

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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MARCH 22, 2022

MEMBERS PRESENT: Stephanie Dexter, Bart Pacekonis, Alan Cavagnaro, Kevin Foley, Stephen Wagner

ALTERNATES PRESENT: Paul Bernstein, Atif Quraishi, 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

CALL TO ORDER:

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

Chairman Pacekonis seated Alternate Commissioner Bernstein for Commissioner LeBlanc and Alternate Commissioner Carey for Commissioner Vetere.

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

1. **Appl. 22-03P, Kathy Kerrigan** – request for a zoning text change to add language to put in place an immediate one-year Moratorium for the proposal of any on New Warehouse and Distribution Centers to allow for zoning regulation changes to be put in place to address public concerns

Kathy Kerrigan, of 1838 Main Street and 45-year resident of South Windsor, commented that she submitted this text amendment. Ms. Kerrigan reviewed a Power Point to discuss pros and cons of the moratorium and the cumulative effect of warehouse on the South Windsor community (Exhibit A). Ms. Kerrigan commented that she had submitted this text amendment because she cares about her neighborhood and her community and wanted to address the negative effects that have been experienced due to increased number of warehouses in town.

Ms. Kerrigan commented that there has been a dramatic change around South Windsor with many warehouse moving into town over the past few years. With this increase in warehouse and distribution centers there has been a noticeable increase in truck traffic and noise levels. Ms. Kerrigan reviewed some of the questions she has taken into consideration while preparing this presentation. Questions such as, what is the town of South Windsor receiving in exchange for these facilities and how are other towns responding to the increased demand of warehouse centers. Ms. Kerrigan commented that the best way to help answer some these questions would be enact a one-year moratorium to allow time to better understand the impacts of warehouse and distribution centers.

Ms. Kerrigan reviewed one of her primary concerns that caused her to request a text amendment, noise and noise levels. She reviewed a noise level chart that shows the approximate decibels made by various sounds. Ms. Kerrigan commented that sustained sounds above 85 decibels can cause hearing damage and a tractor-trailer truck accelerating can produce 90 decibels. She reviewed health implications caused by high noise levels. Health impacts include hearing loss, high blood pressure and other stress related issues. Ms. Kerrigan discussed the noise increase in her neighborhood and other areas of South Windsor that abut Route 5 and 1-291.

Kathy Kerrigan then reviewed the proposed Talbot Lane project. Ms. Kerrigan commented that the project would negatively affect the surrounding neighborhood. She then commented on an online petition she created in November that suggested a moratorium on warehouses adding that within 72 hours this petition received over 600 signatures from South Windsor residents. This petition was created in direct response to the concerns brought up by the Talbot Lane application.

Ms. Kerrigan then reviewed warehouse in South Windsor that had been approved in the past 13 years. She discussed the history and building details of the seven most recent warehouse and distribution

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centers, Aldi's, FedEx, Mobis, Vistar, Coca Cola, Home Depot and Amazon. Ms. Kerrigan discussed the noticeable change of truck noise and traffic around town once these facilities were built, especially in the Ellington Road area where three warehouse/distribution centers are located. Ms. Kerrigan commented on the cumulative effect of these warehouses have had, citing that the seven above-mentioned facilities total 283 acres of land and 2,247,000 sq. ft. of building space. Ms. Kerrigan commented that currently the Planning and Zoning Commission has a been faced with a heavy workload making it increasingly difficult to thoroughly review and discuss proposed application, especially if the Commission is trying to decide if a project fits in with the town's needs. Ms. Kerrigan added that these warehouse facilities are being built by developers who do not live in South Windsor and have no stake in the town.

Ms. Kerrigan then reviewed the reasons some in South Windsor may be in favor of warehouse development, citing an expanded tax base, jobs provided to the area and promoting the reputation that South Windsor is a friendly place to do business. However, Ms. Kerrigan does not feel these pros should be considered since many of these facilities receive tax abatement and there is no evidence available to show the amount of local jobs that have been produced by these facilities. Ms. Kerrigan reviewed tax abatement information that can be found on the Economic Development Commission's website. Ms. Kerrigan commented that in her opinion, the need to be a developer friendly community has its downfalls. Ms. Kerrigan commented that she feels South Windsor is in a vulnerable state and while it may be an attractive option for developers because of its desirable location with easy access to major highways and a welcoming Economic Development Commission, the negative effects of these facilities ultimately outweigh the positive. Ms. Kerrigan commented further on the lack of data they have received for average number of jobs and type of jobs that are produced by the various warehouse sites.

Ms. Kerrigan then discussed the tractor-trailer truck concerns, specifically, the noise that is created by these trucks. Ms. Kerrigan questioned how this increased traffic would translate into decibels level and how they would affect traffic patterns and pollution. Ms. Kerrigan commented that she felt that the residents of South Windsor are left with many questions and few answers in regards to warehouses and there negative effects. Ms. Kerrigan added that while the town cannot move backwards and change the approved developments, we can press pause and look further at the regulations and potentially get more answers.

Ms. Kerrigan commented why one-year for a moratorium was important citing the large workload of the Commission. Ms. Kerrigan commented on the pressure that the Commission might be feeling at this particular time from developers looking for approvals, Town staff trying to avoid lawsuits and residents trying to protect the town. Ms. Kerrigan commented that the Zoning Regulations were updated in 2007 and since then 85 text changes have been approved. With that said, the industrial regulations have not been looked at in a while and Ms. Kerrigan feels this moratorium would allow the Commission time to discuss goals with the Economic Development Commission and Town Council, have an open discussion with residents and review other town's regulations as well. Ms. Kerrigan discussed items that she feels need to be reviewed in the Industrial section of the Zoning Regulations such as, clear definitions of warehouses, distribution centers and freight terminals, location of facilities, and ratio of land mass to facility size.

Ms. Kerrigan summarized that she felt the situation as turned into a perfect storm. She commented that the town wants to avoid looking unfriendly to these aggressive developers but feels the town tax benefits and job opportunities from these facilities are not readily transparent. Ms. Kerrigan commented that now is an ideal time to take a pause since the Plan of Conservation and Development is expiring and will need to be worked on and the regulations should be looked into at the same time. Ms. Kerrigan added that she

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is also concerned about the upcoming retirement of key staff members and would like the regulations to be worked on while these employees are still active. Ms. Kerrigan commented that since the town has not gotten ahead of the warehouse issue, now is the time for the town to enact moratorium adding that the Economic Development Commission, Town Council, Town Manager and Planning and Zoning need to get on the same page. Ms. Kerrigan reiterated that she does not see the tax benefit of these warehouse as money needs to be spent to improve our roads, pave and re-work traffic patterns that are caused by the traffic from the warehouses. Ms. Kerrigan summarized that she feels warehouses are bad for local economies and the environment.

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe reviewed the Planning Report.

1. This is a request for a zoning text change to add language to put in place an immediate one-year Moratorium for the proposal of any New Warehouse and Distribution Centers to allow for zoning regulation changes to be put in place to address public concerns.
2. Currently, there are no warehouse distribution facility applications- however, if any application were to be filed prior to the effective date of the moratorium, they would be subject to the zoning regulations in place at the time.
3. The Business Development section of the Town Plan has one of its goals to “attract additional business development that is consistent with the character and scale of its surroundings with a strategy to maintain current business zones, with updates”
4. The Capitol Region Council of Governments has reviewed the amendment as required and has offered the follow report:

If this application is approved, I would suggest locating this amendment in Article I, Introductions/Districts and add it as Section 1.5 (similar to how the Housing Moratorium was listed). The PZC shall also make a finding that this amendment is consistent with the POCD and set an effective date for the moratorium.

Lipe stated she had drafted some approval language based on the applicant’s request to distribute to the Commission for consideration at the time of deliberations.

Chairman Pacekonis asked for letters to be read into the record (Exhibit B).

Secretary Wagner read letters in support from Peter Andrews from 80 Cody Circle, Derrick Butler of 596 Governor’s Highway and Dan Turkington and Celyne Kvietkauskas of 90 Beldon Road.

Commissioner Dexter read letters of support from Jim and Helene Clyburn of 35 Cody Circle and Jesse Giammarino of 139 Judy Lane

Secretary Wagner read another letter of support from Jim and Helene Clyburn of 35 Cody Circle.

Chairman Pacekonis asked for public comment.

Jim Clyburn of 35 Cody Circle spoke in favor of the moratorium and discussed his letters in more detail.

John Holowczak of 39 Cody Circle spoke in favor of the moratorium and items that should be considered when addressing the regulations.

Jesse Giammarino of 139 Judy Lane spoke in favor of the moratorium and discussed fire safety concerns.

Virginia Macro of 1828 Main Street spoke in favor of the moratorium.

Steve Grech of 155 Judy Lane spoke in favor of the moratorium.

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Derrick Butler of 596 Governor's Highway spoke in favor of the moratorium.

Richard Delhaie of 95 Cody Circle spoke in favor of the moratorium.

Tim Wentzel of 630 Governor's Highway spoke in favor of the moratorium.

Attorney Evan Seeman with Robinson and Cole of 280 Trumbull Street spoke against the moratorium and brought up a procedural issue stating that the text amendment language had not been posted 10 days prior to the public hearing.

Chairman Pacekonis commented that they would take a ten-minute recess.

Chairman Pacekonis called the meeting back to order.

Commissioner Wagner read the modified wording for the text amendment.

Add Section 1.5 Moratorium on New Truck and Freight Terminals and Warehouses and Distribution Centers to Article 1 Introductions/Districts

The Planning and Zoning Commission hereby declares an immediate moratorium on all applications for, and approval of, new truck and freight terminals and warehouse/distribution centers throughout the Town so the Commission can pause to fairly assess and revise its regulations, in keeping with the goals in the town's Plan for Conservation and Development, to address the impacts of new warehouse/distribution centers and freight terminals.

Items to be reviewed include but are not limited to:

- Restrictions on the size of new buildings (acreage, square feet)
- Restrictions on "bundling" adjacent properties for development
- Enhanced buffers for residential areas abutting both commercial and industrial lands
- More stringent visual and sound barrier requirements for new developments
- A review of (and possible upgrade to) current traffic and noise standards (adopted through State statutes) and their application to trucks and trucking companies
- Clear definition of warehouses, distribution facilities and freight terminals;
- Quality, state-of-the-art traffic and noise studies provided by objective third parties
- Current best practices for noise abatement/reduction

The expiration date of this moratorium shall not exceed 12 months from the effective date of adoption unless extended by the Planning and Zoning Commission.

Commissioner Wagner questioned the petition that Kathy Kerrigan mentioned during her presentation. Kathy Kerrigan explained that she emailed a petition to some of her neighbors back in November and the petition received large community support via social media and had over 600 signatures within 72 hours.

Commissioner Wagner commented on the job of the Commission is to work in the best interest of town. Commissioner Wagner added that the Commission needs to determine how they would like to see economic development in town moving forward. Commissioner Wagner commented that he does acknowledge a noise issue with tractor-trailer trucks, particularly in the area of Main Street. Commissioner Wagner gave an example of experiencing noise issues while campaigning and speaking with neighbors in the Main Street area. Commissioner Wagner added that the tractor-trailer noise issue in town is a major concern, however, it is difficult to control with current state and local noise and idling ordinances. Commissioner Wagner commented that he appreciated the input regarding the fire control concerns of a warehouse.

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Commissioner Cavagnaro discussed items for deliberation for the moratorium, specifically what other towns and areas of the country have done in regards to warehouses (Exhibit C). Commissioner Cavagnaro that these are helpful examples to take into consideration when the Commission looks into updating their regulations. Commissioner Cavagnaro added that with the increase of warehouses moving into town it is important to protect the citizens of South Windsor as well.

Commissioner Bernstein commented on the text amendment and the need for clear definitions for warehouse, distribution centers and freight terminals. Commissioner Bernstein added that he was concerned about the current language. Chairman Pacekonis commented that some of the work for the Commission would include adding clear definitions in the regulations. Director of Planning Michele Lipe added that in regulations, all applicants must use the use table list and if a use is not listed then the applicant must use the most similar use. Therefore, an applicant proposing a facility similar to a warehouse, the use would fall under a warehouse and the moratorium would still be considered for this application. Commissioner Bernstein commented on Commissioner Cavagnaro's document and said there appears to be five Connecticut towns that are currently or have recently discussed the issues of warehouses. Commissioner Bernstein questioned if there is currently a best practices. Ms. Lipe responded that she was unsure at this, however, this can be researched during the moratorium. Commissioner Bernstein commented that he had been researching a similar issue to Talbot Lane, large industrial land abutting primarily residential land. Commissioner Bernstein added that during his research he discovered that 20 years ago there was a zone that served as a buffer between industrial and residential and perhaps reinstating this zone may help provide a better option.

Commissioner Wagner commented on the use table language.

Michele Lipe clarified that the soonest they could host another a public hearing would be April 5, 2022.

Commissioner Wagner motioned to continue the public hearing to April 5, 2022.

Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

1. **Appl. 22-03P, Kathy Kerrigan** – request for a zoning text change to add language to put in place an immediate one-year Moratorium for the proposal of any on New Warehouse and Distribution Centers to allow for zoning regulation changes to be put in place to address public concerns

The public hearing was continued for this item.

BONDS: Callings/Reductions/Settings

Subdivision Bond

Appl. 20-04P Chestnut Ridge Subdivision Bond in the amount of \$856,111 reduced by \$423,370 to leave a balance of \$432,741

Commissioner Cavagnaro motioned to reduce the above mentioned bond.

Commissioner Wagner seconded the motion. Chairman Pacekonis clarified the need for the reduction. Michele Lipe explained. The motion passed unanimously.

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MINUTES: 3/8/22- Chairman Pacekonis commented to update Derrick Butler's name in the minutes. The minutes were accepted by consensus.

OLD BUSINESS:

Director of Planning Michele Lipe commented on signage being put up on the corner of Sullivan Ave and Route 5 for the town and distributed renderings for this proposed sign.

Additionally, there was a change order for Goddard School submitted that showed a new elevation. Ms. Lipe reviewed this new elevation.

Ms. Lipe commented that the town's farmers market would like to allow vendors to have beer tasting from local breweries and would like permission for this as part of current of their current temporary and conditional approval. Commissioner Wagner confirmed that they would also be selling these beers and the tasting would be to sample the beer prior to purchase.

Commissioner Bernstein commented on the housing moratorium process. Chairman Pacekonis and Director of Planning Michele Lipe commented that this item would be discussed further at the April 19, 2022 meeting.

Chairman Pacekonis commented that former resident Robert Dickinson had reached out and offered some proposed language that mirrors Windsor's language regarding multiuse paths.

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 22-12P, J.E. Shepard Company**– request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow a modular office at 185 Governor's Highway, I zone
2. **Appl. 22-13P, J.E. Shepard Company**– request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow an office for the 'Inspiration House Publishers' at 1865 Main Street, A-40 zone
3. **Appl. 22-14P, J.E. Shepard Company**– request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow two apartments, known as 'Home Farm Apartments', on property located at 176 Windsorville Road, RR zone

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourned.

Commissioner Carey seconded the motion.

The meeting adjourned at 9:10 pm

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary