

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

Debrah W. Reid, ARC
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@ 3:48pm

MINUTES

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NOVEMBER 28, 2023

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

ALTERNATES PRESENT: Paul Bernstein, Atif Quraishi

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann, IT Support; Joshua Stern, Recording Secretary

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. **Appl. 23-42P, The Metro Realty Management Corporation** – request for a special exception to Sec. 7.22 and site plan of development for a 55-unit apartment complex property located at 240 Deming Street and a portion of 440 Buckland Road (northerly side of Deming St. and easterly of Buckland Rd.), MAH Zone (Continued from 10/24/23)

Commissioner Wagner read the legal notice. Chair Pacekonis noted that the maintenance of the proposed lot next to the development is an issue the Commission is seeking input on.

Attorney Tim Hollister, Hinckley Allen, represented the applicant. Also presenting and answering questions were: Ben Tripp, EVP, Metro Realty; Tom Daly, Manager of Civil and Structural Engineering, SLR Consulting; Marc Tardif, Property Manager, Metro Realty; and Mark Vertucci, Senior Traffic Engineer, Fuss & O'Neill. The applicant team presented **Exhibit A**.

Ben Tripp began by addressing the issue of maintenance. He said Metro Realty prioritizes safety and comfort through preventative maintenance and uses an affiliate organization, not a third party. Maintenance staff enter each unit of each Metro property at least three times per year to check the smoke detectors, replace HVAC filters, and conduct routine visual inspections. In addition, Spectrum Enterprises works for the Connecticut Housing Finance Authority (CHFA) to perform inspections of all properties under the low-income tax credit program, regularly checking a random 20% of each community's apartments; he said CHFA holds Metro in high regard for its management practices. Metro has a licensed HVAC professional on its staff as well.

Tripp said when there is a snow event, Metro coordinates the relocation of all residents' vehicles to allow plowing and, at its age-restricted communities, physically cleans snow off all vehicles. Staff also inspect the building exteriors every fall, cleaning the dryer vents and gutters. Metro uses AppFolio to process maintenance requests, which can be entered online or over the phone; there is an emergency number for nights and weekends. He said after the public hearings on the zone change, he and Tardif met individually and as a group with residents who had concerns about maintenance; he feels communication with the residents has improved as a result. He said the pictures of overgrown grass submitted by the public should not be extrapolated to Metro's practices as a whole, and the presence of a waitlist would not cause Metro to neglect to maintain their properties; he noted that the pictures submitted of balconies were not of Metro properties.

Tripp outlined the affordability breakdown of the units, which is dictated by the 9% tax credit program the developers would apply for. He explained CGS 8-30g and said Metro's aim is to work collaboratively with towns to achieve their affordable housing goals, including both the 10% threshold and earning points toward a temporary moratorium, which South Windsor is under until October 2024; this development would earn the Town 90.75 points, close to halfway to the 2% threshold for a second moratorium.

Tom Daly said the site plans have been updated to address notes from the previous hearing and comments from the Town Engineer. The bus shelter was relocated to the other side of the driveway due to the sewer easement

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along the front of the property; the landscaping and fence were moved out of the easement as well. Some mature trees at the far left of the property are in the sewer easement; these trees can remain if approved by WPCA. The sidewalk abutting the curb line near the driveway was disconnected to add space for snow storage; the sidewalk around the center island was removed and more green space was added to the island, with the trees moved closer to the center and the gazebo replaced with a play area. Two dual EV charging stations were added at the far end of the island, and additional arborvitae were added to screen the refuse and recycling area. Bike racks would be between buildings D and E; the mail kiosk would be on the other side of the complex. Landscaping, consisting mostly of low-maintenance perennials, was also added to the islands in the parking area. The fence along the frontage was extended to wrap around the open space on the front and west side.

Attorney Hollister submitted a copy of a correspondence between the applicant and the Town Pollution Control Department (**Exhibit AA**). He reminded the Commission that the zone change was approved and reviewed the Special Exception criteria of section 8.4.

Director of Planning Michele Lipe noted that the lighting plan was distributed to the Commission and complies with lighting regulations, adding that the Commission could request a shield on the light near the entrance.

Town Engineer Jeffrey Doolittle said some details still need to be worked out regarding the concrete sidewalk ramps and the drainage behind the retaining wall on the east side. The final plans will require an L.S. seal.

Speakers in opposition to the application included: Debbie Shoag of 21 Manor Lane spoke on behalf of a number of Berry Patch residents who have expressed concerns about maintenance. She said when appliances break, tenants are required to replace them or have them repaired at their expense; she has heard about mold growing on a tenant's windows, and said Metro no longer does snow removal. She said tenants have had to clean up after maintenance staff and have received unclean appliances to replace broken ones.

Vicky Margiott of 32 Sele Drive presented **Exhibit B**. She said the Deming neighborhood residents feel their quality of life has already been compromised due to the creation of the Gateway Zone and the expansion of the types of businesses allowed there; construction noise has often prevented her from working in her yard. She said living on a busy road lowers property values, and traffic and emergency vehicle sirens have increased.

Vince Attianese of 33 Sele Drive said the proposal would not substantially move the needle on the Town's affordable housing, and its negative impacts would outweigh the positives. He thinks if the application were denied and appealed, the Commission would have sufficient evidence to defend the denial based on health and safety concerns.

Paul Pasqualoni of 15 Grandview Terrace focused on the Special Exception criteria of section 8.4. He said the application complies with the zoning regulations only because the MAHZ dimensional requirements were changed and the zone change was narrowly approved. He does not think the parcel is physically suited for the proposed 55 units, and said the traffic would cause safety issues, making the area less walkable and bikeable. He said adverse conditions decrease nearby property values; the Deming neighborhood has positive name recognition and curb appeal, but anyone selling a house is required to disclose any issues to potential buyers.

Jill Pasqualoni of 15 Grandview Terrace said she tripped over the high curb on Deming Street twice this week while dodging oncoming traffic. She said the development should be built in a neighborhood where there is no opposition, and the over 200 residents who have spoken are opposed not to affordable housing but to the location; she said these residents bought their homes trusting that the nearby zoning would remain the same. She has also heard that some classes at South Windsor High School have had to relocate to Wapping due to overcrowding in the school system.

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Craig Fenn of 400 Deming Street said he moved to the neighborhood 23 years ago because there was very little development across the street at the time. He is concerned about property values and safety.

John Samsel of 333 Deming Street asked if the center play area would have a barrier to prevent children from playing in the driveway; he supports moving the trees for snow removal but asked where children could play in the winter. He said putting three dumpsters in the rear corners decreases space for snow removal, and shoveling snow to the front would be visually detrimental. He disagrees with removing the sidewalks in the center and asked if the applicant has reconsidered the planned tree species on the property. He asked if the front sidewalk would flow into the existing sidewalk on Deming and if there would be a crosswalk at the entrance.

Margaret Glover of 247 Deming Street asked if the traffic study was redone. She said Costco has increased high-speed traffic on Deming, as will Whole Foods; cars often speed around her when she slows down to turn. In addition, she said over 10 people have spoken at the hearings about maintenance at Berry Patch, and she has spoken with other Berry Patch residents who have the same concerns about appliances. She added that the church is still used for services every Sunday.

Annamae Davis of 9 Ridge Road said she has lived in the neighborhood for 43 years, and she and her neighbors opposed an application to build over 55 apartments where Grandview Terrace currently is. She feels the proposed development is needed in town but not in this location. She said the heavy traffic makes it difficult to turn from Buckland onto Deming, and she was recently cut off near the church driveway; she feels it is a dangerous location for a development, noting that tandem trucks often travel on Deming.

Anita Attianese of 33 Sele Drive said she did not allow her children to ride their bicycles on Deming because it was dangerous at the time, and it is worse now. She expressed concern for children who would live in the development and said there are major visibility issues driving down the hill at sunrise and sunset.

John McCabe of 56 Gilbert Lane said the 55 units would likely house around 150 people, and most families have two to three cars; he said EMS, sanitation trucks, and fire trucks would have difficulty navigating the small space. He noted that around 95% of the speakers at the hearings have spoken in opposition and said residents have felt disregarded by their elected officials; he said other areas of town could accommodate 55 apartments, and placing it here would destroy the habitats of many animals.

Shiju David of 18 French Lane said residents have been opposing the project for five months. He said there are around 120 single-family homes in the area, and the development would put over a third of that number of units into a fraction of the space; he said people's experiences should be sufficient to demonstrate that the project would cause safety and traffic issues.

Diane Ouellette of 101 Longmeadow Drive asked that the Commission request an incident report from the Town Police and Fire Departments to quantify the safety risks since Costco opened. She said Whole Foods will exacerbate the problem and that the area cannot be considered walkable.

Vicky Margiott said at the previous hearing, the Commission had suggested finding a realtor to serve as an expert witness with regard to the impacts on property values. She said she has spoken with a realtor who agreed with her view, but she said a realtor or appraiser who spoke out against affordable housing would lose their license. She said the proposal is too large for the lot and that snow storage would decrease curb appeal, cause noise at night, and kill the proposed plantings; she said the proposed community room does not meet the requirements regarding community space and expressed safety concerns about the dumpsters being near the play area. She said illegal parking is common and can cause safety hazards if fire lanes are blocked.

Margiott said the Gateway Zone principles of attractiveness should still prevail, and the regulations do not allow a development that does not fit the area visually. She expressed several concerns about the landscaping and

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outdoor maintenance at Watson Farms, Berry Patch, and 175 Deming, saying the weather is not an excuse to neglect to tend to the lawns and asking the Commission to assess the planting plan. She also expressed concern about Metro's approach to carpet replacement, saying residents are required to move their furniture themselves, and wondered whether Metro would provide sufficient accommodations to the supportive housing residents. Margiott also said the third lot would become a nuisance and should be used for a house, adding that the lot was created as part of a curb for the Gateway Zone, and asked if the EV spaces should count as parking spaces given that they have time limits. She said the project would destroy the wildlife corridor at the west of the site, and it is the Commission's responsibility to avoid isolating wetlands. She asked if a light and shadow study was conducted and said significant work is already taking place on the property despite the project not currently being approved. Lastly, Margiott said the Commission did not examine the traffic counts; she said placing the bus stop on a curve is unsafe and the queuing of cars on Buckland is a safety issue as well.

Paul Pasqualoni said the neighbors' negative reactions to the proposal show it would not fulfill the requirement regarding general welfare of the community, and there is not a balance between neighborhood acceptance and community needs. He said the physical appearance is not compatible with the neighborhood, whose residents put significant work into their homes and lawns, and the development would drive down property values. He said the architectural design would not blend with the neighborhood, and while he has lived in and worked with affordable housing and supports it, he opposes it in this location.

John Samsel recommended removing the northernmost building and using this area for snow storage, a play area, and wildlife space. He said the weather is not an excuse for Metro not to take care of their properties, and he would like to see an additional traffic study as he and his neighbor observed the traffic from their lawns and saw a number of trucks.

Margaret Glover spoke about the perception in town that the Commissioners are not listening to their constituents, referring to changes in the Town government from the recent election.

Mike Ouellette of 101 Longmeadow Drive said there is no need for a rush in hearing the application and requested a formal traffic and safety study of the intersection. He noted that any traffic studies already conducted may not account for Costco and Whole Foods.

John McCabe said he would also be in favor of an unbiased traffic study by independent engineers, and that there are other sites in town with vacant real estate that could be developed with fewer issues and more space to expand. He does not believe the applicant's traffic study is unbiased.

Jill Pasqualoni said she often sees cars skid on Deming in the snow, which would increase with the additional traffic from the development. She concurred that dawn and dusk are hazardous times to drive on the road.

Anita Attianese questioned where cars would be moved to allow for snow removal. She also asked where visitors to the apartments would park, expressing concern about street parking.

The Chair asked for Commission questions and comments.

Commissioner Bernstein said he has remaining questions about the requirements of section 8.4 relating to traffic, property values, character of the neighborhood, general welfare, and physical appearance. He said the community needs affordable housing, but neighborhood acceptance is also an important factor, and the disproportionate number of residents who spoke against the application is notable.

Commissioner Cavagnaro asked about the work that has begun on the property. Tripp said due to the property's historical agricultural uses, an environmental survey is being conducted with the property owner's permission and an archaeologist has been hired to look for artifacts. Some geotechnical analysis was performed as well.

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Commissioner Vetere asked if fencing or other safety considerations are planned for the play area; Tripp expressed willingness to add fencing as a condition of approval. Sidewalks would lead out from some of the islands to the play area, and crosswalks could be added.

Commissioner Vetere asked about the public comment that realtors are not permitted to speak against affordable housing. Attorney Hollister said an appraiser cannot assume a development will decrease nearby property values based solely on the fact that the development is income restricted. However, he is not aware of any rule preventing a realtor or appraiser from evaluating or giving an opinion on a proposed affordable housing development, and he has often seen realtors and appraisers do so.

Commissioner Foley concurred with Commissioner Bernstein and with public comments regarding the Special Exception requirements. He spent time on Deming and Grandview and saw drivers running through stop signs, and he understands the concerns.

Commissioner Wagner asked about Metro's policy for repairing and replacing appliances. Marc Tardif, head of maintenance for Metro Realty, said when a work order is received, an employee is dispatched and usually brings parts; if a part is discontinued or costs more than the appliance, the appliance is replaced. He cannot respond to residents' concerns without specific details but said he is confident all refrigerators in Metro's properties are working. Wagner asked about carpet replacement. Tardif said carpets are replaced when they cause health or safety issues. The policy is for the residents to move their own furniture as it is their property. Wagner and Chair Pacekonis discussed the process with Tardif and Tripp, with Pacekonis expressing concern that residents of affordable housing units might not have the means to hire a furniture mover; Wagner noted that this issue, while important, is not a zoning issue.

Commissioner Wagner noted the requirement for 10% of parking spaces to be EV ready; Tripp agreed to add EV-ready spaces as a condition of approval. Wagner suggested not restricting the EV spaces to avoid reducing the parking spaces available to other residents. Tripp noted that the residents of the supportive housing units would not have their own vehicles. Wagner expressed concern about the children's play area being near the parking lot; Tripp said it could be moved to the northeast corner of the site. Wagner said the applicant should work with Town staff to determine if any lights would require shields due to elevation differences. He said the State legislature allows towns to enforce speed limits with cameras and agreed that there are speeding issues on residential and connector streets. He also noted an anticipated housing development near Geissler's but said neither it nor the current proposal will put the Town in a position where it exceeds the 10% affordable housing requirements of CGS 8-30g.

Commissioner Dexter asked where the supportive units would fall in the affordability breakdown. Tripp said most supportive housing units are under 30% of AMI, though some two-bedroom supportive units would likely come between 30% and 50%. Dexter asked what it would take for the Commission to request an additional traffic study. Lipe said it would have been ideal to request a study during the hearings for the zone change application. The traffic study the applicant submitted was reviewed by the Town Police and Engineering departments, and no concerns were raised. Traffic engineer Mark Vertucci said the traffic counts were measures in early June of 2023 during the morning, afternoon, and Saturday midday peak hours. Costco had been built by this time, and Whole Foods and other anticipated developments were added into the background volumes. Vertucci said the study showed the development to be a very minimal traffic generator and not decrease the levels of service of any intersections. Dexter noted that these results are disconnected from what residents have said they experience every day.

Commissioner LeBlanc said drivers often use Deming as a shortcut between the area near Starbucks and the area near Costco, and he has seen the traffic patterns change in the last six months. He said traffic studies are

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valuable, but people's habits change quickly as new businesses are established, and he feels Deming is not well equipped to serve as a through road. Vertucci said the study acknowledges that several hundred cars travel on the road during peak hour, but he thinks most traffic would exit the site toward Buckland Road; the study estimated that traffic on the rest of Deming would increase by an average of only one car every 20 minutes.

Commissioner Quraishi concurred with the concerns of Commissioners Bernstein and Foley. He also expressed concern about school enrollment, saying the numbers the applicant has presented are inconsistent with other enrollment projections. He said speeding and running stop signs are patterns throughout town and the left turn out of Costco has gotten harder, and concurred that street parking is a safety concern.

Chair Pacekonis suggested that mowing take place weekly in the main area, the front of the complex, and 4' past the fence and biweekly on the rest of the site. He noted some existing trees near the southeast border that he would like preserved if possible and suggested moving the fence to allow them. He asked about the procedure for a large snow event. Tripp said using the central green for snow storage should be adequate for a 12" snow event; Tardif said the snow removal contract would contain a provision for hauling snow off site. Pacekonis confirmed that the project would not disturb any trees on the Berry Patch property and asked about recycling; Tardif said there is a separate recycling container in the dumpster area. Lipe was questioned about the requirement of a community room, and she said the regulations do not require community room space.

Chair Pacekonis asked about the plan when trees are taken down and stumps are left behind. Tripp said the trees would be replaced within one growing season; he would be open to an approval condition regarding this timeframe. Pacekonis said he still has concerns about the carpet replacement process. With regard to potential parking issues, he noted that not all residents would drive. He noted that the traffic studies were reviewed by Town staff, including police and fire, who did not raise any issues; he understands the residents have experienced an increase in traffic but said the traffic ratios still meet the standards for the streets. Pacekonis concurred with Wagner's concern about the play area being in the center of the parking lot and supported the proposed fence. He noted that several of the issues raised are not zoning issues but do impact quality of life, saying the issue of furniture moving needs to be resolved and that there should be a plan to replace the carpets regularly.

Commissioner Wagner asked about the feasibility of turning the planned conservation lot into a housing lot. Lipe said doing so would require the Commission to grant a waiver of the open space requirement. Tripp said if the Commission is willing to grant the waiver, the applicant would consider turning the lot into a building lot. Lipe noted that there would also be side yard and other zoning requirements. Commissioner Foley expressed support for leaving the lot undeveloped.

Vicky Margiott said the supportive housing residents would require two light sequences to cross the street to the bus stop, and queuing on Deming and Buckland is already unacceptable, with some people driving in the wrong lanes. She said the Deming-Buckland intersection is the largest accident site in town. Chair Pacekonis said at the times he has observed the intersection, people have crossed with just one signal. Margiott said the queuing lane blocks vision, obscuring the coming traffic on Deming.

Attorney Hollister said he has represented Metro Realty before and had never heard complaints about maintenance of their properties until these hearings. He said it is difficult to respond to complaints from people who do not live at Berry Patch but say they are speaking on behalf of anonymous people who do; in response to a comment that the development would have 200 residents, he said that would be almost four people per unit, noting that there would be many be one-bedroom units. He reminded the Commission that the zone change is approved and is not currently up for a vote, and said maintenance issues can be enforced through conditions of

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approval but are not grounds to deny an application. He also said zoning is not a popularity contest; an applicant whose proposal meets criteria is entitled to an approval regardless of the number of residents who oppose it.

Commissioner Foley said he does not think the Commission should focus on Berry Patch as the issue at hand is whether the current proposal meets the Special Exception criteria. He does not believe it has fulfilled these criteria.

The public hearing was closed on this item at 9:57 p.m.

REGULAR MEETING

CALL TO ORDER: Chair Pacekonis called the regular meeting to order at 9:57 p.m.

PUBLIC PARTICIPATION: None

MINUTES: 11-14-23

Commissioner Cavagnaro made a motion to approve the November 14, 2023 minutes. Commissioner Wagner seconded the motion. The motion passed 6:0:1 with Chair Pacekonis abstaining.

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

1. Annual Organization Meeting

a. Election of Officers

Commissioner Cavagnaro nominated Bart Pacekonis for Chair. Commissioner Wagner seconded the nomination.

Commissioner Dexter nominated Kevin Foley for Vice Chair. Commissioner Wagner seconded the nomination.

Commissioner Foley nominated Stephanie Dexter for Secretary.

The Chair cast one ballot for the nominations.

Commissioner Wagner made a motion to extend the meeting to no later than 10:10 p.m. Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

b. Review of Bylaws

The Chair asked if any Commissioners would like to suggest changes to the bylaws (**Exhibit C**). Commissioner Cavagnaro said he thinks approval of minutes should take place before a public hearing is opened, immediately after the Pledge of Allegiance. He also suggested extending the meeting adjournment time from 10:00 p.m. to 10:30 p.m.

Commissioner Wagner said Article VIII, Section 3 should be corrected to state that Commission officers serve two-year terms. He also suggested an edit to Article XIV, Section 1 to indicate that meetings, not minutes, are recorded by a sound recording device.

Commissioners discussed the proposed changes. They opted not to establish a regular 10:30 p.m. end time as it would be difficult for Commissioners who work in the mornings. The Commission decided to amend Article XII to move Minutes before Public Participation in the order of business, but did not think approval of the minutes should come before a public hearing as the hearing is separate from the regular meeting. They expressed support for both of Commissioner Wagner's suggested edits.

The Commission will vote on approval of the amended bylaws at the December 12 meeting.

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c. Review of 2024 Meeting Dates

The 2024 meeting dates were approved by consensus.

2. **Appl. 23-44P, Berry Patch II Associated Limited Partnership** – request for a site plan modification including a lot line revision to reduce the overall parcel by approx. .3 acres, on property located at 440 Buckland Road, Buckland Gateway Development Zone

The Commission deferred this item to a future meeting.

3. **Appl. 23-42P, The Metro Realty Management Corporation** – request for a special exception to Sec. 7.22 and site plan of development for a 55-unit apartment complex property located at 240 Deming Street and a portion of 440 Buckland Road (northerly side of Deming St. and easterly of Buckland Rd.), MAH Zone

The Commission deferred action on this item to a future meeting.

BONDS: Callings/Reductions/Settings

<u>IWA/CC Bond</u>	<i>AMOUNT</i>	<i>REDUCTION</i>	<i>BALANCE</i>
20-48P, Barry Equipment E & S	\$5,000	\$5,000	-0-
20-48P, Barry Equipment Stormwater	\$10,000	\$10,000	-0-
20-48P, Barry Equipment Wetland Plantings	\$5,000	\$5,000	-0-

Commissioner Cavagnaro made a motion to release the E & S, Stormwater, and Wetland Plantings bonds for Appl. 20-48P. Commissioner Vetere seconded the motion. The motion passed unanimously.

OLD BUSINESS: None

APPLICATIONS OFFICIALLY RECEIVED:

Appl. 23-49P, Town of South Windsor – request for renewal of a two-year temporary and conditional permit for a 500 sf business office within the Community Building for the South Windsor Chamber of Commerce, on property located at 1776 Ellington Road, RR zone.

OTHER BUSINESS: None

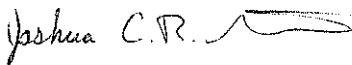
CORRESPONDENCE/REPORTS: None

ADJOURNMENT:

Commissioner Vetere moved to adjourn. Seconded by Commissioner LeBlanc. Motion passed unanimously.

The meeting adjourned at 10:09 p.m.

Respectfully Submitted,



Joshua Stern, Recording Secretary