

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

RECEIVED SEP 14 2023

@ 3:50 pm  
*John J. Anthony TC*

**MINUTES**

-1-

**AUGUST 15, 2023**

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

**ALTERNATES PRESENT:** Paul Bernstein, Atif Quraishi, Carolyn Carey

**STAFF PRESENT:** Michele Lipe, Director of Planning; Michael Lehman, IT Support; Joshua Stern, Administrative Secretary/Land Use Coordinator

**PLEDGE OF ALLEGIANCE**

**REGULAR MEETING**

**CALL TO ORDER:** Chair Pacekonis called the meeting to order at 7:00 p.m.

Commissioner Carey was seated for Commissioner Dexter.

**PUBLIC PARTICIPATION:** None

**MINUTES:** 7/11/23; 7/25/23

The minutes, with minor corrections, were approved by consensus.

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

1. **Appl 23-13P, GDS Estimating** – request for a site plan modification for two new buildings, totaling approx. 9,000 sf, on property located at 470 Governors Highway, I zone.

Bill Jodice, PDS Engineering & Construction, Inc., represented the application and said fabrication business GDS Estimating has been at this location for 10 years. The 3.7-acre parcel currently contains two buildings, and additions are being proposed to both buildings, bringing the total lot coverage to 15.37%. No new employees would be hired and truck traffic would not increase. He showed the locations where 47 new parking spaces, including three handicapped spaces and two EV spaces, would be added. The applicant is purchasing additional land on the north and west sides of the property to comply with setback and buffer requirements, reducing impervious coverage to 57.05%. 1,200 sf of wetlands would also be added to mitigate an encroachment previously made in error; this plan was approved by the Inland Wetlands Agency/Conservation Commission. A drainage swale would be added to accommodate runoff from the new buildings and pavement, and the detention basin on the northeast corner would be expanded.

Jodice said no new pole site lighting would be added. Wall pack lights would be relocated from the existing buildings to the new ones, with two new wall packs added at the front. Only full cutoff lights would be used. The establishment does not generate noise and no residences are close enough to be impacted. He showed renderings, floor plans, and elevations and said the aim is to create a seamless transition using the same construction products as the existing buildings. He showed where trees and shrubs would be added and outlined erosion control measures to be taken during construction, saying comments from the IWA/CC have been incorporated into the plans. Comments from Michele Lipe have also been incorporated, except for those regarding the lot line revision, which would be recorded in a deed once the application is accepted and the land is purchased. Issues involving structures on site without permits would also be addressed as an approval condition.

Director of Planning Michele Lipe provided the Planning report.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

-2-

AUGUST 15, 2023

1. Request for approval of a minor lot line revision and site plan of development for a 5,200 sf addition to the existing industrial building and a 2,275 sf addition to the existing storage building, and supporting parking areas on property located at 470 Governors Highway, I zone.
2. The proposed site plan is a proposal for 2,200 square feet storage building to be accessed by a second drive off of Governor's Highway and is designed to be a mirror image of the existing building.
3. The maximum impervious coverage allowed is 65%, 57.75% proposed (including reserve spaces). Proposed building height is 20 feet; 40 feet allowed. The parking requirement for this building is 47 spaces, 31 have been provided and 16 are shown in reserve. They are providing two EV charger spaces along the westerly parking area.
4. There is an area of outdoor storage boxes existing behind the rear of the building. Will these boxes remain once the additions are built?
5. There are regulated wetlands on the property and the applicant has proposed some regulated activities as well as a mitigation area for previous disturbed wetlands. The applicant received IWA/CC approval with on July 18, with a \$5,000 bond for erosion, \$5,000 stormwater bond and a \$5,000 for a wetlands mitigation bond.
6. The site is served by public water and sewer. Water Pollution Control Authority approval is not required as the utilities already exist.
7. The Fire Marshal has reviewed the plan and has no comments.
8. The ADRC reviewed the plans on March 4 and forwarded a favorable review.

If this application is approved, the Planning Department requests the following modifications to the site plan:

Plan should not be labeled a resubdivision as no new lots are being created;

New deeds shall be submitted defining the property boundaries of the new lots properties consistent with what is shown on the site plan.

Lipe also noted that the plans show a second curb cut onto Governors Highway. She then provided the following comments from Town Engineer Jeffrey Doolittle:

1. The proposed new driveway and parking aisle on the west side of the site is shown to be 30 feet wide which is much wider than the existing driveway and I think it needs to be. The proposed driveway and aisle need to be reduced to about 24 feet wide to reduce impervious coverage and match the existing driveway.
2. The proposed sanitary sewer lateral and water service to the 2275 SF proposed addition need to be 10 feet apart horizontally per the public health code.
3. The Existing Bit Pavement around the existing 2200 SF building and containers was shown as a smaller gravel area on the previously approved plan. There are not enough spot elevations or contours in this area to verify it drains properly.
4. Include a stone leak-off between the existing bit pavement and the north end of the proposed drainage swale. Also include a stone filtration strip between the proposed bit parking spaces and this proposed drainage swale.
5. The Drainage report shows an increase in peak runoff during all storms as a result of this existing and proposed development. The Town requires detention for developed sites to retain water from all storms so the peak runoff after development is at or below pre-development levels. Additional detention and/or reduced impervious area need to be provided for this site so there is no increase in runoff from this development for all storms. A smaller outlet orifice(s) in the proposed outlet structure on the western side of the site needs to be considered.
6. Show the elevation of the existing rip rap emergency spillway in the northeast corner of the site. Where does stormwater that discharges in this area flow to? Consider discharging some stormwater off site in this area.

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

**MINUTES**

**-3-**

**AUGUST 15, 2023**

7. What are the peak and average sewer flows expected from the new development?
8. WPCA review and approval is needed for this plan.

The Chair asked for Commission questions and comments.

Commissioner Bernstein asked what is motivating this request to expand the footprint of the business. Jodice said more storage is needed and estimated that construction would take six months. Bernstein asked where plowed snow could be stored. Jodice showed areas along the perimeter of the site where snow could be plowed to. He said there is no need to increase security on the site.

Commissioner Cavagnaro asked how much the expansion would increase traffic. Jodice said the applicant told him there would be no new employees or truck traffic as the new areas would be used to store currently manufactured products.

Commissioner Vetere asked if employee shift times would change. Jodice said employees would retain the same working hours.

In response to questions from Commissioner Wagner, Jodice said it would be up to the applicant whether the nearby Quonset hut would be removed, and showed the locations of the EV charging stations.

Chair Pacekonis said his copy of the plans says there is no curb near the EV stations. Jodice said a curb has been added to the plans in that location. Chair Pacekonis said there should be a condition of approval that no snow should be placed in the swale or the wetlands. He said there are containers on the site that are not labeled on the drawings, as well as materials leaning against the shipping container. Jodice confirmed that the two new buildings will prevent materials from having to be stored outside and that the containers will have to be removed if they are not on the plans. Lipe said retaining the Quonset hut would require a building permit. Chair Pacekonis said the engineering comments should be incorporated into the final plans as a condition of approval.

A motion to approve was made by Commissioner Wagner with the following modifications:

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 a bond in the amount of \$5,000 to ensure compliance with the erosion, \$5,000 for stormwater structures and \$5,000 for wetland mitigation measures.
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. Plans should not be labeled resubdivision – should be labeled property lot line revision.
14. New deeds describing the two properties shall be filed on the land records.

**TOWN OF SOUTH WINDSOR**

**PLANNING & ZONING COMMISSION**

**MINUTES**

**-4-**

**AUGUST 15, 2023**

15. EV Charging stations shall be installed consistent with the current building code regulations.
16. Engineering comments dated 7/12/23 must be incorporated into the final plans.
17. No snow should be put into the wetland area on the westerly side of the property.

Seconded by Commissioner Cavagnaro. Motion passed unanimously.

**2. CGS 8-24 Referral – abandonment of Collins Lane**

Vincent Stetson, Director of Public Works, said Collins Lane, one of the oldest roads in town, is a cut-through between Sand Hill Road and Ellington Road. The Town is seeking to abandon approximately 1,200 feet of roadway between Sand Hill and Collins as part of an effort to promote business development at 8 Collins. He explained why staff members feel this change would be in the best interest of the Town and said the landowners and prospective business owner agree.

Michele Lipe explained that CGS 8-24 requires a proposed abandonment of a road to be referred to the PZC for comments. She pointed out the existing right of way and said the prospective business owner would like to purchase the house at 8 Collins to convert to office space; the abandonment of the road would allow the building to have the required frontage on Sullivan Avenue. Ownership of the road would then be split between the abutting landowners.

The Chair asked for Commission questions and comments.

Commissioner Foley expressed support for the proposal. Commissioner Wagner said he is also in favor and asked about the ownership of the wedge of land between Collins and Sullivan; Stetson said it is part of the 8 Collins parcel. Commissioner LeBlanc asked if there is an easement or underground utilities on the property. Stetson said the sewer connection is the only utility.

It was the consensus of the Commission to submit a favorable review to the Town Council.

**PUBLIC HEARING**

- 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 (continued from 7/25/23)

Chair Pacekonis opened the public hearing at 7:38 p.m.

Commissioner Wagner read the legal notice.

Attorney Tim Hollister, Hinckley Allen, represented the applicant. Also presenting the application and answering questions were: Geoffrey Sager, President, Metro Realty; Ben Tripp, EVP, Metro Realty; and Mark Vertucci, Senior Traffic Engineer, Fuss & O'Neill.

Attorney Hollister said he came to the same conclusions as Town Attorney Richard Carella regarding the petitions submitted at the last public hearing. He said the three verified petitions to intervene are not applicable to this application, which is for a zone change, not a construction project that could impact the environment. With regard to the protest petition against the zone change, seeking to require a 2/3 vote for approval, he said the signers of the petition do not own the required total of 20% or more of the abutting land. Regarding the petition for Commissioner Cavagnaro to recuse himself, he said Commissioner Cavagnaro has no personal or

# TOWN OF SOUTH WINDSOR

## PLANNING & ZONING COMMISSION

MINUTES

-5-

AUGUST 15, 2023

financial interest in the application, and the petitioners do not show that he has made up his mind about this application before the start of the public hearing.

Ben Tripp presented **Exhibit A**. He said the data for the traffic study was collected in June 2023 and indicated that over 300 vehicles traveled westward on Deming Street at peak hour on a Saturday, as members of the public had also noted; the report does not disagree with the public but concludes that the roadway infrastructure is safely managing this traffic condition. He noted that the report was reviewed by Town staff and police, who did not express any concerns. He said the proposed development is a solution to the problem of increasing traffic on Deming as it would lock in a lower-intensity use than what the property is currently zoned for.

Tripp noted concerns expressed about the impacts on the public school system and displayed data from the Board of Education showing that 1- and 2-bedroom apartments are the lowest generators with respect to school-aged children; only 8-10 children currently reside at the 78 apartments at 175 Oakland. In response to comments that the location is not walkable, he said it is only a brief walk away from the bus stop, the grocery store, and Evergreen Walk, places residents might work. He feels the fact that the Town invested in extending the sidewalks in the area shows that the Town sees the area as walkable. Tripp noted studies the applicant had submitted demonstrating that affordable housing has not impacted nearby property values in certain areas. He said the proposed development would not be in the middle of the neighborhood—the site is surrounded on three sides by existing high-density multi-family residential uses and on the fourth side by a proposed conservation area—and that the neighborhood has historically been balanced with the Berry Patch and 175 Oakland housing complexes, with no reports of nuisance or noise. He noted that the residents of the development would likely have similar schedules and habits to the residents of the single-family homes.

Tripp said the number of proposed units has been reduced to 55, with a total of five buildings, and the applicant has focused on redesigning the complex to adhere more to the bulk, setback, and height requirements of the Gateway Zone. Parking has also been reduced, allowing the buildings to be brought closer to the center of the property and most of the retaining walls to be eliminated. The northernmost building has also been relocated to preserve the entire vegetative buffer, and the dumpsters have been relocated farther from the open space on the site. The units would have individual entrances with no common hallway. He noted that the conceptual site plan meets the requirements for impervious coverage and building coverage, and the 1.14-acre single-family lot would no longer be required to be conserved for the site to conform with MAHZ requirements, though the applicant is still open to doing so. The grading detail has been advanced, allowing the removal of the retaining wall along the eastern edge of the site. Tripp noted that the closest Berry Patch building is just over 100' from the proposed building, with a vegetative buffer.

Mark Vertucci said the traffic study reviewed the Buckland-Deming intersection and the site driveway intersection in June 2023; traffic was counted at three peak hours, and a 1%-per-year growth factor was applied to the counts, with the assumption that the development would be built in 2025. Traffic from Whole Foods and other approved developments was also added to the counts. Vertucci outlined the methods of the study and said the reduced number of units decreases the projected traffic during peak hours by 5-7 trips. The study projects that 85% of traffic from the development would travel to Buckland Road, increasing the traffic at the intersection by only 0.7%; the remaining 15%, approximately one car every 20 minutes, would go east on Deming. He noted that the property's current zoning allows higher-intensity uses that would generate up to 10-20 times the amount of traffic.

Vertucci outlined the capacity and intersection analysis results. He said the sight lines at the driveway location were found to exceed DOT criteria for safe egress, and the review of data from the UConn Crash Data Repository showed that the crash rates in the area were not abnormal. The study concluded that the trips generated by the proposed 55-unit development would cause no adverse impact to the safety and efficiency of

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

**MINUTES**

**-6-**

**AUGUST 15, 2023**

traffic operations in the studied area; the Town Engineer concurred with these findings and the Police Department had no objections.

Tripp said the development would have an on-site management and leasing office, and staff from MARC, Inc. would be on site daily. The pump station would be sanitary only, not connected to the storm sewer, and would be underground, preventing noise issues. If the zone change is approved, the applicant would be willing to make it a condition of approval of the special exception/site plan application for supportive housing to be guaranteed in the development. Tripp understands people's hesitancy around zone changes but feels it is important to create more opportunities for affordable housing, and this site is highlighted in the Plan of Conservation and Development and Affordable Housing Plan as potentially suitable for this kind of development. He noted that as a result of the new census, the percentage of affordable housing in town has decreased, and developments like the proposed one would meaningfully move the needle toward the 10% threshold; he said 399 people are currently waitlisted for Berry Patch and 175 Oakland combined.

Director of Planning Michele Lipe noted, from a memorandum she had included in the meeting packet, that the Town's percentage of affordable housing recently decreased from 6.47% to 6.1% as a result of the census. 663 additional affordable units are necessary to reach the 10% threshold. She also noted the State appeals list containing the most recent data on affordable housing by town. Lipe referenced the legal opinions provided to the Commission related to petitions received.

Lipe noted that Town Engineer Jeffrey Doolittle concurs with the findings of the traffic report that the proposed development would have no noticeable impact on the Town's infrastructure. She provided the following additional comments from Doolittle:

1. In 2009 Deming Street was reconstructed between Buckland Road and Grandview Terrace. This included improving drainage, reducing the steep slope on this section of road and new base and pavement to provide a road width of at least 26 feet. The proposed development at 240 Deming Street is in this area.
2. In 2018-19 new Sidewalks were completed on the west side of Buckland Road from Deming Street past the driveways to Town Center shopping area to the intersection of Buckland Rd, Ellington Rd, Sullivan Ave and Oakland Rd and to the Town Hall and Library. The traffic signals in this area were upgraded with pedestrian buttons, and signals. This was a CT DOT LOTCIP grant funded project that cost over \$900,000 and provided safe sidewalks for residents to use along Buckland Road.
3. In 2019 new drainage was installed on Deming Street from Ridge Road to Grandview Terrace and the road was repaved. This was done as part of the Ridge Road improvements. Deming Street was not widened at that time because of the extra cost and impacts to utilities and abutting properties.
4. There is a sidewalk gap on Deming Street between Grandview Terrace and Cardinal Way (slightly over 1500 feet). Sidewalks could be built here if approved by the Town Council and with any needed easements from abutting properties and utility relocations. Residents who want sidewalks here should write to the Town Council (CC the Engineering Department) and request sidewalks be considered for this section of Deming Street. By Town Ordinance, the Town Council would hold a public hearing to receive public input on the proposed sidewalks and view a concept plan and cost estimate prepared by the Engineering Dept and then decide whether or not to proceed with sidewalks here.
5. The Town has a Traffic Calming Policy and residents could request a Traffic Calming study be done for Deming Street between Oakland Road and Buckland Road. The Traffic Calming Policy can be found on the Town web site under the Engineering Department.

Chair Pacekonis asked Commissioner Wagner to address the legal opinions received by the Town.

## TOWN OF SOUTH WINDSOR

### PLANNING & ZONING COMMISSION

MINUTES

-7-

AUGUST 15, 2023

Commissioner Wagner made a motion to deny the three petitions for intervenor status based on the legal opinion from the Town Attorney. Chair Pacekonis seconded the motion. The motion passed unanimously.

Commissioner Wagner made a motion to deny the protest petition against the zone change based on the legal opinion from the Town Attorney. Commissioner Carey seconded the motion. The motion passed unanimously.

Commissioner Wagner read into the record the legal opinion from the Town Attorney regarding the petition for the recusal of Commissioner Cavagnaro. The opinion states that absent additional allegations of personal interest or predetermination, there is no basis for Commissioner Cavagnaro to be disqualified.

The Chair asked for Commission questions and comments.

Commissioner Quraishi asked about the multiplier used in the public school data analysis the applicant had submitted. Tripp said the multiplier is based on Metro Realty's existing multi-family portfolio as well as the commonly used Rutgers multiplier. Both analyses were found to be relatively accurate in predicting the number of school-aged children currently at 175 Oakland, and were subsequently applied to the proposed development, projecting 14 school-aged children. Commissioner Quraishi asked if the analyses take into account that South Windsor has higher school enrollment in some of its apartment complexes. Tripp said the intent was to contrast school enrollment in the proposed type of development with that of single-family dwellings and condominiums; as the Rutgers study is not location specific, data from existing developments in South Windsor was also incorporated. Lipe noted that the school had confirmed prior to the beginning of the application process that between 8 and 10 students from 175 Oakland are enrolled.

Commissioner Carey asked if the applicant had considered making the residential lot wooded. Tripp said the applicant would be open to any landscaping plan of interest to the Town, to be discussed further if the application advances to the site plan level.

Commissioner Wagner asked Tripp to show on the map which portions of the AA-30 parcel would be rezoned. He asked if the estimate of 14 school-aged children in the development would be closer to 10-11 given that it was a conservative estimate that did not take into account that residents with intellectual disabilities would likely not bring school-aged children. Tripp confirmed that this is the case.

Commissioner Wagner said he read all the correspondence submitted for and against the application and thoroughly reviewed the traffic report; he feels traffic on Deming is a real issue but agrees that the proposed use would have a minor impact, and retail or office uses would generate more traffic. He said the reduction in the number of units reinforces his belief, though he feels the Town should look into traffic calming measures. With regard to concerns residents expressed about crime, bringing less-desirable residents into the neighborhood, turning South Windsor into Manchester or East Hartford, and bringing in higher-need students, he said he strongly opposes this line of thinking, saying the nationwide affordable housing crisis is largely driven by class bias. He said the studies the applicant submitted are consistent with his own understanding that affordable housing developments do not decrease nearby property values despite homeowners' understandable fears. He noted the Commission's unanimous approval of the Affordable Housing Plan, with which he finds the application completely consistent, and noted Town Councilor Kozikowski's comments from the previous hearing regarding CGS 8-30g. He said the project could help address the regional shortage of housing, evidenced by the waitlists for the nearby developments, and noted several residents' comments that inclusion and housing are rights. He feels the location is ideal, with walkability and access to bus transportation to Hartford, and said the Town has an intense need for supportive housing, with families worrying about their children with disabilities as they become adults. He said the site is surrounded by different types of multi-family housing and that students benefit from interacting with people from different social and economic backgrounds. He feels the benefits of the project outweigh the concerns.

## TOWN OF SOUTH WINDSOR

### PLANNING & ZONING COMMISSION

MINUTES

-8-

AUGUST 15, 2023

Commissioner Foley asked Vertucci to review the decline in the projected number of trips based on the reduction in the number of units. Tripp said the study does not account for the residents of the supportive housing units, who would not have their own vehicles. He said the number of supportive housing units would likely not be reduced by more than one as a result of the reduction in overall units.

Commissioner Vetere asked about the comments from the previous hearing that the development would not have sidewalk access to the bus stops and Buckland Road. Tripp said the site is located directly on an existing sidewalk, which connects to the entire network through sidewalks and crosswalks. Commissioner Vetere asked about the number of points the development would earn the Town toward the next affordable housing moratorium. Lipe said the Town would still be short points if the development were to be approved.

Commissioner Cavagnaro asked who is responsible for maintaining the existing Metro Realty properties in South Windsor. Tripp said Metro has a maintenance organization with over 30 employees, and the properties are maintained daily. Commissioner Cavagnaro asked what circumstances have led to rent increases at Watson Farms and Berry Patch. Tripp said rent increases are a result of increases in operation and maintenance costs but would be more tightly controlled in an affordable housing development. Commissioner Cavagnaro asked if security cameras would be used; Tripp said the applicant would be willing to consider installing them.

Commissioner Cavagnaro asked if the applicant would apply for the 4% low-income housing tax credit if they are denied for the 9% tax credit. Tripp said the 4% credit is a viable alternative path and would not inherently require a change in the units' affordability levels, but he feels this site is more competitive for the 9% credit than any other site he has studied. The development would not be in conformity with the MAHZ if it does not receive any government subsidy. Commissioner Cavagnaro asked if reducing the number of units affects the development's chances of receiving the 9% tax credit. Tripp said the team carefully studied the reduction to ensure the project was still feasible. Commissioner Cavagnaro asked if adding a right-turn lane from Deming onto Buckland had been considered. Lipe said the Town Engineer had recommended this change, but the applicant had opted not to pursue it.

Commissioner Bernstein said the waitlists at Berry Patch and 175 Oakland demonstrate that those developments are at capacity. He asked about the municipalities marked as exempt on the State appeals list; Lipe said these municipalities have already met the 10% threshold. Commissioner Bernstein noted that South Windsor is ahead of some nearby towns but not others.

Chair Pacekonis asked the applicant to address residents' concerns about maintenance and landscaping at the existing Metro Realty properties, noting pictures that were submitted of tree stumps and overgrown lawns. Tripp said all Metro properties are audited by State agencies and held in high regard with respect to their construction and ongoing operation. There are occasional issues with maintenance, but he thinks this is the first time that maintenance of their properties has been raised as an issue before the Commission, and he welcomes residents to raise any issues with the properties. Metro Realty President Geoffrey Sager said Metro takes pride in the maintenance of its properties; there have been issues with hiring maintenance staff since the pandemic, but he has never been confronted before about failure to maintain. He said Metro invests long-term in its properties and does their own maintenance rather than hiring a third party; he offered to view the submitted pictures. Chair Pacekonis said it is important for residents to have an avenue to report any issues. Sager said two people are on staff at all times to field phone calls, and staff are dispatched within 1-2 days to fix any maintenance issues.

Commissioner Wagner said he drove around some of Metro's developments earlier today and found the appearance of the lawn's poor; he does not think they are being mown weekly. He feels it is important for people to have pride in the places where they live.



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

**MINUTES**

**-9-**

**AUGUST 15, 2023**

Attorney John H. Parks represented the opposition and submitted **Exhibit B**. He said in 2004, Metro Realty was granted an approval for 196 units of elderly housing at 440 Buckland Road (Appl 03-83P); he said the restrictive covenants in the land records from this application run with the land for 40 years, of which only 20 have passed, preventing the triangular portion of that parcel from being rezoned for affordable housing as the restrictions for these two types of housing are mutually exclusive. He pointed out the area in question on the map in his handout. In addition to these restrictions, he said the parcel does not comply with the MAHZ requirements as Section 7.22 requires a property to be either zoned AA-30 or adjacent to residential property to be eligible for the MAHZ; the triangular portion of 440 Buckland is neither. He also said a conservation easement on the triangular piece conflicts with the application, which he said was valid until this piece was added.

Speakers against the application included: Charles Werner of 2 Berry Patch said maintenance is a significant issue at Berry Patch, noting issues with lawns, uprooted trees, and stumps, and saying the appliances are 20 years old and requests to replace them are dismissed. He does not feel the Commission should approve further projects for Metro Realty until these issues at Berry Patch are addressed; he expressed concern about the cost of his lease increasing without improvements in quality of life, which would be harmful to people with intellectual disabilities. He thinks affordable housing is important but expressed anger about being lied to by Metro Realty.

Tom Delnicki of 130 Felt Road said he has heard a number of outcries from Berry Patch residents in recent years about maintenance issues. He noted pictures he had submitted showing grass up to 1' high in places where residents walk, which he is concerned will exacerbate issues with ticks; after hearing that the issue was addressed, he visited today and the grass was still 5-6" tall. He does not feel this low level of maintenance is appropriate for seniors or people with disabilities; he said the pictures show a disconnect between what should be occurring and what is occurring, and wondered whether the blight ordinance would apply to the facility. He said if the Town is going to have these units, they need to be properly maintained; he doubts that the grass at Berry Patch is being mown weekly and feels this is an indicator of how well the proposed development would be kept.

Michele Lipe said Zoning Enforcement Officer Pamela Oliva visited the property last week and did not find that it met the level of blight complaint that would initiate enforcement, but she will continue to monitor it.

Annamae Davis of 9 Ridge Road said she has lived at the top of Deming Hill for 44 years; a stop sign was placed at her property, but not everyone stops there. She said residents were involved in the original application to establish the Gateway Zone because they did not want Stop & Shop at the end of Deming Street. She asked the Commissioners to drive Buckland Road and take a left onto Deming; she supports affordable housing and MARC's mission but is concerned about traffic at this intersection, where five driveways meet the road. She said the PZC is one of the most powerful bodies in town; their decisions affect all residents and their biggest responsibility is the safety of the residents.

Louise Richard of 15 Berry Patch said she has seen traffic from Buckland increase over the last eight years, causing safety concerns, and the sidewalks do not extend to the corner. She said it sometimes takes two or three calls and multiple visits for maintenance issues to be resolved, and she does not feel Metro should manage a dwelling for people with disabilities. She said before the last meeting, there were weeds on her patio that were taller than her; the property was weeded and mown shortly after the meeting but has not been mown since. She feels residents are commonly blamed for indoor maintenance issues, and said limbs trimmed off trees are still on the paths and trees she was told over a year ago would be removed are still there.

John McCabe of 56 Gilbert Lane said he grew up in New York City and in his experience, high-density living can be uncomfortable during the summer due to the lack of natural spaces. He said the proposed development

## TOWN OF SOUTH WINDSOR

### PLANNING & ZONING COMMISSION

MINUTES

-10-

AUGUST 15, 2023

would encroach on what little green space remains in that part of town. He said traffic data from June is not necessarily representative of the full year and that 55 apartments would likely bring around 110 automobiles, which he calculated would generate approximately 330 trips per day, increasing congestion. He expressed concern about school buses entering the area and said a high-density development is impractical in a small, traditionally rural area, saying he did not move to South Windsor with the understanding that it was an urban center.

Vincent Attianese of 33 Sele Drive said clear evidence was provided at the last meeting and in numerous letters that the site does not comply with the MAHZ regulations or the Affordable Housing Plan. He said this application is about a zone change, not the benefits of affordable housing, and he hopes the Commission does not set the wrong precedent by approving a zone change for an area that does not clearly meet the requirements and would affect the neighbors' quality of life. He noted the overwhelming public opposition and said the development could be placed in other locations.

Vicki Margiott of 32 Sele Drive presented **Exhibit C**. She noted that Deming is steep enough to cause major issues for drivers in the winter, and the entrance of the proposed complex would be near the base of the hill. She said before Costco, traffic on Deming would sometimes come to a standstill, and expressed concern about queuing at the bus kiosk, which is close to multiple businesses; it sometimes takes several minutes for a single child to get off the bus. In response to Vertucci's comparison of traffic from the proposed development to that of a coffee shop, Margiott said that type of drive-through is not allowed in the Gateway Zone, and she said a medical office would not cause light and noise issues from traffic at night. She does not feel the roadways are safely managing the traffic as the Deming-Buckland intersection has the highest accident rate in town, and said there are major issues with traffic flow through the lights on Buckland.

Margiott said Tempo Evergreen Walk houses a significant number of school-aged children and she expects the number of children at 175 Oakland to rise as well. She said the hills are too steep to be easily walkable and expressed concern about shopping carts being brought into the neighborhood. She said the applicant has not adhered to the noise requirements of the Gateway Zone, and residents of Cardinal Way can hear the dumpsters at the nearby apartments being emptied. She also noted that the Gateway Zone requires maintenance of trees, and the development would involve the removal of multiple oaks. She said the plans still show the dumpsters near the gazebo and do not show recreation space. With regard to maintenance, she said Metro Realty plants invasive species and lets tree stumps linger at their existing properties, and does not belong on the same street as Deming residents who spend significant time maintaining their properties. She said the Affordable Housing Plan highlighted the area for development without notifying residents; she bought the property when it consisted of farmland and said the proposed change is spot zoning and would decrease quality of life with noise, congestion, and visual impacts. She said the site is bordered on two sides by residential homes, on a third side by assisted-living and memory-care facilities whose residents go to bed at 7:00 p.m., and on a fourth side by senior housing and additional assisted living; all-ages apartments do not resemble any of these uses. She does not oppose the concept but said apartment buildings fit best next to other apartment buildings; she does not think the Commission should allow the plans and numbers to lead them to make a bad decision, saying planning should have taken place further in advance to avoid having to make up for lost time by approving developments without careful consideration.

James Byrne of Berry Patch said he has lived at Berry Patch for 17 years; it used to be well maintained, but in recent years there has been a shortage of maintenance and landscaping staff, and it took three weeks of emails for a recent landscaping request to be fulfilled. He said rent increases were modest until this year, when the rent increased by \$50 per month, and said speed limit signs should be put back in the development as residents and guests speed and do not always obey the stop signs.

## TOWN OF SOUTH WINDSOR

### PLANNING & ZONING COMMISSION

MINUTES

-11-

AUGUST 15, 2023

Craig Fenn of 400 Deming Street said he moved to the area because it was quiet; there have been multiple changes over the years, and he does not feel more change or additional housing is necessary in the area.

Loc Pho of 260 Deming Street said the statistics the applicant presented are based around the number of students per unit, but students per acre is a more meaningful measurement as the site could be used for five homes rather than 55 units; he said the existing Gateway zoning would bring in no students. He said while the traffic study found no abnormal accidents, there were six recent accidents and likely many unreported ones; he expressed concern about pedestrians in an area where drivers do not pay attention. With regard to the protest petition against the zone change, he said that the applicant's list of abutters within 100' was calculated based on both the Gateway and AA-30 land that would be rezoned; he said the list of landowners within 500' for the petition should be calculated the same way, as the GIS software shows 240 Deming to be inclusive of the AA-30 zone. He said when the petition was reviewed, the calculation was changed to disregard the AA-30, nullifying five signatures; he feels the Commission should welcome a petition for a 2/3 vote on an issue this important. He resubmitted the petition with an additional signature (**Exhibit D**).

Michele Lipe said that per the regulations, the zone change map the applicant submits must include all properties within 500' and label the acreage of each. The intention is for these calculations to be the applicant's responsibility as a part of the map required to be submitted for a zone change. She said GIS is not survey quality and cannot make calculations based on a portion of a lot.

John Samsel of 333 Deming Street said when the road is plowed after a heavy snow, the walkways are almost impassable as the plowed snow refreezes and is often piled on the sidewalk entrance ramps. He does not see snow removal areas labeled on the plans and said the sidewalk on the east side of Buckland Road is not shoveled or maintained in the winter. He noted recent issues with the sewers in the area and wondered how long they will take to be fixed. He also suggested building a second bus stop as shopping carts are often left in the existing one.

Shiju David of 18 French Lane said the development would affect everyone in the Deming neighborhood between Slater and Buckland, and the people who support it do not live in this area. He asked if the traffic count of 21 cars per hour includes the apartments and said the number of cars would increase. He expressed concern about taxes and property values, posing a scenario of a high-density development being built in one of two otherwise identical towns. He said the testimony from the residents is based on the factual data of their experiences, as opposed to the probability statistics the applicant has presented.

Virendra Shah of 36 Castlewood Drive said the facts the applicant has presented are based on estimates and data from other areas, and estimates can change.

Margaret Glover of 247 Deming Street said the Commissioners are elected and work for the residents of South Windsor. She feels the traffic engineers should observe the road from her yard as she does not understand where their numbers are coming from; she feels unsafe crossing the street at the M&T crosswalk and said the crossing button there does not work. She said she and other residents carried grocery bags from Stop & Shop to the site and did not find the area walkable. She previously lived in a MAHZ in Manchester with her children and said the data the applicant presented did not consider that single parents with multiple children are likely to live in these developments. She said Berry Patch and the memory care facilities are not multi-family housing.

Loc Pho said, in response to Lipe's comment that it is the applicant's responsibility to provide the abutter statistics, that the list of 100' abutters the applicant used to mail notifications was apparently calculated incorporating the AA-30 zone. He said the calculation to determine the validity of the petition should have been consistent with the applicant's calculation.

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

**MINUTES**

**-12-**

**AUGUST 15, 2023**

Commissioner Wagner asked if the application could go forward without the triangular piece of 440 Buckland. Tripp said it could proceed without that piece with some minor modifications. Commissioner Wagner asked if data is available for students living in MAHZ developments in other towns. Tripp said the data he submitted accounts for different affordability levels of apartments. Chair Pacekonis said data from the South Windsor Board of Education has been more accurate in the past than data regarding other towns.

Attorney Hollister requested that the public hearing be extended to address the legal issues raised by Attorney Parks. The applicant agreed to grant a 30-day extension.

Commissioner Vetere had left the meeting; Chairman Pacekonis seated Commissioner Bernstein.

Commissioner Wagner made a motion to continue the public hearing to September 12, 2023 for the purpose of addressing the legal issues raised by Attorney Parks. Commissioner Carey seconded the motion. The motion passed unanimously.

**REGULAR MEETING**

The Commission did not reopen the regular meeting.

**APPLICATIONS OFFICIALLY RECEIVED:**

**Appl 23-32P, Evergreen Walk Unit 5** – request for a site plan approval for three retail/restaurant buildings totaling 10,725 sf., on property located southerly of Cedar Ave. and westerly of Buckland Rd. Gateway Development (GD) Zone.

**ADJOURNMENT**

The meeting adjourned at 10:22 p.m. in accordance with Article 9, Section 3 (by-laws require regular business to be completed by 10:00 p.m. unless a 2/3 motion to extend the meeting has been made and approved).

Respectfully Submitted,

Joshua Stern  
Administrative Secretary/Land Use Coordinator