

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-1-

NOVEMBER 16, 2021

MEMBERS PRESENT: Alan Cavagnaro, Robert Vetere, Kevin Foley, Stephen Wagner, Bart Pacekonis, Stephanie Dexter, Michael LeBlanc

ALTERNATES PRESENT: Paul Bernstein

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

PLEDGE OF ALLEGIANCE

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

Chairman Pacekonis reviewed the procedures for the public hearing.

CALL TO ORDER:

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

1. PZC Sponsored Text Amendment- Add Section Article 2, Section 2.24. An one-year moratorium on retail cannabis establishments is in place to provide the Planning & Zoning Commission with the time necessary to consider adoption of changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes

Director of Planning Michele Lipe commented on the new laws for cannabis for the State of Connecticut that will begin in 2022. Ms. Lipe commented that a moratorium would allow time for the Commission to establish regulations for retail sales such as parking, location and hours of operation. Ms. Lipe added that Commission could propose regulations sooner than a year, but a year would allow them ample time. Ms. Lipe commented that she would like to ensure cannabis sales are found in the proper zones.

Chairman Pacekonis asked for public comments.

Aaron Carbone of 45 Valley View Dr. spoke in favor of the moratorium. Mr. Carbone added that he would like to extend the moratorium to ban all retail sale of cannabis in South Windsor.

Attorney Ken Slater representative of Prime Wellness commented on behalf of the business. Prime Wellness is an already established facility who sells medical cannabis. Attorney Slater commented that Prime Wellness would like to become a hybrid facility. Attorney Slater commented that due to the size of South Windsor there could only be one or two retail facilities.

Al Dominka, Chief Pharmacist for Prime Wellness also commented in support to cannabis retail sales in South Windsor. Mr. Dominika spoke about the benefits of medicinal marijuana.

Chairman Pacekonis asked for comments from the Commissioners.

Commissioner Dexter commented that she is in support of the moratorium.

Commissioner Wagner read letter into the record from Councilor Andrew Paterna (Exhibit A). Commissioner Wagner commented in support of the moratorium. Commissioner Wagner and Director of Planning Michele Lipe discussed the need for a moratorium to properly draft regulations. Commissioner Wagner commented that he would prefer to only consider hybrid facilities in South Windsor.

Commissioner Wagner questioned Attorney Slater and Mr. Dominka on potential change to Prime Wellness to become a hybrid facility. Mr. Dominika explained the different between medicinal sales versus retail sales highlighting that the store would have two sections, one for medicinal sales and

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-2-

NOVEMBER 16, 2021

another for retail sales. Mr. Dominika explained that there are different dosing limits for retail versus medicinal.

Commissioner Wagner commented on the Commission potentially being bound to the application that Attorney Slater's client just submitted without any regulations in place. Chairman Pacekonis responded that the Town Attorney was looking into the application and the Commission's focus was only on the moratorium. Chairman Pacekonis commented that he was in favor of the moratorium

Commissioner Bernstein questioned Director of Planning Michele Lipe on process of potentially allowing sales and applications that come forward. Ms. Lipe explained it would be a first come, first serve basis with each applicant coming before the Commission.

Chairman Pacekonis commented on the importance of putting regulations in place.

Commissioner Foley commented that the Commission could deny cannabis sales in South Windsor.

Commissioner Wagner questioned Mr. Dominka on Prime Wellness' site, specifically, the limited parking. Mr. Dominka commented that they would work with other tenants to find a solution for parking.

Chairman Pacekonis closed that public hearing at 7:37pm.

2. **Appl. 21-40P South Windsor Stone and Landscape Supply LLC**– request to the expand the special exception granted to Article 4, Table 4.1.1A for a landscape material sales and storage business to include a topsoil screening operation, located at 287 Strong Road to include a portion of the property at 275 Strong Road, and site plan modification for the combined properties, I zone (continued form 9/28/21)

Attorney Peter Alter presented on behalf of the applicant. Attorney Alter commented that Glen Martin and Peter DeMallie from Design Professionals were also present. Attorney Alter reiterated that the business is located in the heart of the industrial zone and the application also complies with all the items for special exception. Attorney Alter explained the need for top soil screening at the site. Attorney Alter commented that the applicant has been trying to negotiate a lease with the Town of South Windsor to continued top soil screening operation but nothing has been executed at this time. Ultimately, Mr. Silvestri is looking to manufacture his product on land that he owns.

Attorney Alter commented that the applicant is trying to be sensitive to the neighbors nearby his property and added that Glen Martin would review additional screening being proposed on the site. Attorney Alter reviewed truck traffic and truck accessibility. Attorney Alter added that the applicant is open to an approval condition that would limit hours of manufacturing top soil. Attorney Alter reviewed updates to the Sound Study and commented that the noise generated from the site would not violate noise standard for the Town of South Windsor. Attorney Alter summarized that this application would allow his client to continue to grow business and also feel that the plan falls in line with the Town's Plan of Conservation and Development. Attorney Alter added that property values would not be negatively impacted and they have installed an irrigation system to help with dust control.

Glen Martin, Landscape Architect with Design Professionals, reviewed the updated landscape plan. Mr. Martin commented that they are proposing screening around the property with evergreen arborvitaes ranging from 8 ft. tall to 13 ft. tall Also showed a 6 ft. vinyl fence in the southeast corner of the site and additional arborvitaes. Mr. Martin commented that they are attempting to screen as much as possible for the surrounding neighbors.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-3-

NOVEMBER 16, 2021

Attorney Alter commented that the Town Engineer's comments have been adopted into the new plan. Attorney Alter reiterated the arborvitae tree and vinyl fence location and added that they have removed bins in the site to all more room for truck turning. Attorney Alter summarized that there have been issues in the past between his client and the neighbors, however, they have taken many steps to help screen the entire property.

Director of Planning Michele Lipe reviewed past complaints per the request of the Commission at the last meeting. Ms. Lipe commented that the Town has received approximately four or five complaints since 2016. Ms. Lipe commented that the mentioned two-year agreement with Town of South Windsor has not been executed at this time. Ms. Lipe commented that she researched original approval, which required the vinyl fence, however, the applicant has agreed to restore this fence since it was never shown on any formal plans. Additionally, the owner has agreed to an approval condition that would limit the truck traffic bringing screening materials on site to trucks owned by Mr. Silvestri.

Town Engineer Jeffrey Doolittle commented that most of his comments were addressed except signage. Mr. Doolittle commented that he is requesting trucks only signs to ensure automobiles do not try to enter truck area on the western side of the site and south of the storage bins.

Chairman Pacekonis asked for public comment.

Al Arnold of 94 West Road spoke in favor of the application.

Virginia Bamber of 315 Strong Road spoke against the application with concerns that the applicant will not follow the proposed plan.

Rick Bamber of 315 Strong Road spoke against the application with concerns that the applicant will not follow the proposed plan

Commissioner Dexter read letter into the record from Nancy Jackson of 306 Strong Road (Exhibit B).

Chairman Pacekonis asked for comments from the Commission.

Commissioner Cavagnaro questioned the Sound Study, specifically a spike in one of the studies. Attorney Peter Alter and Peter DeMallie commented on that there could be another noise source from the site such as a car driving by or an airplane.

Commissioner Wagner commented on noise from the site when he visited, specifically slamming tailgates. Commissioner Wagner confirmed only South Windsor Stone & Landscape would be only trucks that would be moving top soil and asked Commission Foley to clarify if anything can be done to reduce noise from tailgates. Commissioner Wagner questioned dust control. Attorney Alter responded that top soil is different than sand as it has a higher moisture content, additionally, an irrigation system had been recently installed on site as well. Commissioner Wagner commented on the Sound Study and questioned the distance to the nearest residence from the screening machine. Attorney Alter responded approximately 250-280 ft. away. Commissioner Wagner questioned if the site was compliant. Michele Lipe responded that to her knowledge site is compliant and has been since the lawsuit in 2016.

Commissioner Vetere questioned if the truck traffic would primarily be coming from Route 5 into the site. Attorney Alter responded that a large amount of truck traffic does come from Route 5, however, some truck traffic do come from the east on Strong Road.

Commissioner Bernstein questioned if Mr. Silvestri's trucks would be the only truck going in and out of site. Attorney Alter responded that he understood that this would be a condition for approval. Michele Lipe and Chairman Pacekonis clarified this would only be a condition for Mr. Silvesteri's screening

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-4-

NOVEMBER 16, 2021

businesses. Commissioner Bernstein commented that he thought there might be issues in that area of Strong Road because it narrows. Attorney Alter responded that Strong Road carries Town of South Windsor trucks to and from the Town Garage and bucket trucks from CL&P. Furthermore, truck traffic has existed on Strong Road for many years.

Commissioner Foley responded to Commissioner Wagner's question regarding tailgate slamming, citing newer technology with vibration to help shake the bed of the truck to avoid tailgate slamming when getting rid of excess materials.

Chairman Pacekonis questioned how tailgate slamming is incorporated into the sound study. Attorney Alter responded that it is a short term event that would show as a spike in the sound study. Chairman Pacekonis questioned when the irrigation system would operate. Attorney Alter commented that the system currently operates on a regular schedule to water vegetation and to keep general area moist to avoid dust. Chairman Pacekonis questioned how the applicant would clean up dirt tracked onto Strong Road. Attorney Alter commented he did not believe it was a problem, however, the applicant would be willing to have an approval condition that covers this item. Chairman Pacekonis commented on the bin in front of hoop house and confirmed that it would be removed for additional truck access.

Virginia Bamber commented that the bin she was referring to in her initial comment was the bin to the side of the hoop house. Ms. Bamber commented that she recorded decibel levels when dump trucks unloaded.

Chairman Pacekonis closed the public hearing at 8:45pm.

SPECIAL MEETING/COUNCIL CHAMBERS:

CALL TO ORDER Chairman Pacekonis called the Special Meeting to order at 8:46pm

PUBLIC PARTICIPATION:

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

1. PZC Sponsored Text Amendment- Add Section Article 2, Section 2.24. An one-year moratorium on retail cannabis establishments is in place to provide the Planning & Zoning Commission with the time necessary to consider adoption of changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes

Commissioner Wagner read text amendment provided by Director of Planning Michele Lipe and motioned to move the moratorium forward.

Commissioner Dexter seconded the motion.

Commissioner Wagner commented that he would prefer to move quickly to establish zoning regulations for cannabis and added that he would prefer to only see hybrid facilities in South Windsor. Chairman Pacekonis commented that they are ultimately waiting for the State of Connecticut to adopt certain language before they create their regulations. Commissioner Wagner commented that other communities are starting to adopt regulations. Chairman Pacekonis responded that while other communities have started drafting regulations, he would like to be sure South Windsor is doing everything the best way possible. Commissioner Wagner questioned Michele Lipe on potential language that may be adopted by the State. Ms. Lipe responded she was not aware of anything at this time and explained regulations are created on a community basis for certain items like hours of operation. Ms. Lipe added as more information comes out from the State she would be sure to share with the Commission.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-5-

NOVEMBER 16, 2021

Commissioner Foley commented that he is in favor of the moratorium. Additionally, he believes the Commission needs to look at the language and take into consideration what other towns are allowing. Commissioner Wagner commented he would be concerned of businesses going to other towns if they wait a full year to make a decision.

Commissioner Cavagnaro commented that the Town of Enfield would be re-visiting their decision on cannabis regulations.

Commissioner LeBlanc commented that he is in favor of the Commission taking their time to be sure they get the regulations right.

Chairman Pacekonis commented that the Commission could start drafting language to see what it would look like but they would not need to move forward on it immediately. However, this would be the next step.

Commissioner Foley commented that the Prime Wellness on Route 5 would be a good candidate for a hybrid facility since they are professional and established business, however, he is unsure about the parking situation as it is limited.

The motion passed unanimously.

2. **Appl. 21-48P, Peoples Bank on behalf of Evergreen Walk LLC** - request to modify the Evergreen Walk General Plan of Development for Unit 5a (southwesterly corner of Buckland Road and Cedar Ave) to modify the uses to include up to 60,000 sf of office and/or retail, on property located at 151 Buckland Road, Buckland Gateway Development Zone

Alan Lamson, Vice President of FLB Architecture & Planning, was present on behalf of Evergreen Walk and reviewed the site plan for Unit 5, specifically, a bank and additional retail space. Mr. Lamson commented on the use that is listed in the General Plan, which is 50,000 SF of retail space for this parcel. The applicant is proposing to move some office use in the General Plan from other parcels within Evergreen Walk to this parcel of land as well. Mr. Lamson commented that Mr. Fisher is looking to do a mixture of retail and office space at Unit 5. Mr. Lamson commented that a mixed development on this site would provide marketability. Additionally, this does not impact approved land use in Evergreen and does not increase the amount of traffic or drainage.

Jay Fisher, Chief Operating Officer of AccuBranch, presented on behalf of the applicant. Mr. Fisher explained that the purchaser is interested in the site for development and has initial plans to build a Peoples Bank and have other potential tenants for the additional space. Mr. Fisher commented that there would not be any additional changes to the Master Plan at Evergreen Walk. Mr. Fisher commented there would be no curb cut onto Buckland Road. Mr. Fisher commented that they are thinking of putting a right in and right out off Cedar Avenue for a second means of access, with primary access off Evergreen Way. Mr. Fisher commented they would be back with a site plan for the bank should they receive approval.

Director of Planning Michele Lipe read Planning Report.

1. Peoples Bank on behalf of Evergreen Walk LLC – request to modify the Evergreen Walk General Plan of Development for Unit 5a (southwesterly corner of Buckland Road and Cedar Ave) to modify the uses to include up to 60,000 sf of office and/or retail, on property located at 151 Buckland Road, Buckland Gateway Development Zone

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-6-

NOVEMBER 16, 2021

2. The original general plan approved in 2001 and this plan was renewed in 2014 and modified several times over the past few years most recently for the Costco development and changes associated with the Whole Foods development. The name change to Evergreen Way should also be clearly labelled on the General Plan documents submitted.
3. The changes to the overall layout are insignificant from previous approvals.
4. The sidewalk network currently exists along the perimeter of the new development keeping walkability throughout the site. At the time of the site plan, we would anticipate traffic calming and/or aesthetic treatments at some of the internal pedestrian crossings.
5. Utility impacts are insignificant as the utilities currently exist in Evergreen Way to accommodate the new buildings. Adequate public water is and sewers are available in the area and details designs would be reviewed at the time of site plan approval.
6. At this time the applicant has not provided any architectural drawings of the proposed buildings.
7. Prior to any actual building or site construction, a request for a site plan of development in conformance with the approved general plan must be submitted, reviewed and approved by the Architecture and Design Review Committee, this Commission as well as the Inland Wetlands Agency and the WPCA. The site plan will include all of the engineering details as well as final building design and site layout.

If this General Plan is approved, Planning Dept. requests the following updates to the general plan:

- Data table she updated to reflect the most current activity on the site;
- Labelling of Evergreen Way on the maps should be clearly shown.

The following items should be addressed by the applicant as the time of the site plan approval;

- The name change to Evergreen Way should also be clearly labelled on the General Plan documents submitted.
- Specific attention to saving the existing trees along Buckland Road.

All of the conditions of the 2014 general plan approval will remain in effect.

The following items were previously outstanding items and are now be completed with the Costco CO;

- Temporary roadway portion of Evergreen Way must completed and concrete sidewalks installed;
- Completion of the remainder of Tamarack road network (south of the Independent Living);
- Completion of the trail system shown on the general plan shall be submitted with the filing on the retail Site Plan application and completed prior to Issuance of a CO.

Town Engineer Jeffrey Doolittle commented that he would like to see the driveway shifted west on Cedar Avenue.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Bernstein clarified that this would be a different bank than People's Bank. Mr. Fisher commented that this would be People's Bank of Holyoke.

Chairman Pacekonis commented on concerns with construction and traffic.

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

1. The Commission notes that this approval is for a General Plan of Development, which does not address all engineering and site design details. The applicant shall submit an application for a Site

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-7-

NOVEMBER 16, 2021

Plan of Development approval prior to construction, per Section 4.2.15.D of the zoning regulations. Construction phasing must be included on Site Plan of Development if appropriate.

2. No building permits will be issued until any required OSTA certificate modification has been issued (per CGS §14-311).
3. All approval considerations of the March 11, 2014 for Appl. 14-09P, Evergreen Walk General Plan of Development remain in effect including:
 - a. The Plum Gulley Brook/Podunk River watershed is a highly sensitive watershed and stream corridor, hydrologically, hydraulically and ecologically. Storm drainage design at the site plan stage must thoroughly and adequately address storm water quality and quantity, including both on-site and downstream impacts.
 - b. Views of parking areas from Buckland Road must be minimized through the use of berms and perimeter landscaping.
 - c. Roofs and roof equipment must be screened from Buckland Road, Smith Street and Deming Road.
 - d. Pedestrian and bicycle interconnection between the lifestyle center (“main street” retail center), indoor recreation facilities, office and housing must be provided.
 - e. Delivery trucks must use routes other than the “main street” to make site deliveries.
 - f. Trees and hedgerows must be preserved to the maximum extent possible; preservation details to be shown on the site plan.
 - g. No outdoor storage is allowed in the Gateway zone, per Section 5.8.6.c of the zoning regulations.
 - h. Construction phasing, including phasing of external roadway improvements, must be shown on the site plan.
 - i. As additional green space is added, it should include some of the site’s existing natural features

Commissioner Cavagnaro seconded the motion.

Commissioner Wagner commented that they are moving the uses from other developments in Evergreen Walk. Director of Planning Michele Lipe commented that would be reflected in the zoning data table on the map.

The motion passed unanimously.

3. **Appl. 21-50P, Appl. 21-50P, Daniel Accarpio** – request for a special exception to Table 4.1.1A and site plan approval for an indoor recreational facility (approx. 8700 sf), to be known Dreams Baseball and Softball Training Facility, on property located at 185 Commerce Way, I zone

Commissioner Wagner motioned to approve the application with the following conditions.

1. The hours of operation for training Monday – Friday from 4 PM – 10 PM and Saturday and Sunday from 10 AM – 10 PM on the weekends.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-8-

NOVEMBER 16, 2021

4. The building street number must be included on the final plan.
5. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
6. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
7. In accordance with Section 6.4.9, the Commission has granted a modification to the required number of parking spaces based on the uses presented, allowing 21 spaces.

Commissioner Cavagnaro seconded the motion.

The motion passed unanimously.

4. **Appl. 21-40P South Windsor Stone and Landscape Supply LLC**– request to the expand the special exception granted to Article 4, Table 4.1.1A for a landscape material sales and storage business to include a topsoil screening operation, located at 287 Strong Road to include a portion of the property at 275 Strong Road, and site plan modification for the combined properties, I zone (continued form 9/28/21)

Commissioner Cavagnaro motioned to approve the application 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. A landscape bond in the amount of \$10,000 is required and must be submitted prior to filing of mylars.
4. All bonds must be in one of the forms described in the enclosed Bond Policy.
5. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
6. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
7. The building street number must be included on the final plan.
8. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
9. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
10. The properties of 287 and 275 Strong Road shall be combined by deed and filed in the office of the town clerk.
11. Measures shall be taken to ensure the dirt piles that are left for more than a day are ringed with haybales and/or silt fence and dust control used as needed.
12. The only entrance and exit drive to be used for the business will be directly from Strong Road at the location of the existing structure.
13. The hours of operation for the business shall be as follows:

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-9-

NOVEMBER 16, 2021

- a) Monday through Friday 7:00am to 5:30pm
 - b) Saturday 7:00am to 5:30pm, April 1st through Labor Day, and 7:00am to 3:00pm the day after Labor Day through March 31st of each year
 - c) Sunday, 10:00am to 3:30pm
 - d) Incoming deliveries on the weekend will be limited to the hours of 10:00am to 2:00pm on Saturdays only
 - e) The hours of operation for top soil screening are Monday-Friday from 10:00am to 2:00pm. There shall be no screening activities outside of these hours.
14. All materials imported from off site to manufacture topsoil shall be brought to the site with the owner's company vehicles.

Commissioner Wagner commented to add a condition to keep the road clear of dirt on Strong Road. Commissioner Cavagnaro accepted the additional condition.

Chairman Pacekonis commented to add another condition that states no other activity on the site other than approved activities.

Commissioner Wagner seconded the motion.

Commissioner LeBlanc questioned if there should be a two-year check in on the site. Chairman Pacekonis commented that this would only be possible for a temporary and conditional permit.

Commissioner Wagner questioned if they should add a condition to address contractors accessing the site during a snowstorm. Commissioner Wagner and Chairman Pacekonis discussed the suggested condition. Commissioner Foley questioned if the owner would have the right to load his trucks during a storm since Mr. Silvestri also has a snow removal business. Chairman Pacekonis commented that this application does not address snow removal, therefore, they should not be making a condition that discusses snow removal. Michele Lipe added that she would enforce anything if Mr. Silvestri is accessing his own site to get material for snowstorms.

Commissioner Vetere clarified that the hours of operation are the same just specifying screening hours.

Commissioner Wagner clarified they would not add any language in the condition regarding snow removal.

The motion passed unanimously.

ADJOURNMENT:

Commissioner Foley motioned to adjourn.

Commissioner Cavagnaro seconded the motion.

The motion passed unanimously.

Meeting adjourned at 9:34pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary