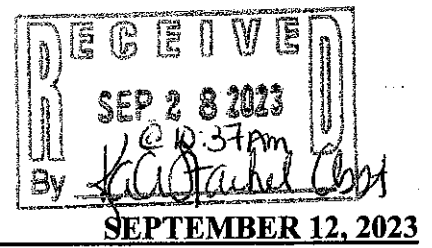


**TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION**



MINUTES

-1-

SEPTEMBER 12, 2023

MEMBERS PRESENT: Stephen Wagner (arrived at 7:44 p.m.), Bart Pacekonis, Robert Vetere, Alan Cavagnaro, Kevin Foley, Michael LeBlanc, Stephanie Dexter

ALTERNATES PRESENT: Paul Bernstein, Atif Quraishi, Carolyn Carey

STAFF PRESENT: Michele Lipe, Director of Planning; Walter Summers, Fire Marshal; Edward Beckwith, IT Support; Joshua Stern, Recording Secretary

Chair Pacekonis called the public hearing to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Dexter read the legal notice.

Commissioner Quraishi was seated for Commissioner Wagner.

PUBLIC HEARING

1. **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

Fire Marshal Walter Summers said the Town has invested in recent years in improving emergency communications through the Capital Improvement Program, including sites at the Eli Terry School and Veterans Memorial Park. The current proposal is intended to address shortages of coverage in the industrial area near the Connecticut River Valley. The tower is designed to comply with the text amendment approved earlier this year and conforms to the height and enclosure limits. All communication equipment would be housed inside the TRACS building.

To ensure that a van or delivery truck can navigate the parking lot, the turning radius and the pavement by the enclosure were adjusted. All utilities would come from the building via four conduits. The dumpster pad would be repositioned to the west side of the site. The fence around the tower would be 7' high with double doors and either slats or fabric; the fence for the dumpster pad would be 6' high with the same design. Summers showed the improved coverage map and a concept of the lattice tower design.

Director of Planning Michele Lipe provided the Planning report.

1. Request for special exception to Section 7.18 and site plan of development for the construction of a 150-foot emergency services telecommunications tower, at 124 Sullivan Ave (Tyler Regional Animal Control Facility), RC zone.
2. Proposed height of the antennas will be of lattice design and is proposed to be 150 feet as allowed in the regulations. This Commission may recall a recent text amendment related to both the height of the tower and for the allowance of lattice designs for emergency towers.
3. Special Exception criteria for consideration are those criteria found in Section 8.7. In addition, other criteria to consider for the construction of a tower include:
 - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
 - The application has met the intent of the zoning regulations.
 - The land is physically suited to the proposed use.
 - Minimal, if any, adverse environmental impacts are created.
 - No traffic or other hazards will be created.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

-2-

SEPTEMBER 12, 2023

- The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
 - There will be minimal or no adverse effects on existing uses in the area.
 - Surrounding property values will be conserved.
 - The character of the neighborhood will be maintained or minimally disrupted.
 - The general welfare of the community will be served.
 - There is a balance between neighborhood acceptance and community needs.
 - The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
4. The site improvements include a 20 X 20 foot area to be enclosed with a 7 foot fence in the rear of TRACS building. Other minor site improvements include a dumpster relocation and enclosure and additional pavement in the area of the tower for service vehicles.
 5. There are no regulated wetlands on site.
 6. In accordance with section 7.18.8, the Special Exception for a telecommunications facility, the regulations require that tower construction commence within one year from the date of approval. There is also an abandonment clause in the zoning regulations that requires removal of the facility within 90 days from the date of abandonment and restoration of the area to its previous appearance.

If this application is approved, the Planning Dept. has no modifications to request.

Chair Pacekonis asked for public comments for or against the application. Hearing none, he asked for Commission questions and comments.

Commissioner Bernstein asked about the effects of the current gaps in coverage. Summers said a radio signal sent by a firefighter in a perilous situation might not be received from some structures in the area. He said there have not yet been any consequences as a result of the lack of coverage.

Commissioner Vetere asked if there would still be gaps in coverage in other areas of town. Summers said the proposed tower would close most of the remaining gaps, but the Town is examining siting on a proposed cell tower that would cover the area near Philip R. Smith School. That plan is currently before the Siting Council.

The public hearing on this item was closed at 7:15 p.m.

2. **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 8-15-23)

Attorney John H. Parks, representing some of the neighbors in opposition, submitted **Exhibit A** and commented on the letter (**Exhibit B**) submitted September 5 by Attorney Tim Hollister on behalf of the applicant. He said he thinks Attorney Hollister is correct about the conservation easement but not about the age restriction, which he said applies to both the units and the land, which run together as real estate. He said the word "adjacent" is not defined in the regulations, but if it is synonymous with "abutting," the application does not meet the requirements. He said the application does not comply with the requirements in item 7.22.1 regarding location, land area, and frontage. In response to Attorney Hollister's point that the two parcels should be considered as one piece, he said the application being considered concerns two parcels that stand on their own; a condition for the properties to be reconfigured cannot be added to a zone change approval.

Attorney Tim Hollister, Hinckley Allen, representing the applicant, explained the applicant's conceptual plan includes a lot line revision that would merge the triangular portion of 440 Buckland into the 240 Deming parcel.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-3-

SEPTEMBER 12, 2023

He said the applicant is not asking for a conditional zone change but a zone change of an assemblage of parcels; he said section 7.22.4.b refers to "the total area" of the parcel to be rezoned, not its individual components, and zone changes of assemblages of individual parcels are common. He said the conservation easement does not encumber the triangular portion of 440 Buckland and that while the triangular portion itself does not meet the requirements for the MAHZ, the proposed zone does. He also said the triangular portion is not encumbered by the age restriction as no units are built on it.

Attorney Hollister reminded the Chair that when the Commission votes on the application, all seated members must have been present for all meetings at which the public hearing was open or have reviewed the records of any meetings from which they were absent.

Director of Planning Michele Lipe noted a memo (**Exhibit C**) evaluating the resubmitted petition against the zone change. The additional signature added 0.004 acres, which does not meet the threshold to require a 2/3 vote for approval. Lipe also stated the Town Attorney reviewed the response letter from Attorney Hollister and did not raise any objections.

The Chair asked for Commission questions and comments.

Commissioner Carey noted a letter that was submitted for the record with a list of questions. Chair Pacekonis said some of the questions referred to the 72 units proposed before the site plan was updated. He noted that the applicant plans for 20-25% of the units to be reserved for individuals with intellectual disabilities and the reduction to 55 units would not affect more than one of the supportive units.

Chair Pacekonis asked about the ramifications to the pumping station if there is a power outage. Ben Tripp, EVP, Metro Realty, said the pump station is required to be on a generator.

Commissioner Foley noted that this application is for a zone change, not a site plan. Chair Pacekonis said many of the public's concerns would be addressed at the site plan level if the zone change application is approved.

The public hearing on this item was closed at 7:40 p.m.

REGULAR MEETING

CALL TO ORDER: Chair Pacekonis called the regular meeting to order at 7:40 p.m.

PUBLIC PARTICIPATION:

Janice Stasinski of Berry Patch II said she has lived at Berry Patch for over 18 years, and it has deteriorated. She has been waiting for three years for a leak in her bathroom to be fixed, and mold is developing. She said the trees on the property have not been trimmed and littering is taking place, and maintenance does not follow through with requests.

Vicki Margiott of 32 Sele Drive said the Town approved the Gateway Zone and multiple changes to it without notifying abutters. The zone did not initially allow grocery stores, gas stations, and drive-thrus, and she said these changes have reduced the quality of life in the neighborhood.

Commissioner Wagner joined the meeting at 7:44 p.m.

Mike Werner of 2 Berry Patch said Metro Realty has begun addressing some of the concerns of Berry Patch residents, but it is important to ensure that they continue doing so. He said there are poisonous weeds around his apartment and that while the stumps have been removed, he would like to know how Metro will continue to address maintenance issues.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

-4-

SEPTEMBER 12, 2023

Debbie Nevin of Berry Patch also emphasized the poor management of Metro Realty's properties. She said multiple animals have died near her apartment because of the pesticides Metro uses and that the lawns are poorly maintained.

Jim Byrne of 3 Berry Patch noted that Metro Realty recently sent a crew to fill potholes, and mowers and weedwhackers were used, but the weedwhacker did not do an adequate job cutting the grass in tight areas.

MINUTES: 8/15/23

The minutes were approved by consensus.

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

1. **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

Commissioner Dexter made a motion to approve the application 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. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
4. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
5. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
6. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
7. The building street number must be included on the final plan.
8. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
9. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.

Seconded by Commissioner Vetere. Motion passed unanimously.

2. **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

Alternate Commissioner Quraishi was unseated and Commissioner Wagner was seated for this item. Chair Pacekonis asked all Commissioners to confirm that they had attended all meetings at which the public hearing was open, or reviewed any meetings they were unable to attend.

Commissioner Cavagnaro noted the criteria the Commission is required to follow and said he does not believe the proposal would impact property values. He said he is open to the concept of zone change and is ready to vote on the application.

Commissioner Vetere stressed that the application is for a zone change and that the development itself would need to come before the Commission as a separate application. He feels his concerns have all been addressed and said he is ready to vote.

TOWN OF SOUTH WINDSOR

PLANNING & ZONING COMMISSION

MINUTES

-5-

SEPTEMBER 12, 2023

Commissioner Foley said that while he believes there is broad support for the proposed affordable and supportive housing, changing a zone should be taken extremely seriously. He feels other areas would be more appropriate for the type of housing being proposed.

Commissioner Wagner said the application would benefit families seeking affordable or supportive housing and concurred with Commissioner Cavagnaro that he does not see the development significantly impacting property values. He said there are issues with traffic in the area, but he thinks the impact of the development would be minimal, and thinks the impact on schools is tolerable as similar complexes have brought in small numbers of students. He expressed support for the application.

Commissioner Dexter concurred with Commissioner Foley. She said while the development itself has merit, the current zoning of the property as Buckland Gateway has given the residents specific expectations about what can be built there, and the zoning should be retained.

Commissioner LeBlanc said he values the Gateway Zone and the entrance it creates for the Town. He feels the Commission has put a great deal of work into the Gateway Zone, and he is reluctant to alter it.

Chair Pacekonis said the Town has a need for affordable and supportive housing and that the proposal would have a lower traffic impact than potential uses in the Gateway Zone. He noted that Town staff and police have not voiced concerns about traffic and estimated that the development would add 8-10 children to the school system; he said rising school enrollment is not a valid reason to deny proposed housing. He said there are sidewalks from the site to Stop & Shop and that Berry Patch is considered multi-family housing; the noise ordinance is applicable to any future applications.

Chair Pacekonis suggested that if the zone change is approved, the applicant should consider arranging trees to minimize blockage of the site lighting, noting a tree close to the lights near the front entrance. He would like to see as many existing trees as possible saved; he expressed concern about the lack of usable open space and said the lot to the east should be maintained as a field. He suggested that the apple trees be relocated or replaced in a different area.

Commissioner Wagner said a motion to approve the zone change should be clear as to whether the approval includes the triangular piece of 400 Buckland.

Commissioner Wagner made a motion to approve the 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

1. The Planning and Zoning Commission finds that the zone change is in conformance with the Town Plan of Conservation and Development and the South Windsor Affordable Housing Plan.
2. Within ninety days, a zone change map (1" = 40') with an A-2 certification must be filed on the land records, showing all boundary lines and the acreage of the land where the zone change was granted. The map shall be drawn in accordance with the rules and regulations of the State Board of Registration for Professionals Engineers and Land Surveyors and shall be stamped and signed by a Registered Land Surveyor. The zone change map must be submitted on black and white mylars, with this approval letter thereon, together with three blueprint copies of the Zone Change.

Commissioner Vetere seconded the motion. Commissioner Wagner clarified that the motion includes the triangular portion of 440 Buckland Road.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-6-

SEPTEMBER 12, 2023

The motion was called. The motion passed 4:3:0 with Commissioners Wagner, Vetere, Cavagnaro, and Chair Pacekonis in favor and Commissioners LeBlanc, Dexter, and Foley voting against the motion.

BONDS: Callings/Reductions/Settings

<u>IWA/CC Bond</u>	<i>AMOUNT</i>	<i>REDUCTION</i>	<i>BALANCE</i>
18-41P, Pride Site Plan	\$10,000	\$10,000	-0-

Commissioner Cavagnaro made a motion to release the IWA/CC bond for Appl 18-41P. Commissioner Wagner seconded the motion. The motion passed unanimously.

APPLICATIONS OFFICIALLY RECEIVED:

Appl. 23-35P South Windsor Entertainment T & C Renewal – request for renewal of a two-year temporary and conditional permit to operate a haunted walk known as Nightmare Acres, at Nomad’s Outdoor Aerial Park (alcohol proposed to be sold), on property located at 240 Governors Highway, I zone.

OTHER BUSINESS:

Michele Lipe informed the Commission of an application before the Connecticut Siting Council for a cell tower, approximately 165’ high, at 99 Dart Hill Road.

The Commission discussed a rendering of a proposed mural at Shake Shack in Evergreen Walk. A majority of Commissioners expressed support for the proposal.

Commissioner Foley left the meeting at 8:29 p.m.

Michele Lipe reminded the Commission of the Special Meeting scheduled for September 19 regarding the Plan of Conservation and Development. The Commission briefly discussed volunteers to staff the PZC booth at the upcoming Apple Festival, as well as the Land Use training requirements for the Commissioners for 2023.

CORRESPONDENCE/REPORTS: None

ADJOURNMENT

Commissioner Cavagnaro made a motion to adjourn. Commissioner Quraishi seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Joshua Stern, Recording Secretary