

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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MARCH 8, 2022

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

ALTERNATES PRESENT: Paul Bernstein, Carolyn Carey

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

PLEDGE OF ALLEGIANCE

Chairman Pacekonis reviewed the procedures for the public hearing. They would hear first from the intervener, the applicant, members of the public and then members of the Commission.

Secretary Wagner read the legal notice posted in the Journal Inquirer.

Chairman Pacekonis welcomed newly appointed Alternate Commissioner Carolyn Carey.

Chairman Pacekonis thanked the public for joining the meeting but reminded them they cannot have any outbursts.

CALL TO ORDER:

PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 P.M

1. **Appl. 22-01P, 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 (southerly side of Governor’s Highway, easterly side of Talbot Lane), I zone (Cont. from 2/8/22 and 2/15/22)

Chairman Pacekonis questioned the applicant about previous items submitted from the prior application, Application 21-36P, and if these materials should be accepted into the record as part of this application. Attorney James Connor, on behalf of the applicant, commented that the applicant does not request to have previous application material be considered as this part of this application.

Chairman Pacekonis commented on the Intervener’s application status. Chairman Pacekonis commented that the Commission would accept the intervener petition, but they would be limited to specific items in the Planning & Zoning purview. Chairman Pacekonis commented that items A, D and F would be the only items considered as they relate to environmental concerns.

Intervener Derrick Butler spoke on behalf of the Intervener petition. Mr. Butler commented that he understood part of the petition had been accepted and that he would address his other concerns during the public hearing portion of the meeting. Mr. Butler commented that he presented an affidavit that reviewed his background and wanted the Commission to understand his background and how it pertains to understanding the impacts of this application. Additionally, he wanted to update the Commission on his resume since applicant Brad Wainman’s rebuttal at the last meeting. Mr. Butler discussed air quality, stating due to the exceptions in idling, the site would not be held to the anti-idling rules. Mr. Butler commented that this would allow it to be legal for a tractor-trailer driver to warm up the truck for twenty minutes and perform a pre-trip inspection before leaving the site. Mr. Butler reviewed Commissioner Cavagnaro’s previous concerns about the California Air Quality and Land Use Manual that Mr. Butler presented at the last meeting. Mr. Butler commented that in terms of reasonable alternatives he felt that the site could not accommodate the truck traffic that would be produced and the only other alternative would be a smaller operation that does not produce the high volume of truck traffic. Mr. Butler submitted documentation from the head of the EPA that is proposing stronger standards for vehicles to promote clean air that was released on March 7, 2022 (Exhibit A).

Attorney James Connor spoke on behalf of the applicant. Attorney Connor briefly reviewed the application stating he feels the site plan meets the requirements of the zoning regulations. Attorney Connor commented

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on case law that he cited in previous meetings. Attorney Connor then submitted documentation that discussed case law and reviewed limitations on a Planning and Zoning Commission (Exhibit B). Attorney Connor added that the applicant would like to respond to comments made by staff, Commissioners and the public prior to the close of the public hearing.

Ben Wheeler of Design Professionals reviewed the changes made to the site plan since the last meeting and distributed a document that described the changes made (Exhibit C). Mr. Wheeler went through the changes, which included widening the radius on the outbound lane to provide a wider radius for truck turning and would allow for both entering and exiting tractor-trailers simultaneously. Mr. Wheeler explained the trucks used in the projections were a WB 67 tractor-trailer truck, which would be the typical truck as defined by American Association of State Highway Transportation Officials. Mr. Wheeler reviewed the software used to run the truck simulations. Mr. Wheeler commented that another change made was widening the drive aisle by five feet on the site to better accommodate vehicles maneuvering. Other changes include consolidation of trailer spaces in the norther section, three trailers spaces removed in the southern portion and reserve parking spaces were moved and divided equally to the northern and southern portion of the site. Mr. Wheeler added that a concrete walk has been added to connect the main building to Governor's Highway and potential snow storage areas had been identified on the plan. Mr. Wheeler commented that to accommodate revisions at truck entrance, street trees and a light pole on Talbot Lane were moved to the north. Commissioner Foley questioned snow storage on east side of the site. Mr. Wheeler reviewed the snow storage in this area. Mr. Wheeler commented that they received feedback from Environmental Planner Jeff Folger that there would be no additional snow storage in the southwest corner of the site because of an invasive species. Lastly, they designated in the north side of the building in the reserve parking area an ADA van accessible parking space. Mr. Wheeler commented that this concluded the recent changes made to the plans.

Attorney Connor commented that at the previous public hearing there were concerns raised regarding the traffic flow in and out of the site. Attorney Connor added that Ben Wheeler reviewed these changes to the site plan to address this concern and traffic engineer Scott Hesketh of F.A. Hesketh had analyzed this issue and revisions were made. Mr. Hesketh was present to discuss his analysis.

Scott Hesketh Licensed Engineer with F.A. Hesketh and Associates discussed his peer review of the site plan and trucking queuing. Mr. Hesketh commented that per his review, the site plan meets the requirements of truck circulation and maneuvering. Mr. Hesketh then discussed the original Langan Engineering Traffic Report that was submitted with the application and how he felt this study was accurate and met the necessary requirements, such as adequate driveway widths and acceptable truck queuing space. Mr. Hesketh commented that there would be a less than 1% chance that there would be more than 18 tractor-trailers on the site at one time and there are 30 queuing tractor-trailer spaces, therefore, plenty of queuing space. Mr. Hesketh commented that the site most provide and demonstrate safe vehicular and pedestrian flow and minimize conflicts between the two and added that the site plan separates truck parking and vehicular parking. Additionally, there is a sidewalk that runs the length of the building and to the adjacent parking lots with numerous crosswalks throughout the site. Mr. Hesketh then reviewed the traffic circulation regulations and how this site plan demonstrates these requirements were met. In summary, in his professional opinion this plan complies with the Zoning Regulations.

Attorney James Connor responded to questions raised by the public, particularly questions about the discontinuance of Newberry Road, MDC easements, and interior lot lines. Attorney Connor also reviewed case law. Attorney Connor commented that Larry Geissler, surveyor, conducted a survey on the property to review inquiries and submitted a copy of Mr. Geissler's letter for the record along with his resume (Exhibit

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D). Attorney Connor asked for time later in the evening to rebut public comment, answer questions from the Commission and make a closing statement.

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe and Town Engineer Jeffrey Doolittle had no additional comments.

Chairman Pacekonis asked for public comment.

Derrick Butler of 596 Governor's Highway spoke against the application and questioned some of the changes made to the site plan and submitted a letter and truck maneuvering exhibits (Exhibit E)

Kim Owen of 102 Judy Lane gave her three minutes to Derrick Butler.

Michael McClellan of 107 Murielle Drive gave his three minutes to Derrick Butler.

John Holowczak of 39 Cody Circle spoke against the application and made a presentation (Exhibit F)

Jessica Vogelgesang of 79 Hilton Drive gave her three minutes to John Holowczak.

Mark Viklinetz of 88 Edgewood Drive gave his three minutes to John Holowczak.

Jesse Giammarino of 139 Judy Lane gave his three minutes to John Holowczak.

Attorney John Parks spoke on behalf of some of the neighbors and spoke against the application and submitted report for the record (Exhibit G).

Tim Wentzell of 630 Governor's Highway spoke against the application and reviewed traffic in the area and questioned the Traffic Study.

Wei Zhang of 125 Cody Circle spoke against the application and cited concerns with the traffic and submitted a letter and trip generation estimates (Exhibit H).

Karen Viklinetz of 88 Edgewood Drive gave her three minutes to Wei Zhang.

Paul LaPenta of 168 Edgewood Drive spoke against the application and cited concerns with the traffic and large tractor trailer trucks.

Richard Delhaie of 95 Cody Circle spoke against the application.

Cherish Lisee of 1832 John Fitch Boulevard gave her three minutes to Richard Delhaie.

Erin Wolf of 642 Governor's Highway gave her three minutes to Richard Delhaie.

Kenneth Wolf of 642 Governor's Highway gave his three minutes to Richard Delhaie.

Sharon Stimson of 55 Cody Circle gave her three minutes to Richard Delhaie.

Derrick Butler of 596 Governor's Highway spoke against the application and discussed discrepancies in the traffic study.

John Holowczak of 39 Cody Circle continued his presentation. Mr. Holowczak submitted a letter by John Hapkiewicz for the record (Exhibit I).

John Hapkiewicz of 44 Cody Circle spoke against the application.

Secretary Wagner read letters into the record against the application from Christopher Edlund, Jim Clyburn, and Deborah Beacham. Commissioner Dexter read letters into the records against the application from Jesse Giammarino and Annette Pasek. Secretary Wagner read letter into the record against the application from Lawrence Waksman. Commissioner Dexter read letter into the record against the application from Diana

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Rose Vandermark. Secretary Wagner read letter into the record against the application from Dan Czaja. Commissioner Dexter read letter against the application from Rui Costa. Secretary Wagner read letters into the record against the application from Richard Delhaie and Kathy Ryan. (Exhibit J)

Chairman Pacekonis asked for Commissioner comments and questions.

Commissioner Bernstein commented on the handout from Attorney Connor and comments made at the last public hearing where Attorney Connor stated that the applicant is the abiding by town's rules and regulations, therefore, the Commission must approve the application. Commissioner Bernstein commented that it is his understanding that as a Commission they need to do what is in the best interest of the South Windsor community. Commissioner Bernstein reviewed the concerns that have been brought up by Commissioners and members of the public. Commissioner Bernstein questioned Scott Hesketh about his history of performing queuing studies for other warehouse developments. Scott Hesketh responded that this was first time he had to provide a queuing analysis for a warehouse development but he has done queuing analysis for other types of sites.

Commissioner Cavagnaro echoed concerns brought up by Commissioner Bernstein. Commissioner Cavagnaro questioned the regulations regarding catch basins and parking spaces. Ben Wheeler explained they had reviewed the regulations for parking and have mirrored what has been done in the past for similar warehouses in town. Mr. Wheeler went on to explain the data they used for similar facilities and furthermore, they have found that they have been successful with their other warehouse locations in meeting the needs for employee parking. Ben Wheeler responded to the catch basin question and explained that this question is in line with the public improvements specifications not zoning regulations. Mr. Wheeler commented that as part of the review for the application they worked with the Town Engineer to improve the section of Governor's Highway that has drainage issues. Commissioner Cavagnaro thanked the Intervener for his follow up on his comments from the previous meeting and thanked the public for their input.

Commissioner LeBlanc commented that the Commission received a large amount of paperwork that he wanted to review. Chairman Pacekonis commented that they would have to close the public hearing tonight unless the applicant allows an extension.

Commissioner Wagner discussed the need for a formal motion to incorporate the previous information from application 21-36P to be included with this current application. Commissioner Wagner motioned to accept previous information as part of this application. Commissioner Foley seconded the motion. Commissioner Wagner explained why he felt it was important to incorporate the previous application. Attorney James Connor raised a point of order to confirm previous application items were posted on the town website. Director of Planning Michele Lipe confirmed all items from the previous application were still listed on the town website. The motion was called and the motion passed unanimously.

Commissioner Wagner commented on the traffic study that was presented in January by Langan Engineering. Commissioner Wagner pointed out the increase in peak trips, however, the report mentions no change in level of service even though there is a substantial change in the queuing lengths at the nearby intersections. Commissioner Wagner discussed his concerns with the level of service given the large increase of trips generated from the site. Commissioner Wagner questioned what would be a more realistic prediction for peak truck traffic between Talbot Lane and Ellington Road and also questioned the queuing length in the report should a larger tractor-trailer truck enter and exit the site. Scott Hesketh reviewed tables 2 and 3 of the Langan report, which discusses the level of service summary. This report summarized that there would be virtually no impact for level of service at these intersections. Mr. Hesketh commented on the OSTA review and approval process and added that the applicant is waiting on OSTA approval and no decision would be made by OSTA until they receive approval from the Commission. Mr. Hesketh discussed the question on trip

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generation, Langan did observation and counting at the Talbot Lane and Governor's Highway intersection for truck traffic. Additionally, Mr. Hesketh pointed out that that applicant was willing to install signage to deter trucks from turning right onto Governor's Highway towards Ellington Road. Commissioner Wagner commented that this signage had been discussed in prior meetings and they were told this restriction would be unenforceable. Mr. Hesketh commented that the applicant had offered this signage as a neighborly gesture. Mr. Hesketh added that if traffic was to head from the site towards the neighborhood portion of Governor's Highway he estimated it would be approximately 20-30% of trucks. Mr. Hesketh commented the capacity analysis calculation and queuing analysis based on the Highway Capacity Manual. Mr. Hesketh reviewed how the analysis is calculated and what items are taken into consideration, such as level of delay, types of queuing and percentage of truck traffic. Commissioner Wagner reviewed the table Mr. Hesketh referred to earlier and reiterated that he felt that this site is taking a bad situation and making it worse. Scott Hesketh responded that according to the analysis the queuing length is longer, however, the vehicles are not waiting a longer period of time. Commissioner Wagner questioned what the VC ratio stood for. Mr. Hesketh responded volume to capacity ratio.

Commissioner Wagner commented that the previous application, Appl. 21-36P, the applicant cited a table of loading dock doors of other nearby warehouses versus truck terminals to show that this site would be considered a warehouse. Commissioner Wagner added that, like Commissioner Bernstein, he feels that the focus of the Commission should be the intended use, therefore, would the trucks entering and exiting this site be moving to and from other warehouses. Commissioner Wagner discussed putting conditions on the approval that would limit the use of the site to make sure a truck terminal does not operate from the site. Attorney Connor responded that the Commission would be approving a particular use and the Zoning Enforcement Officer could issue a cease and desist order if a tenant was not meeting the intended use of the property. Commissioner Wagner questioned how would the Commission know when a truck terminal has moved into the site. Attorney Connor responded that in previous meetings they discussed the difference between a warehouse and truck terminal, some of the differences being a lack of goods stored in the facility and cross-docking operation. Attorney Connor commented that there is no simple way to confirm on a plan that a site is not a truck terminal. Ben Wheeler commented that there are 16 comparable facilities in South Windsor and this site plan is configured very similarly to these approved warehouses/distribution center. Mr. Wheeler added that the recently approved 240 Ellington Road facility did not have a known tenant at the time of application prior to approval. Commissioner Wagner commented that a significant amount of information submitted by the public regarding health issues that could arise from this type of facility. Commissioner Wagner added that the applicant had not provided any documentation that disproves this information. Commissioner Wagner questioned the applicant that given the research and information provided, would the applicant move forward with the site, even with the potential negative health implications. Attorney Connor responded that the information provided is irrelevant because the regulations do not state that health risks need to be taken into consideration and the applicant would build the facility despite the research.

Commissioner Wagner questioned the slope of the pipes mentioned by the public. Ben Wheeler commented that this was in reference a 36-inch pipe that travels across Carla's Pasta site, this pipe was installed on Carla's Pasta solely for the acceptance of stormwater runoff from this proposed site. Commissioner Wagner questioned the sedimentation build up in the pipe. Mr. Wheeler reviewed how this would be dealt with.

Commissioner Wagner questioned if the appropriate amount of trucks were mentioned in the Langan report. Scott Hesketh responded that both the Langan report and their peer reviewed report relied on ITE Trip Generation Report for their data, this information has been submitted both to the town and state and had not been challenged by either organization. Mr. Hesketh added that they are using the most up to date Trip

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Generation Report. John Holowczak responded that the 5th generation report being referred to was the Parking Generation Manual from ITE, not the 11th addition of the Trip Generation Manual. Mr. Hesketh clarified that the Parking Generation Manual and Trip Generation Manual are not correlated.

Commissioner Wagner commented on Derrick Butler's testimony regarding the difficulty of truck maneuvering. Ben Wheeler responded that as stated before, in prior warehouses and distribution center applications they used similar methods to show truck maneuvering and these approved sites have not experienced issues with truck maneuvering. Commissioner Wagner questioned the turn into Talbot Lane. Ben Wheeler responded that per the town's public improvement specs, this intersection meets the necessary criteria. Mr. Wheeler added when Carla's Pasta's facility was expanded, it was known that the site would utilize tractor trailer trucks known as WB 67s and there was no concern about these being utilized at the facility and making similar movements onto Governor's Highway. Derrick Butler rebutted Ben Wheeler's remarks stating that at the last meeting Design Professional's commented that the truck maneuvering data was based on WB 62 tractor-trailers. Mr. Butler commented that he does see that on the updated site plan they did make changes to accommodate a WB 67, however, Mr. Butler still does not feel this plan would accommodate proper maneuvering for these types of trucks. Scott Hesketh explained that the WB 62 is the current design standard for the State of Connecticut Department of Transportation, which is why he referenced that type of truck at the last meeting. With that said, per the request and comments from the last meeting they reviewed the site using the WB 67 truck model and the plan had been reviewed and updated to accommodate these trucks for both entering and exiting the site. Commissioner Wagner commented that the worst-case scenario would be a tenant using a WB 67s tractor-trailer trucks, however, per Mr. Butler's testimony this size truck would not easily maneuver through the site. Scott Hesketh responded on what he has used for template versus what Mr. Butler used for a template when reviewing the plan and explained why he felt this site could adequately accommodate both a WB 67 and WB 62 tractor-trailer trucks. Ben Wheeler also responded to Derrick Butler's testimony and explained the software that was used by Design Professionals to show how trucks maneuver throughout the site. Additionally, Mr. Wheeler pointed out that Mr. Butler was not using the most up to date site plan, which has added an additional 5 ft. for truck turning in and out of the site on Talbot Lane.

Commissioner Carey questioned Ben Wheeler about the 16 other warehouse applications that he had referenced earlier and asked how many of those applications knew their tenants ahead of an application. Mr. Wheeler responded that of the applications he was involved with, all others had the known tenant beforehand except for 240 Ellington Road. Commissioner Carey questioned how many of the previous applications were located on a cul-de-sac. Mr. Wheeler responded that he was unsure of the precise amount but is aware that FedEx's facility is accessed off a cul-de-sac.

Commissioner Foley questioned John Holowczak about his PowerPoint and the number of employees projected for the site. Mr. Holowczak commented that per the presentation to the Economic Development Commission, there would be approximately 108 truck driver and 300 permanent employees

Chairman Pacekonis questioned Ben Wheeler about logistics of how a tractor-trailer is unloaded on the site. Mr. Wheeler explained that when a truck shows up the trailer would be removed in one of the trailer parking spaces. Chairman Pacekonis asked for further clarification. Mr. Wheeler explained that a truck would back up to the loading dock and if it is not immediately leaving the site, the truck would utilize the tractor trailer parking spaces and drop the trailer and then may pick up another cabin or may just leave the site. Either way the truck would not stay parked with the trailer while it is being unloaded. Chairman Pacekonis questioned the queuing area. Mr. Wheeler commented that the queuing area has an additional 5 ft. of width between and does not have the trailer spaces on the opposite side. Chairman Pacekonis questioned if this space was 75 ft.

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Mr. Wheeler responded that this was correct, 75 feet to accommodate a tractor-trailer. Chairman Pacekonis commented that he wanted to be sure there is adequate maneuvering throughout the entire site. Mr. Wheeler commented that they had run the simulations and the trucks have shown that they can make the necessary maneuvers safely. Chairman Pacekonis and Commissioner Foley both commented on concerns they had with the site being tight for truck maneuvering. Mr. Wheeler commented that Mr. Butler's testimony was based on the old site plan and not the recently submitted site plan. Commissioner Foley, Chairman Pacekonis and Ben Wheeler discussed the updated plan and Mr. Wheeler confirmed that the travel lane is now 5 ft. wider. Scott Hesketh commented on the design for the site and the use of AutoCAD by the design team to review the maneuvering. Commissioner Foley commented that AutoCAD does not typically reflect real life scenarios.

Chairman Pacekonis commented that in the southwest corner of the site trucks used to have an opportunity to back straight up and turn around and questioned how this would now be accomplished now that the curb had been moved for the snow shelf. Ben Wheeler first clarified that the travel lane width in the queuing area island was increased by 5 ft. to 60 ft. Mr. Wheeler responded to Chairman Pacekonis' question, at southern end of the site the striped space had been reduced from a double space to a single space but could still be utilized by drivers by backing into the space and maneuvering back north to the truck court. Chairman Pacekonis commented that this resembles a blind side back in. Mr. Wheeler commented that this would be considered a blind side back in, however, other similar facilities allow blind side back and there have not been concerns previously. Chairman Pacekonis questioned why the striped space was reduced from two spaces to one. Mr. Wheeler responded that they felt one space was sufficient to allow a tractor-trailer to back in to that space. Chairman Pacekonis reiterated that he felt that this was a difficult maneuver and should be two spaces.

Chairman Pacekonis questioned if there was any signage in the southwest corner that would keep the trucks off the rear circulation area. Mr. Wheeler reviewed the sign that states "Emergency Vehicle Only". Chairman Pacekonis questioned why the sign was located at the gate and not at the drive lane. Mr. Wheeler commented that they would be willing to make this change. Chairman Pacekonis questioned the addition of a snow shelf. Mr. Wheeler responded that at the request of Environmental Planner Jeff Folger, there would not be a snow storage area. Chairman Pacekonis clarified that this was because of endangered plants being located in this corner. Chairman Pacekonis asked for a sign that that state "No Snow Storage" in this area. Mr. Wheeler agreed.

Chairman Pacekonis questioned Commissioner Foley about the snow storage plan. Commissioner Foley commented that he did not agree with the snow storage plan and felt there should be chain link fence in the southwest corner near the endangered plants to deter plows from piling snow in this area. Commissioner Foley commented on his other concerns with the plan, such as the plan showing snow piled against the building. Ben Wheeler commented that the Commission asked for a snow storage plan to be shown and they have provided the information and feel they have a comparable plan to other facilities. Chairman Pacekonis commented on the applicant showing an acceptable snow storage plan and felt the snow shelf is small and not adequate.

Chairman Pacekonis questioned if a snow bar to help clear snow off the top of the trucks was shown on the site. Ben Wheeler commented that they currently do not show one on the plan, however, if a future tenant wanted one to be added they would submit a change order to add this to the site. Chairman Pacekonis commented that in a previous meeting he had suggested raising the berm and questioned if the applicant would be raising the berm. Mr. Wheeler responded that the the buffer regulations do not require activity to

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be totally obscured, it just cannot be immediately apparent. Mr. Wheeler added that the field of view would be substantially obscured and he felt the buffer met the intent of the regulations as designed.

Chairman Pacekonis questioned if a sidewalk would be added in the reserve parking area. Mr. Wheeler commented that a sidewalk could be shown in this area, however, based on calculations the likelihood of these reserve parking spaces being built was very low. Chairman Pacekonis discussed the need for safe walkways and sidewalks per the regulations and questioned if the walk way on east side of the building. Mr. Wheeler commented that there is a sidewalk on this side of the building it is raised and curbed. Chairman Pacekonis questioned if the walkways were raised and curbed. Mr. Wheeler commented that the crosswalks are not intended to be raised. Chairman Pacekonis commented on the pedestrian design standards in the regulations. Mr. Wheeler commented that he felt that portion of the regulations was referring to raised sidewalks, not raised crosswalks. Chairman Pacekonis commented that he was still looking for a sidewalk on Governor's Highway, adding he felt that it was important to allow pedestrian to safe access the site. Attorney Connor responded that recreational sidewalks are not needed or required in the industrial zone, particularly when there are no other nearby sidewalks nearby. Attorney Connor commented that per the town's Plan of Conservation and Development, there is a goal of providing pedestrian sidewalks in certain areas, however, this area of South Windsor was not necessarily a high priority area for sidewalks area. Attorney Connor added that the applicant had agreed to grade for a potential sidewalk along Governor's Highway in the event there is a public works project in the future that calls for a connection of additional sidewalk in this area. Chairman Pacekonis reiterated that he felt sidewalks are important in all areas.

Commissioner Wagner questioned if police were willing to put up signs to deter from trucks from turning right on Governor's Highway and could this be enforced. Town Engineer Jeffrey Doolittle responded that he did not think this would be enforceable by the South Windsor Police Department.

Chairman Pacekonis commented that he felt they had received a large amount of paperwork to review but would need an extension from the applicant to allow for more time. The applicant did not offer an extension. Commissioner Foley commented that he felt he had all the information he needed. Commissioner Wagner agreed.

Chairman Pacekonis asked for closing comments.

Intervener Derrick Butler reviewed comments made on the turn ratio for the site. Mr. Butler commented that an additional 5 ft. in the queuing area would still not be adequate in his opinion and that the trucks would still need more space to properly maneuver around the site. Additionally, Mr. Butler still feels this site should be considered a truck terminal.

Attorney Connor commented that the application meets all zoning requirements and submitted a lengthy narrative statement that shows how the site plan complies (Exhibit L). Attorney Connor went on to comment that the applicant has made multiple changes to the plan per the request of the Commission and they have provided extensive expert testimony. Attorney Connor discussed the intervener petition and added that he did not feel the air pollution issues presented were part of the purview of the Commission. Attorney Connor summarized the application, commented that should the Commission try to limit the use of this site, this would be against the intentions of the Planning and Zoning Commission, and cited case law. Attorney Connor commented that the applicant had spent over a year on this application and has willingly made substantial investments to this and has attempted to create a development that is allowed in the I zone. Attorney Connor continued to discuss case law and summarized that he felt there is no other use for this land, especially since it has been zoned industrial for many decades and the applicant is proposing a plan that meets this use.

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Chairman Pacekonis commented on feasible and prudent alternatives and asked if the applicant would be willing to build a smaller building or provide other alternatives. Attorney Connor commented that he did not feel there is a successful intervener petition to show an unreasonable harm to the surrounding environment. Furthermore, the applicant would not entertain a downsized plan or any alternative plan.

Chairman Pacekonis closed the public hearing 11:30pm.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

Chairman Pacekonis did not call the Regular Meeting to order.

1. PZC Sponsored Text Amendment- Add Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing to Article 1 Introductions/Districts.
2. **Appl. 22-01P, 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 (southerly side of Governor's Highway, easterly side of Talbot Lane), I zone (action by 3/17/22)

BONDS: Callings/Reductions/Settings

MINUTES:

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 22-11P, Villa of Lebanon T&C**- request for a two year temporary and conditional permit for the storage of food trailers, on property located at 797 John Fitch Boulevard, GC Zone

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

The meeting adjourned at 11:30 pm

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary