -0-.

Appl. 13-50P, South Windsor Woods Wetlands Bond in the amount of \$12,500 reduced by \$12,500 to leave a balance of -0-.

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Commissioner Wagner motioned to reduce the above-mentioned bonds. Commissioner Quraishi seconded the motion. The motion passed unanimously.

Appl. 19-28P Aldi Wetlands Bond in the amount of \$50,000 reduced by \$45,000 to leave a balance of \$5,000.

Commissioner Wagner motioned to reduce the above-mentioned bonds. Commissioner Quraishi seconded the motion. The motion passed unanimously.

Site Bond

Appl. 13-50P South Windsor Wood Phase 2 Subdivision Bond in the amount of \$115,000 reduced by \$91,422 to leave a balance of \$23,578, which is considered maintenance level.

Appl. 13-50P South Windsor Wood Phase 3 Subdivision Bond in the amount of \$70,435 reduced by \$50,395 to leave a balance of \$20,040, which is considered maintenance level.

Appl. 13-50P South Windsor Wood Phase 4 Subdivision Bond in the amount of \$93,990 reduced by \$85,591 to leave a balance of \$9,399, which is considered maintenance level.

Commissioner Quraishi motioned to reduce the above-mentioned bond. Commissioner LeBlanc seconded the motion. The motion passed unanimously.

MINUTES: 7/12/22- The minutes were accepted by consensus. The Commission did not vote on 7/19/22 and 7/26/22

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **App. 22-29P U-Haul Truck Rentals Temporary and Conditional Permit-** request for a 2 year temporary and conditional permit for the rental of U-Haul equipment at 249 Oakland Road, RC zone
2. **Appl. 22-30P Hyaxiom – A Doosan Company** – request for site plan modification to add an access drive over property at 195 Governor’s Highway, I zone (Applicant requests staff approval in accordance with Section 8.6)
3. **Appl 22-31P, Hartford Truck Equipment LLC Temporary and Conditional Permit** – request for renewal of a one-year temporary and conditional permit for a truck storage area to accommodate 100 trucks, approximately 1 acre in size, on property located at 542 King Street, GC zones
4. **Appl. 22-32P, Revolutions Bowling Outdoor Field Expansion** – request for a Special Exception to Table 4.1.1A and site plan approval for an outdoor multi-purpose recreational fields 240’ X 400’, to accommodate league play on 195 Governor’s Highway, and site plan approval for an off-site parking lot to support such use, on property located at 205 Governor’s Highway, I zone

OTHER BUSINESS:

CORRESPONDENCE/REPORTS:

ADJOURNMENT:

Commissioner LeBlanc motioned to adjourn.

Commissioner Cavagnaro seconded the motion.

Meeting adjourned at 10:00pm.

Respectfully Submitted,

Caitlin O’Neil, Recording Secretary