

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

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**DECEMBER 7, 2021**

**MEMBERS PRESENT:** Stephen Wagner, Bart Pacekonis, Alan Cavagnaro, Michael LeBlanc, Kevin Foley (WebEx)

**ALTERNATES PRESENT:** Paul Bernstein

**STAFF PRESENT:** Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann; IT Support; Caitlin O'Neil, Recording Secretary; Marek Kozikowski, Council Liaison

**SPECIAL MEETING/ 7:00PM**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE**

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

1. **Appl. 21-36P, 25 Talbot Lane Site Plan-** request by UW Vintage Lane II, LLC for site plan approval for a 359,640 sq ft distribution facility on 30.37 acres of property, on property located at 5, 25 Talbot Lane, 475 and 551 Governor's Highway, I zone (action by 12/8/21)

Director of Planning Michele Lipe confirmed she had no new information and added that she did provide draft approval conditions for the Commissions consideration.

Town Engineer Jeffrey Doolittle had no new comments.

Chairman Pacekonis commented that the first part of the proceedings is to review the interveners petition and their findings.

Commissioner Wagner made a motion in agreement with the four intervener's findings. Based on the verified complaint and the record as a whole we find that the proposed development is reasonably likely to cause the unreasonable pollution impairment or destruction of the public trust in the air, water or other natural resources of the state. They also find that prudent and feasible alternatives of a smaller building with less truck bays and fewer trucks on site would minimize the impact. Commissioner Cavagnaro seconded the motion.

Commissioner Wagner commented on concerns with the findings regarding the impact to the states environment. Commissioner Wagner commented that regardless if the site is considered a truck terminal or a distribution facility, the site seems to be a fairly typical example of other similar facilities. With that said, Commissioner Wagner feels it is difficult to conclude that the site is going to cause pollution more than these other similar sites. Commissioner Wagner commented that he planned on voting no for the motion.

Chairman Pacekonis commented that Commissioner Foley was attending via WebEx and was still participating in voting. Chairman Pacekonis seated Commissioner Bernstein for Commissioner Dexter.

Commissioner Cavagnaro commented on his continued concern on the health impacts for the surrounding neighborhood. Commissioner Cavagnaro commented he had hoped to receive information from the applicant regarding the health implications from the site to understand if the concerns were legitimate. Commissioner Cavagnaro commented that he believed this site would cause harm.

Commissioner Bernstein commented that he did agree with the motion.

Commissioner LeBlanc and Foley echoed Commissioner Bernstein.

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Chairman Pacekonis commented that he did have concerns if the interveners have proved themselves with expert testimony and adequate information to prove their intervenor status. Chairman Pacekonis added that he does feel the site would cause harm, however, he is concerned if there is adequate information in the public record to support this opinion.

Chairman Pacekonis called the motion. Roll call was held. Commissioner LeBlanc, Wagner and Pacekonis vote no. Commissioner Foley, Bernstein and Cavagnaro vote aye. The motion failed.

Commissioner Wagner commented that he wanted to discuss the application's status. Commissioner Wagner motioned to approve the application with following conditions:

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 the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$50,000 to ensure compliance with the erosion and sediment control measures and \$100,000 to ensure establishment of storm water system and wetlands mitigation.
4. A landscape bond in the amount of \$75,000 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 the 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. Engineering comments dated 8/27/21 must be incorporated into the final plans.
14. All truck queuing shall occur within the site boundaries. No trucks shall park on Talbot Lane and/or Governor's Highway waiting to enter the site. Signage shall be maintained along the public roadway, Talbot Lane, indicating "No Parking, Standing or Queuing".
15. A waiver to Section 6.3.3.F has been granted to allow 12 exterior light poles on the western side of the site to be 35 feet in height subject to staff approval.
16. No truck washing shall occur on-site without further approval from this Commission
17. A deed combining all four properties into one building lot shall be submitted. The property address shall be known as 25 Talbot Lane.

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18. Evergreen trees and/or bushes shall be interplanted within the 50-foot buffer area to enhance the screening of the site and maintain buffer screening over time subject to staff approval.
19. The facility operator and operator's security services shall monitor and enforce compliance with all state and local idling ordinances. No idling signs shall be posted on site in areas visible to truck drivers. The applicant shall utilize the State CT DEEP model design for such signage.
20. The applicant shall comply with all state and local noise ordinances. A 60 ft. wide X 12 ft. tall wooden wall to mitigate sound shall be constructed at the southern end of the loading dock area in the area presented by the applicant.
21. The conservation 40-foot easement shown to include the berm and landscape area shall include language requiring the maintenance of the plantings in perpetuity to achieve the required buffer screening requirements of Section 6.2.4 B.
22. Site line easements, grading easements and potential future ROW shall be shown on the plans in the vicinity of the Governor's Highway site drive to accommodate potential road improvements that the town may consider in the future.
23. If the use for this facility changes from a warehouse/distribution facility, the applicant is to return to the Planning and zoning Commission for further approval of the use.
24. A pathway from the southern end of the site shall be pursued through the Town open space to provide a connection to the existing walking trail created as a part of the Constitution Landing industrial subdivision.
25. Grading along Governor's Highway shall be able to accommodate a future five-foot sidewalk.
26. Subject to staff approval, the site plan shall be modified to accommodate the queuing of a minimum of 16 tractor trailers on the westerly side of the site within the area currently shown for tractor trailer parking. The design shall also be such that trucks are not required to "blind" back into the truck bays.
27. There shall be no security gate at the truck entrance of Talbot Lane to allow for the free flow of tractor trailers on to the site. In the event the future owner/tenant wants to incorporate a gate, a truck queuing plan shall be submitted as part of a site plan modification application to this Commission.
28. Prior to allowing use of heavy equipment around these clearing identified, the applicant should commission a detailed sweep from certified professionals on Explosive Ordinance Disposal (EOD) in the areas identified on aerial mapping submitted at the public hearing to ensure absence if any Un-Exploded Ordinance.
29. Tractor trailer trucks are limited to loading docks no closer than 200 feet from the northern and southern ends of the building, to be enforced by appropriately placed signage to loading docks as well as operational procedures of the occupant.
30. Prior to the construction and prior to subsequent changes in the occupant or the occupant's use of the facility, the owner and intended occupant shall submit to the Planning Department a description of the activities of the occupant in sufficient detail to determine that the use is a distribution center and/or warehouse and not a truck or freight terminal. If the Planning Department determines that the use would be considered a truck or freight terminal, the owner shall apply to the Commission for review and approval of the use prior to construction or change. The Planning Department should consider distribution of inventory to sites other than distribution centers, warehouses and truck or freight terminals to be typical of distribution

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center use, whereas distribution of inventory among distribution centers, warehouses, and truck or freight terminals to be typical of truck or freight terminals.

31. The operator and the operator's security service shall not permit trucks that fail to comply with federal truck noise standards (particularly 10 CFR 40) to load or unload cargo based on visible conditions such as non-standard mufflers, straight pipe exhaust, or damaged or corroded exhaust system parts.

32. The commission requests the applicants to perform a comprehensive noise impact evaluation for the allowed operations in the truck parking lot and install any additional noise barriers needed to ensure that sound levels at the property lines are below those cited in Section 50 the Town of South Windsor ordinances.

Commissioner Cavagnaro seconded the motion.

Commissioner Wagner commented on suggested approval conditions and reviewed conditions that he felt would be met. Next, Commissioner Wagner reviewed approval conditions that he felt would be hard to accomplish or maintain. Commissioner Wagner commented that while the applicant agreed to enforce the three minute idling law, however, due to Intervener Derek Butler's testimony, he felt that idling could not safely be limited to three minutes. Commissioner Wagner commented that Attorney John Parks, representing the neighborhood, submitted documents and gave testimony regarding freight terminals and the town's regulations. Commissioner Wagner added that the Commission would be unlikely to approve a truck terminal by special exception, however, given the limited information on a potential tenant it is difficult to confirm that this facility would not become a truck terminal.

Commissioner Wagner discussed potentially limiting the number of bays that service the tractor-trailers to help ensure trucks are as far from the surrounding neighborhoods to reduce sound. Commissioner Wagner discussed the issue of the sound and added that he did not feel the applicant cover this concern enough. Commissioner Wagner reviewed the negative impacts of noise such as physical and mental health concerns. He then reviewed South Windsor and Connecticut's noise ordinance. Commissioner Wagner commented that he did appreciate the applicant's willingness to adjust the site plan to reduce the noise on site and appreciated the acoustical study. Commissioner Wagner reviewed and briefly discussed the findings of the acoustical study. He then added that, in his opinion, regardless of improvements and barriers it would be difficult to mitigate the impact of approximately 200 tractor-trailer trucks daily.

Commissioner Wagner reviewed his reasoning for his consideration and vote. First, the plan requires the merging of multiple parcels to allow for the distribution center, without the merging of these parcels, this site plan would not be feasible. Additionally, the merging of these parcels would be undesirable due to the impact of the surrounding neighborhood. Commissioner Wagner added that addition of almost 200 trucks would expose the nearby public to pollution both air and noise. Commissioner Wagner also commented that he did understand the concerns of Carla's Pasta, who submitted a letters to the Commission, citing concerns with the proposed warehouse generating a large amount of air pollution that would negatively impact their food manufacturing facility. Ultimately, Commissioner Wagner did not feel there were any suitable modifications of the site plan that would reduce the air pollution impact. Commissioner Wagner then discussed the truck queuing plan for the site, summarizing that he did not feel the property had adequate capacity for queuing.

Chairman Pacekonis commented he had concerns as well. Chairman Pacekonis commented on the sites buffer and reviewed the town's criteria for a buffer. Chairman Pacekonis commented that the proposed berm would be inadequate, as it would do little to nothing to mitigate sight of the building and noise from the site. Chairman Pacekonis reviewed the purpose of the industrial zone, citing the plan did not meet the by design

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portion of the uses. Chairman Pacekonis commented on off street loading and truck maneuvering and then commented on the proposed wooden barrier. Chairman Pacekonis did not feel the wooden barrier was sufficient, he believed it should be larger and made of a similar material to the building to match the aesthetics. Chairman Pacekonis commented on the traffic requirements and stated that he felt a pedestrian sidewalk should be added, not just grading for a sidewalk. Lastly, Chairman Pacekonis discussed traffic circulation and onsite queuing, which he did not feel the applicant has provided accurate queuing for the site.

Commissioner Foley commented that he felt Chairman Pacekonis and Commissioner Wagner had covered all of his concerns.

Commissioner Bernstein spoke about the volume and timing of truck traffic, which he felt would be hard to identify if there was no tenant in place. Commissioner Bernstein then commented on the issues of pollution and noise, which he felt could actually be worse, again, depending on the tenant. Commissioner Bernstein discussed the ongoing issue of whether this facility would be considered a warehouse or a truck terminal. Commissioner Bernstein explained that he analyzed the document provided by Design Professionals that gave the square footage and number of loading docks of various sites around town. Commissioner Bernstein further explained that the average number of bay doors for a warehouse was 36, while the average number of doors for a truck terminals was 74. The site plan in front of them shows 54 doors on site, with the percentage of doors on this proposed site being higher than any other warehouse in town, therefore, one could conclude it is more likely closer to a truck terminal.

Commissioner Cavagnaro commented that he felt there was further follow up information that the applicant needed to research, for example truck traffic and circulation.

Commissioner LeBlanc reiterated that given the definition of the purpose of an industrial zone, this site plan does not fit this location.

Chairman Pacekonis commented on the berm and summarized that he did feel the berm would visually be sufficient per the regulation language.

Commissioner Wagner commented on the two ways to reduce noise, per Brooks Acoustical Study, was by barriers and distance. He added that he felt the barrier could be improved since distance was still rather close. Chairman Pacekonis agreed and stated that was why he felt the earthen berm should be taller, to help reduce noise.

Michele Lipe and Commissioner Cavagnaro clarified that they would be voting to approve Commissioner Wagner's motion and approval conditions.

Chairman Pacekonis called for a roll call. Commissioners Cavagnaro, Wagner, LeBlanc, Bernstein, Foley and Pacekonis voted no. The motion failed.

**ADJOURNMENT:**

Commissioner Wagner motioned to adjourn.

Commissioner Cavagnaro seconded the motion.

Roll call was held. The motion passed unanimously.

Meeting adjourned at 8:14pm.

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Respectfully Submitted,

Caitlin O'Neil, Recording Secretary