

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-1-

APRIL 5, 2022

MEMBERS PRESENT: Stephanie Dexter, Bart Pacekonis, Alan Cavagnaro, Kevin Foley, Michael LeBlanc, Bob Vetere

ALTERNATES PRESENT: Paul Bernstein (sat for Stephen Wagner), Carolyn Carey

STAFF PRESENT: Michele Lipe, Director of Planning; Michael Lehmann; IT Support; Marek Kozikowski, Council Liaison

PLEDGE OF ALLEGIANCE

CALL TO ORDER:

Commissioner Dexter read the legal notice posted in the Journal Inquirer.

Chairman Pacekonis seated Alternate Commissioner Bernstein for Commissioner Wagner.

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

- 1. Appl. 22-03P, Kathy Kerrigan** – request for a zoning text amendment to add Section 1.5 Moratorium on New Truck and Freight Terminals and Warehouse and Distribution Centers to Article 1 to put in place an immediate one-year Moratorium for the proposal of any new Truck and Freight Terminal and Warehouse and Distribution Centers to allow for zoning regulation changes to be put in place to address public concerns (continued from 3/22/22; revised to include Truck and Freight Terminals)

Kathy Kerrigan of 1838 Main Street reviewed the time line of her proposed text amendment (Exhibit A). Ms. Kerrigan first drafted her text amendment in December of 2021 and then formerly submitted the text amendment and application in January of 2022. The public hearing for Ms. Kerrigan’s text amendment was heard at the March 22, 2022 meeting, however, due to an issue raised of filing timeline, the public hearing had been kept open until this evening. Ms. Kerrigan added that during this period an application had been submitted to the Inland Wetlands Commission for a new warehouse and distribution center on the corner of Kennedy Road and Sullivan Avenue. Ms. Kerrigan discussed her frustrations with the process.

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe commented that an updated draft of the text to include Freight Terminals and Truck had been provided to the Planning and Zoning Commission and was filed in the Town Clerk’s Office, on the town website and a legal notice was published.

Chairman Pacekonis asked for public comment in favor of the text amendment.

Richard Delhaie of 95 Cody Circle commented in support of the amendment and expressed concern regarding the text amendment process of filing in the Town Clerk’s office and the delay that was caused at the previous public hearing. Director of Planning Michele Lipe explained the filing process and discussed why it was in the Town’s best interest to legally keep the public hearing open.

David Raymond of 1837 Main Street spoke in favor of the moratorium.

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

Commissioner Dexter read a letter of support from Linda Dalpe of 1090 Main Street.

Commissioner Vetere read another letter of support from Wayne Botha of 720 Governor’s Highway.

Chairman Pacekonis asked for public comment against the text or with questions.

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-2-

APRIL 5, 2022

Commissioner Dexter read a letter against the amendment from Brian Faraci.

Tim Wentzel of 630 Governor's Highway spoke in favor of the moratorium and questioned the 15-day effective period for the text amendment. Michele Lipe explained that the 15-day effective date is the appeal period and this appeal period begins once the legal notice of action is published.

Chairman Pacekonis asked for Commission comments.

Commissioner Bernstein spoke in favor of the moratorium. Commissioner Bernstein questioned if there was any way to move the text amendment forward faster. Commissioner Bernstein added that he felt similar feelings as the recently approved housing moratorium, should the Commission approve this text amendment, he would like to see established meetings dates to designate the process in a timely fashion.

Commissioner Cavagnaro spoke in favor of the moratorium and further discussed how other towns have approached similar warehouse issues and moratoriums. Commissioner Cavagnaro commented that a common theme he noticed in his review was that most towns established an ad-hoc committee or a subcommittee to the Planning & Zoning Commission to discuss warehouses moving forward.

Commissioner Cavagnaro added that he would suggest a subcommittee that consisted of three Planning & Zoning Commission members, one member from the Economic Development Commission, one member of Town Council, one staff member from the Planning Department and three citizen appointed positions. Commissioner Cavagnaro added that the two of the citizen appointed positions should be citizens that live within 4,000 feet of an industrial zone. Commissioner Cavagnaro commented that suggested items to be considered when looking at the regulations for the Industrial zone would be increasing the buffer size, requiring health risk assessment, traffic impact studies and acoustical studies and air quality studies for warehouse applications of a certain square footage should be mandatory.

Commissioner LeBlanc spoke in favor of the moratorium. Commissioner LeBlanc commented that he did feel the regulations needed work to better reflect the needs of South Windsor as development continues.

Commissioner Foley spoke in favor of the moratorium and questioned the 15-day appeal period. Michele Lipe commented that a legal notice makes an application effective and discussed the ramifications of not providing a 15-day appeal period. Commissioner Foley suggested that the Commission have legal counsel available at more of their meetings like Town Council. Ms. Lipe commented that she did speak with the Town Attorney ahead of the meeting and confirmed that the Town Attorney agreed with the necessity of the 15-day appeal period.

Commissioner Dexter commented that she was unaware that a decision like the one in front of them would be subject to legal action. Michele Lipe commented that every application is subject to an appeal.

Commissioner Vetere commented that as an Attorney, Michele Lipe was correct on her understanding of the appeal period. Commissioner Vetere commented that he did not have a strong opinion on the moratorium but would hope a moratorium would allow the Commission more time to work on regulations. He added that the Commission has discussed making updates and he is ready for the work to begin.

Commissioner Carey spoke in favor of the moratorium. Commissioner Carey commented that per last week's presentation, she found it interesting the size of warehouses being built in town were increasing in square footage but the parcel sizes were not necessarily larger.

Chairman Pacekonis and Michele Lipe discussed the potential warehouse application that they anticipate receiving before the effective date of the moratorium. Chairman Pacekonis clarified for the record the

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-3-

APRIL 5, 2022

process of an application being submitted during the appeal period being subject to the current regulations at that time.

With no further comments from the applicant, staff, Commissioners or the public, Chairman Pacekonis closed the public hearing at 7:36pm.

SPECIAL MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

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

1. **Appl. 22-03P, Kathy Kerrigan** – request for a zoning text amendment to add Section 1.5 Moratorium on New Truck and Freight Terminals and Warehouse and Distribution Centers to Article 1 to put in place an immediate one-year Moratorium for the proposal of any new Truck and Freight Terminal and Warehouse and Distribution Centers to allow for zoning regulation changes to be put in place to address public concerns (continued from 3/22/22; revised to include Truck and Freight Terminals)

Commissioner Bernstein commented that he did feel this moratorium would be in the best interest of the town.

Commissioner Dexter discussed why she does not see the economic value of more warehouses in town and would support the moratorium.

Chairman Pacekonis reminded the Commission that the vote for this text amendment should be based on the Zoning Regulations.

Commissioner LeBlanc commented that his main concern is to have South Windsor continue to develop in the best direction possible.

Commissioner Cavagnaro made a motion to approve the following 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

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

-4-

APRIL 5, 2022

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.

No application will be accepted or heard by the Planning and Zoning Commission, and no approvals will be given by the Planning and Zoning Commission for new warehouse and distribution centers during this period.

Chairman Pacekonis questioned if Commissioner Cavagnaro found that the text was in conformance with the Plan of Conservation and Development. Commissioner Cavagnaro stated he agreed, the amendment was in support of the Plan of Conservation and Development. Commissioner Vetere commented that the last paragraph should include “truck and freight terminals”. Commissioner Cavagnaro agreed to the friendly amendment. Commissioner Bernstein seconded the motion. Director of Planning Michele Lipe commented that they need to add an effective date.

Commissioner Foley commented that he did not want to jeopardize the application, therefore, would agree to the 15-day appeal period. Michele Lipe clarified that the 15-days would start once the text amendment was published in the Journal Inquirer. Commissioner Cavagnaro agreed to an effective date of April 24, 2022, which would be 15-days following the publication in the Journal Inquirer. Commissioner Dexter questioned if the effective date could be earlier by posting the legal notice in the Journal Inquirer on Thursday, April 7 instead of Saturday, April 9. Michele Lipe commented that the legal notice for the decision would be posted on Thursday, April 7, 2022 and therefore the effective date would be April 22, 2022. Commissioner Cavagnaro agreed to the April 22, 2022 effective date.

Chairman Bernstein seconded the motion, however, requested the Director of Planning contact the Town Attorney to verify the effective date requirement.

Chairman Pacekonis commented that they would take a ten-minute recess for the Director of Planning to contact the Town Attorney.

Chairman Pacekonis called the meeting back to order at 8 PM.

Director of Planning Michele Lipe commented that she spoke with Town Attorney Kari Olson and confirmed the necessity of the appeal period and the effective date of the text amendment must occur 15 days after the legal notice publication date. In this case, a legal notice could be published Thursday April 7, 2022 with an effective date of April 22, 2022.

Chairman Pacekonis called the motion. The motion passed unanimously.

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourn.

Commissioner Vetere seconded the motion.

The meeting adjourned at 8:02 pm

Respectfully Submitted,

Michele Lipe, Director of Planning