

**Town of Willington**  
**Planning and Zoning Commission**  
**Meeting Minutes-- November 15, 2022 – 7:30 PM**

**This hybrid meeting was held at Willington Town Hall (40 Old Farms Rd) and via Zoom**

**A. Call to Order**

J. Tehan called the meeting to order at 7:31 pm.

**B. Roll Call/ Seating of Alternates**

John Tehan  
Andy Marco  
Doug Roberts  
Bob Shabot (Arrived at 7:34 pm)  
Bill Bunnell (Alternate)  
Michael Johannsen (Alternate)

**C. Applications for Receipt**

None

**D. Public Hearing**

**1. PZ-22-18:** Text amendment pertaining to modifications of 5.05.01.02.24 and Table 8.02 for Dimensional Requirements; Applicant: Joseph Williams.

Patrick Theodossiou introduced himself and Ben Scerri from Sun Cap properties and their attorney, Joseph Williams. He explained to the commission that they were here for a text amendment. He explained that they had met with the commission informally about a month earlier and addressed some of the concerns brought up in that discussion with the application that was before them currently. He said that the end user was FedEx. He gave the commission a site plan and explained that the current regulations allow fifty percent impervious coverage in total split up as twenty-five percent for parking and twenty-five percent for building. He explained that the language currently doesn't fit their needs and that's why they would be amending the text. He explained that they wrote their text amendment specifically to apply to their project so that it wouldn't be a regulation that could be applied anywhere.

Joe Williams explained that they were trying to change as little as possible to support the project, and to limit the applicability to other projects because there were concerns changing the regulations would allow for future projects. He explained the specifics of the text amendment. Joe Williams gave the commission a table showing coverage percentages in surrounding towns for similar zoning districts.

J. Tehan asked what percentage does the parking lot need. The applicant answered about thirty-three percent.

B. Shabot said that the first time they were here they explained that this would be used at critical high-volume times of the year. He asked the applicant to define high volume times. The applicant stated that it was from mid-October through the end of the year. B. Shabot asked how many spaces FedEx was short

on-site. B. Scerri answered that they didn't have those numbers, but they were proposing 145 added spaces for tractor trailers at this time. He added that this was also factoring in projected growth as well. B. Shabot asked if this would be used year-round. P. Theodossiou stated that for now they would just be using it in peak times but as they grow, they might use it year-round in the future. B. Scerri and J. Williams noted a conservation easement on the current FedEx property which prevents them from expanding. B. Shabot asked if they had talked to the state and the town to try to alter the conservation easement to utilize their existing property. The applicant team said they believed their client had explored that option but explained they came to them as a second option. B. Shabot noted the narrow, and winding nature of Ruby Road and noted the issues this could cause. The applicant explained that they would have to do traffic studies and get various state approvals when they came back for a special permit. B. asked about storm water and the possibility of engineered wetlands and rain gardens. The applicant explained their proposal for storm water and explained that they were happy to explore these things and that this would be explored along with a stormwater report. The applicant explained there would be a 60-foot barrier between the parking and the road along with a sound wall. They also discussed potential lighting of the site.

Doug Roberts asked what the likelihood was of the state reversing the easement. Joe Williams said the odds were low.

Bob Shabot asked about the possibility of doing a land swap to expand on site.

The applicant asked M. D'Amato if they had discussed this with FedEx before.

M. D'Amato explained that they did have conversations, but they never really went any further. B. Shabot added that he strongly believed there was a piece of land that could be used for a land swap.

D. Roberts asked if they needed the towns approval first. Joe Williams said he wasn't sure. M. D'Amato spoke to his memory of the easement language which required endorsement from both the Town and the State for any modification.

Ralph Tulis stated that he lives across the highway and explained problems that he sees. He felt it was a stretch that it would be employee parking. He said that it would get used for trailer storage. He questioned how employees would get back and forth to the facility.

B. Scerri explained from his experience that employees travel between facilities and remote lots.

R. Tulis noted concerns the way the regulation was written, a discussion ensued. The applicants said they were happy to make the regulation clearer if necessary. R. Tulis noted concerns with the state of the road and safety. He asked if FedEx was prepared to reconstruct Ruby Road to accommodate trucks. P. Theodossiou said they were prepared to do what was required by the Office of State Traffic Administration. R. Tulis said that this is the same incrementalism that allowed Loves and that all these subtle changes would add up over time. R. Tulis added that they had not addressed the fact that commercial motor vehicles would be parked here.

James Marshall stated that there was no need for this text change based on FedEx's needs as explained by the applicant. He questioned the point of granting an unnecessary text amendment. He spoke of concerns with changing regulations for the needs of corporations and developments.

R. Tulis asked if they had a map of the conservation easement. He noted the downfalls of pervious pavement.

Janice Boardman stated that she was already affected by the noise and traffic from FedEx and didn't think it was a good idea.

J. Tehan said that they would leave this open for the next meeting.

## **E. Unfinished Business**

**1. PZ-22-16:** Application for construction of new commercial building and solar array at 0 Ruby Road (46/026-00) Owner: Ralph Tulis; Applicant Peter Parent

M. D'Amato explained that he had drafted up suggested conditions for considerations by the Commission based on the public hearing and Commission discussion. He explained that during the previous meeting the commission had a conversation regarding the architecture of the building but seeing as there was currently no identified tenant, plans were not yet available. He indicated that he had tried to address those concerns within the suggested conditions.

The Commission reviewed the proposed the conditions

B. Shabot discussed the location of the EV charging spaces in relation to parking lot traffic and layout. The commission looked at the current layout and location of the EV charging ports. The commission discussed.

**J. Tehan motioned to approve PZ-22-16 with conditions.**

## **CONDITIONS**

1. The Inland Wetland Approval IW-22-10 is hereby referenced and incorporated into this approval.
2. The applicant shall consult with the CT Department of Transportation regarding potential improvement of the sight line from the exit ramp along Ruby Rd.
3. The Plans shall be revised to:
  1. Incorporate a copy of this Special Permit.
  2. Incorporate a copy of the Inland Wetland approval.
  3. Include plantings along the swale within the stormwater basin to the north of the parking lot
  4. To reference the use of wood chip berms or silt socks in lieu of silt fencing where appropriate.
  5. Modify the proposed dumpster enclosure detail to reference 8ft vinyl fencing.
4. Prior to the issuance of a building and/or zoning permit for the construction of the proposed building, an architectural plan shall be provided to Town staff for presentation to the

Commission for comment to ensure the proposal incorporates design principles which are consistent with Section 13.06.01 and other recently approved commercial developments.

5. All site improvements shall be completed prior to the activation of the proposed solar array.
6. A photometric plan confirming that all site lighting is in accordance with Section 13.06.02 and is full cut-off, meeting the standards of the International Dark Sky Association shall be provided before site work commences.
7. A DWG or CAD file of the wetland flags shall be provided to the Land Use department
8. An Erosion & Sedimentation Control Bond in the amount of \$21,725 shall be provided subject to the Town of Willington's Financial Guarantee Policy prior to the commencement of sitework.
9. Minor modifications to site layout, grading or drainage may be approved by Town staff in consultation with the Town Engineer.
10. Additional Erosion & Sedimentation Controls may be required by Town staff if field conditions necessitate.
11. An administrative zoning permit shall be obtained prior to the commencement of sitework.
12. Prior to the Issuance of a Certificate of Zoning Compliance, a final asbuilt including all structures, parking lots, pins and drainage with spot elevations shall be provided.

**B. Shabot Seconded. All in Favor. Motion Passed.**

**2. PZ-22-13:** Text Amendment Application pertaining to modifications to the Strategic Development Zone (Section 12.15). Applicant: James Marshall

M. D'Amato explained that the options were to move forward with the moratorium, which was already in motion, or adopt the text amendment. He stated that he had spoken with the town attorney and relayed his suggestion to the Commission. He said that the attorney suggested that if the Commission were to adopt the proposed revisions as recently presented which would strike the majority of the regulation they should then follow up on that action with the planned moratorium.

J. Tehan asked for clarification on the options. M. D'Amato explained.

A. Marco discussed the implications of getting an SDZ application in the meantime.

The commission discussed this and the different options going forward.

**B. Shabot moved to adopt PZ-22-13 with modifications. D. Roberts seconded. A. Marco opposed. All else in favor. Motion Passed.**

**3. PZ-22-14:** Text Amendment Application, pertaining to the prohibition of Cannabis Establishments (Section 13). Applicant: Willington Planning & Zoning Commission

M. D'Amato explained where the commission left off and explained options going forward. He explained in the opinion of the Commission's attorney, that it would be easiest to manage compliance of the approved facility by leaving the current regulations for cannabis retail establishments on the books. M. D'Amato explained this could be done and they could stop other operations from coming in by increasing the separating distances while also moving to prohibit cultivation uses. A discussion ensued.

J. Tehan said he wanted to leave this open until Walter was in attendance. M D'Amato asked if the commission would like to see mapping of distances. The commission agreed that it would be helpful.

## **F. New Business**

**1. PZ-22-18:** Text amendment pertaining to modifications of 5.05.01.02.24 and Table 8.02 for Dimensional Requirements; Applicant: Joseph Williams.

*No Action/Discussion*

## **2. Discussion of P.A. 21-29 Opt-Out**

M. D'Amato explained that as part of the 2021 legislative session laws regarding accessory dwellings were passed. He explained that our regulations don't currently align with statute and that in 2023 the statute would supersede our zoning regulations. He explained what the bill said. Based on the proposed changes, the Commission could choose to opt-out of the provisions of this bill and maintain the regulations which are currently on the books provided they did so prior to the end of the year.

B. Shabot asked if there is a catch if they opt out. M. D'Amato explained that the board of selectmen must vote to opt out as well.

J. Tehan asked if the next step is to get it on the next meeting agenda. M. D'Amato said yes if that's the way they want to move they would schedule a public hearing.

**A. Marco motioned to add a discussion of opting out of P.A.-21-29. D. Roberts seconded. All in Favor. Motion Passed.**

## **3. Discussion and Approval of 2023 Meeting Dates**

J. Tehan noted that they had discussed moving the start time. D. Roberts suggested capping meeting length.

J. Tehan suggested holding this discussion to the next meeting when other members were also in attendance. The commission agreed.

**B. Shabot motioned to continue. J. Tehan Seconded. All in Favor Motion Passed.**

### **G. Approval of Minutes**

1. November 1, 2022

**J. Tehan motioned to approve. B. Shabot seconded. All in Favor. Motion Passed.**

### **H. Public Participation**(For items not on agenda):

J. Marshall spoke to concerns with separating distances regarding cannabis.

R. Tulis asked if there is a requirement for a roll call vote for PZC. M. D'Amato said that he wasn't aware of one.

R. Tulis said he enjoyed the informality of the meetings but said that the public hearings should be more formal.

### **I. Correspondence**

None

### **J. Staff Report/Discussion**

None

### **K. Adjournment**

Meeting Adjourned 9:23.

Respectfully Submitted,  
Christopher Roberts,  
Assistant Land Use Agent

