

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

- 1 -

June 13, 2023

MEMBERS PRESENT: Stephen Wagner, Bart Pacekonis, Alan Cavagnaro, Michael LeBlanc, Stephanie Dexter

ALTERNATES PRESENT: Carolyn Carey sat for Kevin Foley

STAFF PRESENT: Michele Lipe, Director of Planning, Jeffrey Doolittle, Town Engineer, Michael Lehman, IT Support; Jennie Tetreault, Recording Secretary

PUBLIC HEARING

Commissioner Wagner read the legal notice

1. **Appl 23-15P, O'Evergreen LLC** – request for a zoning text amendment to Sections 4.2.2, 4.2.5 and 10.3 to modify Sec 10 Definition of Drive-through Facility and add Definition of Drive-up Facility and Fast Casual Restaurant; modify several criteria in Sec. 4.2.5 for such uses in the Buckland Gateway Development zone

James Kluczynik, member of O'Connell Development Group and Attorney Michael Ceccorulli of Pullman & Conley LLC represented the applicant and explained the additional text changes based on comments from the previous public hearing.

Director of Planning Michele Lipe provided the CRCOG report indicating no concerns from the regional agency.

Chairman Pacekonis asked for public comments. No public comment.

Commissioners asked questions and made comments.

The public hearing was closed on this item.

2. **Appl 23-16P, Ivanov Text Amendment** – request for a zoning text amendment to add a definition for short term rentals and define criteria for such rentals in all residential zones

The applicant, Vasily Ivanov, provided additional comments to the Commission regarding the benefits of short-term rentals. Ivanov shared that while there may be initial concerns about property value, short-term rentals in South Windsor could attract tourism. An increase in tourism would boost local business which would in turn increase employment opportunities, property demand and ultimately lead to increased property values. However, without a clear definition of what defines a short-term rental, the concerns over safety, tax evasion, zoning issues could jeopardize the benefits of short-term rentals to the town.

Director of Planning Michele Lipe provided the CRCOG report.

Chairman Pacekonis asked for public comments indicating no concerns from the regional agency.

Aode Knickerbocker from Essex, CT spoke in favor of the amendment. As a host herself, she assured that the safety procedures set forth by Airbnb are strict, thorough, and work. In addition to the procedures set forth by companies like Airbnb, property owners are also held to a high standard; they must care for the inside and outside of the property in order to stay current, which is beneficial to the neighborhoods and property values.

Bill Hauser from Vernon, CT spoke in favor of the amendment. Hauser states that with the income he has earned as a short-term rental host he has been able to put a new roof, windows, and gutters on his home. Hauser also states that the Airbnb safety measures are effective.

Commissioners asked questions and made comments.

Commission Carey stated the overall concept is good but needs regulations and/or ordinance to make sure we do the right thing for the town.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

- 2 -

June 13, 2023

Commissioner Dexter thinks some kind of permitting is important, so we know where these properties are located in town.

Commissioner Wagner liked the idea of working with Town Council to make an ordinance on the short-term rentals. Wagner suggests the commission deny request without prejudice until an ordinance can be made.

Commissioner LeBlanc also believes an ordinance is in order.

Commissioner Cavagnaro had done research and reports on the downside of short-term rentals. Citing the Economic Policy Institute (2019) “the economic costs of Airbnb, VRBO and other short-term rentals likely outweigh the benefits.” Harvard Law Review (2016) “short term rentals reduce the affordable housing supply by distorting the housing market into two interconnected mechanisms.” Cavagnaro cited The University of Massachusetts (2016) “home sharing is increasing rents by decreasing the supply of units available to potential residents” and lastly cites The National Bureau of Economic Research UCLA and University of Southern California “on a national basis a 10% increase in Airbnb listings can lead to a .42% increase in rents and .76 % increase in home prices.” Cavagnaro summarizes that with said research he will be voting against the application, as it is not in the best interest of South Windsor.

Pacekonis agrees that if this moves forward it should be in the form of an ordinance through the Town Council. Pacekonis doesn't necessarily think it's a bad thing but would like more information before moving forward and therefore cannot support it at this time. He also states it would be important for some zoning regulations as far as what defines a short-term rental.

The public hearing was closed on this item.

3. **Appl. 23-11P Industrial Flex Space** – request for site plan approval for 39,850 sf of “flex” space contained within multiple buildings, on property located at 75 Connecticut Avenue, I zone.

Attorney Greg McCracken from Jacobs, Walker, Rice, and Barry LLC represented the applicant.

He introduced Peter DeMallie, Principal of Design Professionals to present the specifics of the project.

Peter DeMallie states the site is 6.44 acres in size at the end of Connecticut Ave. Seventy-five Connecticut Ave. is one of the last undeveloped properties in this industrial park known as Constitution Landing, previously known as Governors Square Business center and even before that, it was known as Park Center. The subject zone is in the industrial zone and abuts lots on the west side of Judy Lane and Edgewood Drive. On the north side of Barbara Road there is a house at the corner that is in the closest proximity to this project; there is only a 50-foot buffer to screen said property from the development. DeMallie acknowledged that it is a great challenge when someone proposes a commercial industrial development adjacent to a residential zone, especially when it is an existing residential zone. DeMallie goes on to share he and his clients have put in place measures that will accommodate these neighbors.

The proposed space is industrial flex development also known as an incubator facility. Most of the tenants of the facility would be smaller industrial businesses, or satellite facilities that need storage/office space. The layout consists of 4 buildings with 26 incubator units for rent. The unit consists of a small office, bathroom, and garage with one or two overhead doors. The four buildings total 39,850 square feet.

Some dimensional considerations: 65% impervious coverage is allowed; this project is at less than 34%. Total site disturbance of the 6.44 is roughly 4.15 acres. With respect to EV stations, the requirement is 10%, which would be 7 stations. There will be 2 active and 5 that are wired but not activated at this time.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

- 3 -

June 13, 2023

DeMallie stated that there will be one central dumpster location in the northwest corner. The dumpster enclosure will be 24 feet wide and 14 feet deep, and will accommodate three eight-yard dumpsters. There will be no other dumpster locations on site unless approved by the landlord and the town in writing.

Where traffic is concerned, DeMallie anticipates low traffic volume from the facility, most traffic will primarily go down route 5. Peak traffic hours in the morning are 7:00 a.m. – 9:00 a.m. DeMallie estimates that 25 vehicles enter and 9 will exit during these hours. The afternoon peak hours will see 13 vehicles entering and 27 vehicles exiting during peak hours.

Other presenters included: James Otis, PE with Close, Jensen, and Miller - reviewed the drainage and utilities.

Otis states that in terms of utilities, the proposed water, sanitary sewer, natural gas, electric and telecommunications utilities will run east from the end of the existing cul-de-sac and those utilities run underground east along the entrance road just south of buildings 1, 2 and 3. Potable water service and fire service will be per MDC standards. One hydrant proposed near southwest corner of building 2 and an existing hydrant in the cul-de-sac. Sanitary service will be provided through a six-inch PVC gravity pipe and electric and telecommunications will also be buried underground.

Regarding onsite storm drainage, there will be two water quality basins. Both basins will help treat storm water run-off, attenuate peak outflow from the site and provide or enhance wetland functions.

In terms of offsite drainage, DPI submitted a supplemental drainage analysis to the town engineer for Newberry Brook dated 6/2/2023. The report was submitted in response to the town's request for information on potential impacts on downstream culverts. DPI analyzed the water shed draining to the Main Street culvert on Newberry Brook and concluded on its analysis report that while there is an existing issue with the operation of the culvert the proposed conditions for the subject application at 75 Connecticut Ave will not exasperate the existing problem at Main Street.

Stephen Fleshman, architect - reviewed the building design and materials.

Fleshman shared there are 4 buildings on site, the largest being 15,000 square feet to the smallest being 3,600 square feet. They are simple structures, pre-engineered buildings with concrete slabs, single story, with eave heights of 22 feet, where the gutter line is. The ridge height varies depending on how deep they are based on the pitch. Each unit will have a small office space, restroom and the rest of the space is flexible space. The construction is a metal skin vertical ribbed siding and a standing seam metal roof system. The color of the building will be light grey with a darker grey trim color, with white doors.

All lighting on the building is located on the driveway side, nothing on residential side. There will be egress lighting over the main doors which is required by building code.

Jim Aldrich, Aldrich Construction - reviewed energy savings measures being considered.

The roof will be constructed as to allow for solar panels. To heat the building there is gas on site but Aldrich shares that heat pumps are also a possibility as they have increased in efficiency, are more competitive and a significant part of the market. They have heat pump hot water heaters and the cost benefit over gas-powered units are considerable, depending on the total hot water demand.

New insulation standards will contribute to energy efficiency; the new energy code is two layers of R13 in the walls, and R30 in the roof. Most of these spaces will not require heat in the shop, just the office space; they may prefer a hybrid heat pump, or may prefer gas, but they cannot commit today. Solar, both hot water and electric pumps are a possibility, and the buildings will be designed to allow for that in the future.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

- 4 -

June 13, 2023

Glen Martin, Landscape Architect with Design Professionals - reviewed the plantings, buffer, and lighting plans for the project.

Martin discussed they are providing shade trees within landscape islands and proposed parking area. These trees will be honey locust or red maples, both are attractive and attract pollinators. In the north basin there will be two birch trees, which will derive pollen and seed for wildlife. Evergreen shrubs will run along the foundation at the front of the buildings, and we were also chosen to line the 8' high solid wood fence surrounding the dumpster area.

Along the road 4 pin oaks will be planted and will screen development from Connecticut Ave. Water quality basins will be seeded with a native seed mix. The basin slopes adjacent to the wetland slopes will be planted with native shrubs, including northern bayberry, black chokeberry and sweet pepperbush. These bushes are beneficial to pollinators and food for birds.

Sixty-eight green giant arborvitae will be planted along the 50-foot buffer. These will be planted during phase I of the project to screen development from the neighboring properties. Existing trees within the 50-foot buffer will be assessed by licensed arborist, landscape architect and town staff to determine if any trees need to be removed for the safety of the neighbors.

Martin goes on to discuss lighting. A few light poles are proposed at the entrance and the rear parking area. The fixtures will be 25 feet high and a slim modern profile. Lighting wall packs are proposed on the buildings to light parking and driveway, they will be full cutoff fixtures and slim profile. No lighting is proposed on the rear of the building which is adjacent to the east and south property lines.

Peter DeMallie concludes the presentation by stating that Dan Roscoe, the client, is not only a resident of South Windsor, but his office is in town also, at Wentworth Park. DeMallie shared that Roscoe has a lot of experience in industrial development, specializing in taking unproductive/nonproductive and vacant industrial properties and giving them new life. Roscoe's experience in refurbishing these properties and making them successful again is why many potential issues have been addressed up front with regards to 75 Connecticut Ave.

Director of Planning Michele Lipe provided the Planning report.

1. Request for site plan approval for 39,850 sf of flex space within four buildings, on property located at 75 Connecticut Ave., Industrial Zone. The property is 6.44 acres.
2. The applicant is proposing 26 individual units – ranging in size from 1,250 sf up to 3,000 sf. The intended uses are general contractor type establishments. Each unit will be self-contained including an office, bathroom.
3. Maximum impervious coverage allowed is 65%. The proposed impervious coverage is about 34.6%. Required parking for all the proposed uses is 63 spaces; 69 spaces are shown with an additional 8 spaces shown in reserve. There is additional parking shown in front of the individual units (and possible within units). Provisions are being made for EV (electric vehicle) charging spaces as required in the regulations (2 made ready; 5 wired for future use).
4. The landscape plan provides interior parking lot and significant plantings throughout the site including wetlands plantings in the two water quality basins proposed.
5. A 50-foot planted landscaped buffer is required along residential zone boundaries to the east and south of this property. The applicant is proposing to keep the existing trees within the 50 feet and supplementing the buffer area with mountain laurel and rhododendron plants. In addition, two rows of green giant arborvitae (66 in total) are proposed to be planted at the 50-foot line at the edge of the buffer. A cross section on page C-LS3 of the landscape plan and views of the plantings from the properties to the east and south at initial planting, 5-years and maturity.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

- 5 -

June 13, 2023

6. Another feature within the buffer area is the development of a trail system that is included as a part of a pedestrian easement that was initially put in place with the 2000 approval of this subdivision. This pathway was intended to connect Talbot Lane with Connecticut Ave. The applicant is proposing to establish this pathway with a natural surface, mark the trail and provide annual maintenance on the trail.
7. Outdoor lighting is shown within the parking area and on the buildings. Parking lot lights will maximum of 25 feet in height. All of the lighting proposed is full cut off lighting. The applicant is not proposing any lighting on the rear of the building facing the residential areas (buildings 1,3 and 4).
8. The industrial flex buildings are being designed as low-profile buildings, with a maximum height of approximately 25 feet; 40 feet is permitted in the industrial zone. There are no windows proposed on the easterly and southerly buildings facing the residential areas.
9. The Architecture and Design Review Committee reviewed this application on May 4. They commented on the darkness of the building color and recommended a lighter color to blend in better in this setting. The applicant indicated they would look at using a fox grey color with white trim. The committee forwarded a favorable review.
10. There is only one dumpster area shown on the lot. The applicant has indicated that typically tenants will use roll off dumpsters. There are no roof top units proposed.
11. The applicant is not showing any areas for outdoor storage. It should be noted outdoor storage is permitted provided that it is screened from the public ways.
12. The Fire Marshal and Fire Chief have reviewed the plans and are satisfied with access around the site.
13. There are regulated wetlands on the site. The applicant received IWA/CC approval on May 17, 2023 with the following conditions: Bonds shall be collected in the amount of \$25,000 to ensure proper placement and maintenance of erosion and sediment controls; \$50,000 for installation of stormwater structures; \$20,000 for installation and success of wetland plantings. Other requirements of the approval include elimination of the Phragmites stand within the northern swale; and proposed perimeter arborvitae plantings must be installed prior to approval of the building permit.
14. Public water is and public sewer are both available to the site. WPCA approval is required.

If this site plan is approved, the applicant should work with the Planning Dept. on street number of the building and units.

Jeffrey Doolittle, PE, Town Engineer had the following comments to be addressed:

1. The elevation of the rip rap spillway from the north Detention Basin 2 should be lowered to the 100-year flood elevation of about 70.5 and the outlet structure TF set to elevation 71.0 or less.
2. Revised the Storm Drainage System Maintenance and Operation notes to say the Outlet Structures to be inspected 4 times per year when the water quality basins are inspected.
3. What is the condition of the adjacent wetlands on this property and the drainage channel and other detention basins to the west? These need to be maintained in good condition for the on-site drainage to work as designed.
4. WPCA review and approval is needed for this application.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

- 6 -

June 13, 2023

Other Comments:

5. The 3 leak-offs from the paved parking areas to the detention basins have low spots in them where water will pond before and after spilling into the basins.
6. According to the stormwater management report, the water from both detention basins will back up into the pipes from FE-1 to CB-1 and CB-2 and from FE-4 to YD-1 during the 25-100 year storms. This may reduce surface drainage on site and allow sediment and debris to accumulate in these pipes during large storms
7. All of the developed site is discharging to the Newberry Brook watershed. DPI's analysis of the peak flows and times of concentration in Newberry Brook at the Main Street culvert before and after this developed site shows no increase in peak flows at the Main Street Culvert for the 2, 10, 25, 50 and 100 year storms. Also the model shows peak flows arriving at the Main Street culvert in about 3 hours for Newberry Brook and in more than 15 hours from this developed site. They conclude that the site stormwater flows will not increase peak stormwater flows in Newberry Brook at the Main Street culvert.
8. The photos showing both the upstream downstream sides of the twin culverts under Main Street all or mostly submerged during and immediately after a recent 2-inch storm event do not indicate any specific issues with these culverts, in my opinion. If there was a blockage or restriction in these culverts, the water level would be visibly lower at the downstream (west) end. I believe these photos, old aerial photographs, and my recent observations of Newberry Brook downstream of Main Street indicate that this section of Newberry Brook is prone to flooding because it flattens out downstream of Main Street and there is significant vegetation growing in and around it. I think these conditions contribute to the poor flows seen in Newberry Brook downstream of Main street and through the Main Street culverts.

The Chair asked for public comments.

Speakers against the project included: Richard Delhaie of 95 Cody Circle - submitted Exhibit 1. Delhaie states Application 23-11P received by the planning and zoning commission for a self-named industrial flex development was on March 14, 2023. The community was informed of proposed development at 75 Connecticut Ave. as cold storage units. The legal notice for the IWAC approval of the same application 23-11P but this time the public was notified of approved self-storage units. The underlying IWAC approval is for storage which aligns directly with permitted use of warehouse as confirmed by the New Illustrated Book of Development Definitions per zoning regulations 10.2.8, though the exact same development the storage terminology has been wiped from the planning and zoning commission public hearing legal notice and only flex space is included. This application allows for the proposed building and it's unit to be utilized in a variety of permitted uses; including warehousing, hence the definition "flex" however there is a moratorium in place to receive applications of warehouse use regardless of its size. Moving forward with this application would make the IWAC legal notice misleading at best and its approval in conflict with planning and zoning regardless of decisions. He feels the application must be returned to the applicant without action and resubmitted when the commission is accepting applications for developments that may be used as a warehouse.

John Holowczak of 39 Cody Circle - submitted Exhibit 2. Holowczak shares he is conflicted on this project. Small business incubator is attractive, and industrial flex space is good. Holowczak discusses a meeting with concerned neighbors of Barbara Road and Judy Lane. These neighbors asked Holowczak to look at the site plan for the project at 75 Connecticut Ave. and upon review of these plans, he realized it was the same plan as Carla's Pasta at 50 Talbot Lane. What stood out on the Carla's pasta map were the markings for a conservation easement; the easement is a good deal wider than the walking trail easement.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

- 7 -

June 13, 2023

Holowczak says as a taxpayer he is excited for the potential of the industrial flex space and more tax base , but as a resident of that area dealing with the noise of the current industrial flex space is difficult as the noise can be astonishingly loud.

Stacy Ramirez of 31 Barbara Road shares with the commission that the noise from dumpsters being emptied on South Satellite Road. The car stereo business playing music passed business hours, and the constant noise from cars on Route 5 will be made worse if 6 acres of trees are bulldozed for the proposed flex space building on Connecticut Blvd. Ramirez states the dumpsters on South Satellite Rd are emptied at 2 a.m., 4 a.m., and despite calls to the town, the police station, and USA, nothing has been done to remedy the problem. Ramirez is also concerned about the tenants, as there are no guarantees about the type of businesses that will rent the flex spaces.

Steve Grech of 155 Judy Lane - submitted Exhibit 3. Grech expressed his disappointed that the application was approved by the Inland Wetlands Agency. Grech states multiple plans have been submitted on this piece of property. The original plan shows an actual borderline going through residential property, the second plan showed the measurements of the trees were wrong, and Grech is concerned these errors may be indicative of the entire plan of the property. Grech says the conservation easement proposed by DPI was 50 feet but the actual easement was 75 feet. Additional documents in planning and development show additional easements on the same property. The plans don't cover what they need to.

Robert Stoddard of 10 Barbara Road shared his concerns that the new flex space will cause additional noise problems for him and the neighborhood. Stoddard states his home is only 22 feet from property line of proposed flex space. In addition to the noise, he also discusses that of his 40 feet of property that abuts the project he will only see 5 of the 66 giant arborvitaes proposed by DPI.

An email from Steve Grech April 10 was read into the record and a letter of opposition from Marsha Buckley, 34 Summerwood Lane was read into the record.

Commissioner LeBlanc made a motion to extend the public hearing until Tuesday, June 27, 2023. Commissioner Carey seconded the motion. A vote was taken, and the motion passed unanimously.

REGULAR MEETING

PUBLIC PARTICIPATION: Andrew Paterna of 301 Strawberry Lane addressed the ongoing litigation related to the Sullivan Ave Plaza (Geissler's).

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

1. **Appl 23-15P, O'Evergreen LLC** – request for a zoning text amendment to Sections 4.2.2, 4.2.5 and 10.3 to modify Sec 10 Definition of Drive-through Facility and add Definition of Drive-up Facility and Fast Casual Restaurant; modify several criteria in Sec. 4.2.5 for such uses in the Buckland Gateway Development zone

The commissioner's discussed the proposed text and suggested modifications to the language in section 4.2.16 to clarify the requirements for a drive-through versus a drive-up window. Commissioner Wagner made a motion to approve the revised text language stating: The Planning and Zoning Commission finds that the zone text amendment in conformance with the Town Plan of Conservation and Development. The effective date of the zone text change is 6-25-23. Commissioner Carey seconded the motion. A vote was taken, and the motion passed unanimously.

2. **Appl 23-16P, Ivanov Text Amendment** – request for a zoning text amendment to add a definition for short-term rentals and define criteria for such rentals in all residential zones

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

- 8 -

June 13, 2023

Commissioners discussed the proposed text. It was the consensus that if this use were to be allowed, a zoning regulation in conjunction with a town ordinance would be the best approach. Commissioner Wagner made a motion to deny without prejudice. Commissioner LeBlanc seconded the motion. A vote was taken, and the motion passed unanimously. It was suggested the chair reach out to the Town Council to see if there is interest in this.

Commissioner Cavagnaro made a motion to extend the meeting until 10:15 pm. Wagner seconded the motion. A vote was taken, and the motion was approved.

MINUTES: 5/16/23 and 5/23/23- The minutes were adopted by consensus.

OTHER BUSINESS: none

BONDS:	AMOUNT	REDUCTION	BALANCE
<u>Landscaping Bond -</u>			
19-12P, Educational Playcare	\$5,000	\$5,000	-0-

Motion made by Commissioner Dexter to release the landscape bond for Appl 19-12P; LeBlanc seconded the motion. A vote was taken and the motion passed unanimously

IWA/CC Bond

19-12P, Educational Playcare E & S	\$10,000	\$10,000	-0-
19-12P, Educational Playcare Stormwater	\$20,000	\$20,000	-0-

Motion made by Commissioner Dexter to release the IWA/CC bonds for Appl 19-12P; LeBlanc seconded the motion. A vote was taken, and the motion passed unanimously.

APPLICATIONS OFFICIALLY RECEIVED:

- 1. Appl 23-25P The Metro Realty Management Corporation** – request for a zone change of approx. 4.82 acres from Buckland Gateway Development Zone to the Multifamily Assisted Housing (MAHZ) to include a portion of 240 Deming Street (4.82 ac) and a portion of 440 Buckland Road (.36 ac), including conceptual plan in accordance with Sec 7.22.2.A
- 2. Appl. 23-26P, Longleaf Developers, LLC**– request for site plan approval for a 165-unit residential development to be called “The Residences at Evergreen Walk”, on approx. 31.6 ac [portion of 151 Buckland Road (within "Evergreen Walk" known as Unit 7C), and being approximately 2,000 feet west of Buckland Road and 1,000 feet north of Smith Street, Buckland Road Gateway Development Zone
- 3. Appl. 23-27P, Ticket Network Livestock Temporary and Conditional Permit** - request for renewal of a 2-year temporary and conditional permit for an animal agriculture permit to allow 64 chickens, 2 geese and 2 goats, on property located at 83 Gerber Road East, I zone
- 4. Appl. 23-28P, Youth & Family Counseling, LLC** -request for renewal of a 5-year major home occupation to operate a youth and family counseling office on property located at 1512 Main Street, A-40 zone
- 5. Appl. 23-29P, Town of South Windsor** – request for special exception to Section 7.18 and site plan of development for the construction of Emergency Services Telecommunication Tower, on property located at 124 Sullivan Ave, RC zone

ADJOURNMENT: Commissioner LeBlanc motioned to adjourn. Cavagnaro seconded the motion and the motion passed. Meeting adjourned at 10:15 pm.

Respectfully Submitted,

Michele Lipe, AICP
Director of Planning