

Memo

To: Betty Warren, Chair, Inland Wetlands Agency/Conservation Commission

From: Barry Guliano, Town Attorney

Date: 02/20/02

Re: CGS Section 22a-19: Intervention Process

The Inland Wetlands Agency/Conservation Commission should take the following steps when it has received a Section 22a-19 intervention notice.

1. Determine whether the party is an appropriate party to intervene.
2. Determine whether the proposed intervenor has filed a "verified" pleading (subscribed and sworn to under oath), and alleges claims consistent with the language of Section 22a-19.
3. Determine whether the pleading alleges claims within the Commission's scope of jurisdiction.
4. Limit the intervenor to the environmental claims raised in his/her pleading within the jurisdictional framework of the Commission.
5. Based upon the record, make a finding as to whether the proposed conduct will cause the unreasonable pollution, impairment or destruction of the air, water or other natural resources of the State (*only those resources within the Commission's jurisdiction*).
6. If the Commission finds that the proposed conduct will result in unreasonable pollution, impairment or destruction, based upon the record, make a finding as to whether a feasible and prudent alternative exists which is consistent with the "reasonable requirements of the public health, safety and welfare."

CGS Section 22a-19

Sec. 22a-19. Administrative proceedings. (a)(1) In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law, the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

(2) The verified pleading shall contain specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment or destruction of the public trust in air, water or other natural resources of the state and should be sufficient to allow the reviewing authority to determine from the verified pleading whether the intervention implicates an issue within the reviewing authority's jurisdiction. For purposes of this section, "reviewing authority" means the board, commission or other decision-making authority in any administrative, licensing or other proceeding or the court in any judicial review.

(b) In any administrative, licensing or other proceeding, the agency shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect as long as, considering all relevant surrounding circumstances and factors, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

Lipe, Michele

To: Maniscalco, Michael
Subject: RE: Through Truck Prohibitions

From: Kari L. Olson <KOLSON@murthalaw.com>
Sent: Tuesday, December 29, 2020 12:56 PM
To: Maniscalco, Michael <Michael.Maniscalco@southwindsor-ct.gov>
Subject: Through Truck Prohibitions

As of October 2011, the authority to create limited access roads was given to OSTA. Note that Towns cannot control through truck traffic by local ordinance. Also, any truck with a destination within the town is deemed to not be a "thru truck." This means, by definition, the trucks from the warehouses we discussed would not be prohibited by a thru truck prohibition anyway. While a town can restrict truck use on wholly local roads that start and end within the Town based upon weight class, none of the roads you referenced would seem to qualify and if the ordinance basically results in a de facto prohibition on through trucks, it will be void.

If there is interest, you could take the issue to OSTA and let them decide. Please see below. This is from their website.

Through Truck Prohibitions

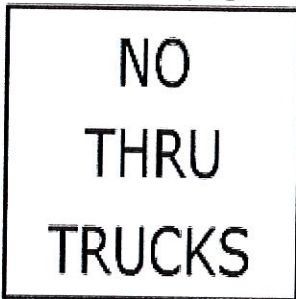
Section 14-298 of the General Statutes of Connecticut (CGS) grants authority to the Office of the State Traffic Administration (OSTA) to prohibit through truck traffic of streets and highways within the limits of and under the jurisdiction of any city, town or borough within Connecticut for the protection and safety of the public.

Approved No Through Truck Routes Statewide

Requests for through truck prohibitions must be submitted from each Local Traffic Authority (LTA) from all municipalities along the requested route to the Executive Director of the OSTA for review and consideration. See "Through Truck Prohibition Investigations" below for more information.

Local Traffic Authority List

Sections of streets and highways where through truck traffic is prohibited is only identified by the following black and white regulatory sign:



A "Thru Truck" is a truck which travels from a point outside of the limits of a city, town, or borough in Connecticut through such city, town, or borough without any scheduled stop in such locality. Any truck originating or having a destination within a city, town, or borough where any through truck prohibition has been established is not subject to such prohibition within that city, town, or borough where the truck originates or has a destination within.

Information Regarding "No Truck" Prohibitions



The No Trucks symbol sign and the "No Trucks" text sign are more restrictive than a through trucks prohibition. The No Trucks sign prohibits, in addition to tractor-trailers, delivery vehicles (i.e. package/moving, oil, propane, etc.) and personally/commercially owned trucks from use on the segment of street or highway for which the signs are posted. There are no exceptions to this restriction.



The definition of a truck was established by Section 14-1 of the CGS, as follows:

"(94) 'Truck' means a motor vehicle designed, used or maintained primarily for the transportation of property."

Through Truck Prohibition Investigations

Once a formal request for a through truck prohibition has been made from an LTA to the OSTA, an investigation is conducted. The initial part of the investigation is to determine if the street or highway is geographically located such that it could be utilized as a through truck route. If it is, then a study is conducted to determine if through trucks should be prohibited for the protection and safety of the public. This includes field measurements of the width of the street or highway, number and severity of curves and grades, sight line restrictions, roadside character and development, number and character of intersecting streets and highways, traffic control devices, volume and character of traffic, and established speed limits.

If the investigation indicates that the street or highway may not be adequate for through trucks, then a reasonable alternate route must be available before a through truck prohibition will be pursued. If a prohibition were enacted without a more acceptable route, trucks would be forced to utilize other streets and highways that are less suitable.

After the study has been completed, the city/town's LTA (or authorities if there is more than one city/town) are contacted regarding the findings. All cities and towns effected must be in agreement before a through truck prohibition can be enacted, but a through truck prohibition can be denied without city/town agreement.

Truck Prohibitions by Weight Class Ordinance

Trucks may be prohibited by weight class on city/town-maintained roads by a town ordinance. In such cases, signs bearing the legend "NO THRU TRUCKS" or "THRU TRUCKS PROHIBITED" shall **not** be used.

A city/town may not enact any ordinances precluding trucks from local roads if they become de facto through truck prohibitions. The local road must meet the following criteria to ensure a de facto through truck prohibition would not be created by enactment of such an ordinance:

- Roadway must be located geographically such that it is not a viable through truck route.
- Roadway must be town owned along the entire length.
- No portion of roadway may be a state highway.
- Limited access highway ramp must not connect along any segment of roadway.
- Entire roadway must be located within the city/town limits.

To limit truck traffic on local roadways, towns may install a **sub-plate** with the legend "Exempt Delivery Or Service on This Street" underneath the weight limit sign. This would effectively prohibit local trucks from using the roadway, unless they have a scheduled delivery or service on said roadway.

City/Town officials should act cautiously when enacting such ordinances, because trucks may be diverted to less suitable roads.

For further information, please contact:

Office of the State Traffic Administration

Phone: (860) 594-3020

Fax: (860) 594-2552

Email: DOT.OSTA@ct.gov

KARI L. OLSON | PARTNER

Direct: 860-240-6085 | Fax: 860-240-5885 | Mobile: 860-808-8267 | kolson@murthalaw.com

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Murtha Cullina LLP | Attorneys at Law | www.murthalaw.com

280 Trumbull Street | Hartford | CT | 06103-3509

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EXHIBIT A

ARTICLE III. - NOISE CONTROL

Sec. 50-61. - Purpose of article.

The policy of the state under C.G.S. § 22a-67 is to promote an environment free from noise that jeopardizes the health and welfare of the citizens of the state. To that end, the purpose of this article is to establish a means for effective enforcement of a noise pollution standard. Further, the state legislature has found, and the town council finds and declares that:

- (1) Excessive noise is a serious hazard to the health, welfare and quality of life of the citizens of the state and the town.
- (2) Exposure to certain levels of noise can result in physiological, psychological and economic damage.
- (3) A substantial body of science and technology exists by which excessive noise may be substantially abated.
- (4) The primary responsibility for control of noise rests with the state and towns.
- (5) Each person has a right to an environment free from excessive noise that may jeopardize his health, safety or welfare.

(Ord. No. 145, § 1, 12-15-97)

Sec. 50-62. - Penalty for violation of article.

Any person or business violating any of the provisions of this article shall be deemed guilty of a municipal violation and punished as provided in section 1-12.

(Ord. No. 145, § 7, 12-15-97)

Sec. 50-63. - Effect of more stringent zoning regulations.

All provisions of the zoning regulations of the town which are more stringent than those set forth in this article, shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional or superceded by any state law or regulation, this article shall not thereby be invalidated, and the remainder of the article shall continue in effect.

(Ord. No. 145, § 8, 12-15-97)

Sec. 50-64. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Background noise means noise which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Daytime hours means the hours between 7:00 a.m. and 8:00 p.m. on every day but Sunday and the hours of 9:00 a.m. through 8:00 p.m. on Sundays.

Decibel means a unit of measurement of the sound level.

Impulse noise means a sound of short duration, usually less than one second, with an abrupt onset

and rapid decay, where such sound is not repetitive.

Nighttime hours means the hours between 8:00 p.m. and 7:00 a.m. each day from Sunday evening through Saturday morning except that night shall mean the hours between 8:00 p.m. Saturday and 9:00 a.m. Sunday.

Noise control officer means the individual so designated by the town manager as the person responsible to enforce this article and report to the town manager regarding violations and/or noncompliance with this article.

Noise level means the sound pressure level measured with a sound level meter using the A-weighting network. The level so read is designated dBa(A) or dBA.

(Ord. No. 145, § 2, 12-15-97)

Cross reference— Definitions generally, § 1-2.

Sec. 50-65. - Performance standards.

It shall be the responsibility of the designated noise control officer to enforce all aspects of this article, including the following:

- (1) No noise shall be emitted beyond the boundaries of a lot or parcel in excess of the noise levels established in this article;

- (2) Noise emitted from commercial and industrial zones beyond the boundary of the lot or parcel shall not exceed the levels stated in the following table to the respective adjacent residential, commercial or industrial zones:

Emitter's Zone	Receptor's Zone			
	Industrial	Commercial	Residential/ Day	Residential/ Night
Commercial:	62dBA	62dBA	55dBA	45dBA
Industrial:	70dBA	66dBA	61dBA	51dBA

The above levels represent the current levels adopted by the state. If the state changes its levels in the future, the levels of this article will automatically be changed to correspond with the new state levels. Measurements shall be taken at several different points located beyond the boundary of the emitter's lot or parcel in various locations throughout the receptor parcel or parcels in an attempt to locate the loudest noise level emitted;

- (3)

High background noise levels and impulse noises are those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained in this section. A source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5dBA, provided that no source subject to the provisions of this article shall emit noise in excess of 80dBA at any time; and provided that this section does not decrease the permissible levels of other sections of this article. Further, no impulse noise shall be caused or allowed in excess of 80dBA peak sound pressure level during the nighttime hours to any residential zone or use and the emission of impulse noise shall not be caused or allowed in excess of 100dBA peak sound pressure level at any time to any zone or use; and

- (4) Exclusions and exceptions shall be in accordance with regulations of the state department of environmental protection, C.G.S. §§ 22a-69-1.7, 22a-69-1.8.

(Ord. No. 145, § 3, 12-15-97)

Sec. 50-66. - Specific prohibitions.

The operation of lawnmowers, leaf blowers, snow blowers, tractors, chain saws or other machinery powered by an internal combustion engine is prohibited between the hours of 8:00 p.m. and 8:00 a.m., except during the 24-hour period immediately following a snowfall or other weather-related emergency.

(Ord. No. 145, § 4(a), 12-15-97)

Sec. 50-67. - Exempted activities and uses.

The following activities and uses shall be exempt from this article:

- (1) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency; and
- (2) Noises emanating from municipal vehicles, such as snow plows, garbage trucks, emergency road trucks and other emergency vehicles.

(Ord. No. 145, § 4(b), 12-15-97)

Sec. 50-68. - Determination of offense.

The standards which shall be considered by the noise control officer in determining whether a violation of this article exists shall include, but shall not be limited to, the following:

- (1) The level of noise;
- (2) Whether the origin of the noise is natural or unnatural;
- (3) The background noise level, if any;
- (4) The zoning of the area from which the noise is emitted and the zoning of the area within which the noise is received;
- (5) The time of day or night the noise occurs;
- (6) The duration of the noise; and
- (7) The day of the week, or holiday, on which the noise occurs.

(Ord. No. 145, § 5, 12-15-97)

Sec. 50-69. - Temporary variance from article provisions.

EXHIBIT A

- (a) *Application; contents.* Any person residing or doing business in the town may apply to the town manager for a temporary variance from one or more of the provisions of this article if they are more stringent than the state department of environmental protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the town manager at least 20 days prior to the date of the activity:
- (1) The location and nature of activity;
 - (2) The time period and hours of operation of the activity;
 - (3) The nature and intensity of the noise that will be generated;
 - (4) A plan to be implemented which will correct the noise problem requiring the temporary variance; and
 - (5) Any other information required by the town manager.
- (b) *Conditions for issuance.* No variance from this article shall be issued unless it has been demonstrated that:
- (1) The proposed activity will not violate any provisions of the state department of environmental protection regulations;
 - (2) The noise levels generated by the proposed activity will not constitute danger to the public health; and
 - (3) Compliance with this article constitutes an unreasonable hardship on the applicant.
- (c) *Review; approval or rejection.* The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
- (d) *Failure to rule.* Failure to rule on the application in the designated time shall constitute approval of the temporary variance.

(Ord. No. 145, § 6, 12-15-97)

Secs. 50-70—50-90. - Reserved.

Sec. 1-12. - General penalty.

- (a) Whenever in this Code or any other ordinance of the town, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding \$99.00. Each day any such violation shall continue shall constitute a separate offense.
- (b) The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful condition by the town.

State law reference— Penalty limitation, C.G.S. § 7-148(c)(10)(A).

Regulations of Connecticut State Agencies

Sec. 22a-69-1.7. Exclusions

These Regulations shall not apply to:

- (a) Sound generated by natural phenomena, including, but not limited to, wind, storms, insects, amphibious creatures, birds, and water flowing in its natural course.
- (b) The unamplified sounding of the human voice.
- (c) The unamplified sound made by any wild or domestic animal.
- (d) Sound created by bells, carillons, or chimes associated with specific religious observances.
- (e) Sound created by a public emergency sound signal attached to an authorized emergency vehicle in the immediate act of responding to an emergency, as authorized by subsection (d) of Section 14.80 and Section 14-1a of Chapter 246 of the General Statutes and all amendments thereto, or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.
- (f) Sound created by safety and protective devices.
- (g) Farming equipment or farming activity.
- (h) Back-up alarms required by OSHA or other State or Federal safety regulations.
- (i) Sound created by any mobile source of noise. Mobile sources of noise shall include, but are not limited to, such sources as aircraft, automobiles, trucks, and boats. This exclusion shall cease to apply when a mobile source of noise has maneuvered into position at the loading dock, or similar facility, has turned off its engine and ancillary equipment, and has begun the physical process of removing the contents of the vehicle.

(Effective June 15, 1978)

Regulations of Connecticut State Agencies

Sec. 22a-69-1.8. Exemptions

Exempted from these Regulations are:

- (a) Conditions caused by natural phenomena, strike, riot, catastrophe, or other condition over which the apparent violator has no control.
- (b) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (c) Noises created by snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.
- (d) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.
- (e) Noise created by the use of property for purposes of conducting speed or endurance events involving motor vehicles shall be exempted but such exemption is effective only during the specific period(s) of time within which such use is authorized by the political subdivision or governmental entity having lawful jurisdiction to sanction such use.
- (f) Noise created as a result of, or relating to, an emergency.
- (g) Construction noise.
- (h) Noise created by blasting other than that conducted in connection with construction activities shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- (i) Noise created by on-site recreational or sporting activity which is sanctioned by the state or local government provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- (j) Patriotic or public celebrations not extending longer than one calendar day.
- (k) Noise created by aircraft, or aircraft propulsion components designed for or utilized in the development of aircraft, under test conditions.
- (l) Noise created by products undergoing test, where one of the primary purposes of the test is evaluation of product noise characteristics and where practical noise control measures have been taken.
- (m) Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical powers, telephone, cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.

(Effective June 15, 1978)

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Amazon delivery hub a 'freight terminal,' say zoning officials



SLIDE 1 OF 3

The 250,000-square-foot Victory Station industrial building at 22801 Eighth St. E. near Sonoma, seen here on June 6, 2019, was completed early that year. (Courtesy of Cushman & Wakefield)



CHRISTIAN KALLEN

INDEX-TRIBUNE STAFF WRITER

February 22, 2021

Order Article Reprint

A proposed Amazon delivery hub outside Sonoma is a freight terminal and not a storage facility, an influential county panel ruled this month, a critical distinction that could subject the sprawling warehouse to a lengthy environmental review process.

The county Board of Zoning Adjustments upheld an appeal challenging the use permit granted for the Schellville building in January 2020 by Permit Sonoma, an agency that oversees development and land use planning in unincorporated areas of the county.

At the very least, the board's decision will delay final county approval for the 250,000-square foot warehouse to operate as a "last-mile" delivery hub for the online retail giant. It may place the building's proposed usage on a course for review under the California Environmental Quality Act, a potentially lengthy and demanding process.

The Victory Station warehouse and shipping facility, built by Bay Area developer Jose McNeill, has been vacant since its construction in 2018. It was proposed, planned and permitted as a winery storage and distribution location at the time.

Last May, Amazon filed a building permit to make interior tenant improvements at the Eighth Street East building and McNeill Real Estate Services sought a permit to develop an adjacent 3.5-acre lot for delivery van usage.

RELATED STORIES

EXHIBIT B

What is happening with
Amazon's planned Sonoma
warehouse?

Amazon plans 617,000sf
Solano fulfillment center

Office subleases rise in Napa
as large e-tailers snap up
warehouses

Amazon's interest in converting the facility into a regional hub is consistent with its last-mile delivery model. Packages are sent to these hubs from larger regional facilities, then sorted and delivered to local consumers in 20-foot-long delivery vans, as described in the Permit Sonoma project description.

Amazon has similar although larger shipping hubs in Vacaville — one opened in 2014 and another is currently under construction. Yet another is being built in Napa County, where the company's 58-acre portion of a development at Napa Logistics Park in American Canyon includes parking for 1,170 delivery vans and 409 employee vehicles.

The company told the North Bay Business Journal in November it has over 175 fulfillment centers across the globe and more than 110 in North America.

To streamline the opening of the Schellville facility, Amazon sought to apply the use permit for the warehouse at Victory Station and add a new parking lot on a 3.5-acre lot it leased next door.

Project managers began remodeling the warehouse last year, prior to approval of the permit, activity that was halted by county officials in July with a stop-work order.

Norman Gilroy and Kathy Pons, who represent neighborhood watchdog groups Mobilize Sonoma and the Valley of the Moon Alliance, respectively, have objected to the proposed use by Amazon, arguing that it exceeds the "scale of uses on which the (project's) original permit approvals were predicated."

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In July, the Sonoma Valley Citizens Advisory Commission agreed with Gilroy and Pons that the expanded use of the property, including the new 250-space parking lot, should be regarded as "a single conjoined proposal and not as separate 'piecemealed' components."

A supervising planner with Permit Sonoma, Blake Hillegas, sent developer McNeill a July 29 letter that said, in part, "the County is required to evaluate the whole of the project under CEQA guidelines. ... A single application for the whole of the project, including Amazon as the tenant is required."

The following month, Permit Sonoma determined that Amazon's plans for the building was consistent with permitted uses and did not require a use permit. In September, Gilroy and Pons formally appealed the August zoning determination, which placed the issue before the Board of Zoning Adjustments.

In the staff report for the Feb. 11 meeting, the combined project was described by Permit Sonoma as a "permitted heavy commercial use for which storage and commercial transportation facilities are necessary and usual to the operation."

But Gilroy said that new county definitions of "truck/bus/freight terminals" are a more accurate description of Amazon's proposed operation than its initial designation as a storage facility.

"The definition of a freight terminal in the new code clearly fits what we know of the Amazon proposal, which is neither a wine warehouse nor a storage facility for large and heavy merchandise," Gilroy said in an email statement. "But rather (it) is a transfer terminal."

And, argued Gilroy, since trucking and truck storage would be the primary function of the facility, the "truck terminal" category would be a better for what Amazon proposed.

The new definition of a "truck/bus/freight terminal" in the county zoning code was approved by the Board of Supervisors on Feb. 2 and takes effect in March.

Valley of the Moon Alliance member Roger Peters suggested it was clearly appropriate to the proposed Amazon facility, as the new code characterization includes "freight, forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, trucking facilities including transfer and storage, repair services for trucks using the facility."

That definition was recognized by the Board of Zoning Adjustments as appropriate to the proposed Amazon facility. On a 3-2 vote, the board sided with Gilroy and Pons and ruled that a conditional use permit is needed for the project to move forward, which could be subject to CEQA review.

Contact Christian at christian.kallen@sonomanews.com.

MOST POPULAR

244 A.2d 372 (Conn. 1968), O'Neill v. Carolina Freight Carriers Corp. /**/ div.c1 {text-align:center} /**/

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244 A.2d 372 (Conn. 1968)

156 Conn. 613

Victoria E. O'NEILL et al.

v.

CAROLINA FREIGHT CARRIERS CORPORATION.

Supreme Court of Connecticut.

July 2, 1968

William W. Sprague, Hartford, with whom was John R. FitzGerald, Hartford, for appellant (defendant).

Norris L. O'Neill, Hartford, for appellees (plaintiffs).

Before KING, C.J., and ALCORN, HOUSE, COTTER and THIM, JJ.

[156 Conn. 614] HOUSE, Associate Justice.

This is an appeal by the defendant from a judgment which, by injunction, regulated the use and operation of its truck terminal, which is on the westerly side of route 5 in an industrial zone in East Windsor.

The finding is not subject to correction in any respect which would be of material advantage to the defendant. The terminal

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was constructed and has been in operation since July, 1964. The use is one permitted in the industrial zone. The plaintiffs, Victoria and Maurice O'Neill, own and occupy a residence on premises immediately north of the terminal. They purchased the property in June, 1962. Although the residential use of premises within the industrial zone has not been permitted since 1960, the plaintiffs' use of their property is a nonconforming one since the house was constructed prior to that date. The plaintiffs knew that their property was in an industrial zone when they purchased it.

The complaint alleged that the defendant's operation of its trucking terminal constituted a nuisance which injured, disturbed and annoyed the plaintiffs in the enjoyment of their property. By

EXHIBIT C

way of relief they claimed damages, punitive damages, attorney's fee and an injunction forbidding the defendant to create any sound or light on its terminal which would injure, disturb or annoy them.

In a lengthy finding, the court described the details of the defendant's operation of its terminal. The defendant is engaged in both long-distance and short-distance hauling of merchandise. Fifteen trucks, of which eleven are tractor-trailers, are used for short-distance hauls, and twenty-five to thirty long-haul tractor-trailers come in from the South in the course of a week. Pickups are made during [156 Conn. 615] the day and loading for southern destinations usually takes place in the evening hours but may take place all night. The peak of activity at the terminal varies from between 7 p.m. to 1 a.m. Large tractor-trailer diesel trucks used in connection with the long-distance hauling enter and leave the terminal during the entire night. While parked, the motors of refrigerator tractor-trailers must be kept running to maintain a constant for the merchandise in the trailers. When a trailer is backed against a dock and is unhooked, the brakes are automatically locked and cannot be released until the compressor, powered by the motor, builds up enough air pressure to release them, a process which takes up to fifteen minutes. The terminal is a large brick building with an amesite area for truck movements on all sides. It has docking facilities which will accommodate twenty-one trucks, ten each on the north and south sides and one on the west side. The defendant uses an average of fifteen units at docks in the course of an evening. Hand trucks, fork lifts, conveyors and dollies are used for moving merchandise from the trucks into and out of the terminal. Magnesium plates are used to bridge the gaps between the trailers when they are parked against the terminal and the dock. These, when dropped in use, land on either concrete or steel and make a loud noise. The air brakes on the defendant's trucks make a very loud, shrill, hissing noise. The heating and cooling units which run when the trailers are parked make a highpitched noise. Loud radio noise, hollering, scraping noises, noises of metal hitting metal with great force, as well as loud impact noises and vibrations are carried from the defendant's terminal to the residence of the plaintiffs, and the defendant's floodlights shine [156 Conn. 616] directly into the plaintiffs' living room from dark until 6 a.m. Each party produced an expert witness who testified about the sound levels which he found in the area, as to the scientific aspects of sound measurement and as to the level of noise emanating from the defendant's terminal.

The court also found that the plaintiffs are normal persons of ordinary habits and sensibilities, that the defendant's terminal, as operated, has interfered with their sleep and required Mrs. O'Neill to go to her daughter's home to sleep one or two nights a week in order to get relief from the noise of the defendant's operation, that as a result of loss of sleep Mr. O'Neill has been irritable and unable properly to conduct his business and that the O'Neills have been unable to use their screened patio, have been restricted in the use of their swimming pool and have been annoyed and disturbed in the enjoyment of their home. The court expressly found that the sounds

of loud shouting, radios, truck units with motors running on the north side of the defendant's open

EXHIBIT C

terminal with the terminal doors open, moving materials and rolling or sliding dollies after 11 o'clock at night are unreasonable.

On the basis of these facts, the court concluded that the noises, disturbances and lights emanating from the terminal from 11 p.m. to 6 a.m. are beyond what a normal person of ordinary habits and sensibilities can endure, that the lights on the southerly side of the defendant's property and the operation of the trucking terminal on its northerly side between 11 p.m. and 6 a.m. constitute nuisances, that the conduct of the defendant has not been wilful or malicious but that, as to the plaintiffs, the conduct of the defendant's business is an abatable nuisance.

By way of relief the court awarded damages of [156 Conn. 617] \$1000 to each of the plaintiffs and issued an injunction prohibiting the defendant between 11 p.m. and 6 a.m. from playing radios and permitting loud shouting, from loading or unloading on the docks on the northerly side of the terminal, from running any motor on the northerly side of the building and from using the northerly gate of the terminal for ingress and egress of trucks and tractor-trailers. It also prohibited the defendant from at any time permitting lights on the southerly side of its property to shine into the plaintiffs' living room and from the use of conveyors or plates as thresholds without the application of rubber or other dampening material thereto. On this appeal the defendant asserts that the court erred in concluding that the conduct of the terminal amounted to an abatable nuisance and that the court abused its discretion in awarding the relief which it granted.

We have had recent occasion to discuss the law of nuisance and the general power of equity to afford relief by injunction and damages for injury caused by a nuisance created by the unreasonable conduct on one's own property of an otherwise lawful activity. See *Nair v. Thaw*, 156 Conn. --, 242 A.2d 757; *Krulikowski v. Polycast Corporation*, 153 Conn. 661, 220 A.2d 444, and cases cited therein. As we repeated in the *Nair* case, supra, 156 Conn. p. --, 242 A.2d p. 460. "It is the duty of every person to make a reasonable use of his own property so as to occasion no unnecessary damage or annoyance to his neighbor. If the use is unreasonable the law will hold him responsible." *Nailor v. C. W. Blakeslee & Sons, Inc.*, 117 Conn. 241, 245, 167 A. 548, 549; *Marchitto v. Town of West Haven*, 150 Conn. 432, 437, 190 A.2d 597. 'Determining unreasonableness is essentially a weighing process, involving a comparative evaluation of conflicting interests[156 Conn. 618] in various situations according to objective legal standards.' Restatement, 4 Torts § 826, comment b.' We also reiterated in the *Nair* case (156 Conn. --, 242 A.2d p. 761) the rule as stated in the *Krulikowski* case, supra, 153 Conn. 669, 220 A.2d 449: 'The issuance of an injunction and the scope and quantum of injunctive relief rests in the sound discretion of the trier.' See also 39 Am.Jur. 330, Nuisances, § 47; Spater, 'Noise and the Law,' 63 Mich.L.Rev. 1373, 1380. 'If the subordinate facts logically support a trial court's conclusion that a particular property use constitutes a common-law nuisance as to complaining plaintiffs, that conclusion must be sustained on appeal.' *Herbert v. Smyth*, 155 Conn. 78, 82, 230 A.2d 235, 237.

'There is nothing in the record which would justify us in holding that the injunction as issued in this case transcends the proper limits of the trial court's discretion' or, on the question of damages,

EXHIBIT C

"that the amount which the trial court has fixed is not reasonable compensation." *Krulikowski v. Polycast Corporation*, supra, 153 Conn. 669, 670, 220 A.2d 449 (quoting from *Nailor v. C. W. Blakeslee & Sons, Inc.*, 117 Conn. 244, 247, 167 A. 548).

There is no error.

In the opinion the other judges concurred.

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.

Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/enviro10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

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Converting Decibels to Sound Intensities

by Neil Bauman, Ph.D.

October 29, 2016

A person asked,

How do you calculate the difference in sound intensity in decibels between any two sound intensities. For example, how do you calculate the increase in sound intensity between 0 dB and 15 dB or between 52 and 94 dB?

There is a mathematical relationship between decibels (dB) and sound intensities. It works like this. Each 10 dB increase results in a 10-fold increase in sound intensity which we perceive as a 2-fold increase in sound volume.

Thus, from 0 dB to 10 dB there is a 10-fold increase in sound intensity, just as there is from 10 dB to 20 dB or from 34 dB to 44 dB.

Note: Sound intensity is the energy (power) needed to produce a given level of sound. Don't confuse sound intensity (the amount of energy needed to produce a given level of sound) with sound volume (the level at which we perceive the resulting sound.)

The table below shows the increase in sound intensity between 0 dB and each of the values listed.

Decibel Value	Increase in Sound Intensity	Perceived Increase in Volume
0 dB		
10 dB	10 times the sound intensity	2 times as loud
20 dB	100 (10 x 10)	4 (2 x 2)
30 dB	1,000 (10 x 10 x 10) etc.	8 (2 x 2 x 2) etc.
40 dB	10,000	16
50 dB	100,000	32
60 dB	1,000,000	64
70 dB	10,000,000	128
80 dB	100,000,000	256
90 dB	1,000,000,000	512
100 dB	10,000,000,000	1024
110 dB	100,000,000,000	2048
120 dB	1,000,000,000,000	4096

As you can see, these numbers quickly get large. For example, if you had a 120 dB loss at a certain frequency, in order to hear a sound at that frequency, it would have to be 1 trillion times as intense (it would require 1 trillion times the energy to produce it) as needed for a person who had "perfect" hearing (and thus could hear it at an intensity of 0 dB).

Note this well. Since our ears perceive sound logarithmically, we do not perceive a sound of 120 dB as being 1 trillion times louder than a sound of 0 dB. Rather, we perceive it as about 4,000 times louder.

Now that we have a little background, we are ready to proceed with the details of how to calculate the differences in sound intensities and relate them to decibel values.

Unfortunately, far too often people assume that there is a simple linear interpolation between any two decibel values. Thus, since there is a 10-fold increase between 10 dB and 20 dB in sound intensity, they assume the increase at the half-way point (15 dB in this case) is a 5-fold increase.

If you assumed this, you would be wrong. Even hearing health care professionals that should know don't always get this right.

The reason you can't just simply interpolate between two decibel values is because we are not working with linear numbers, but with logarithmic numbers. This means there is a logarithmic relationship between such values, not a linear relationship.

The formula for calculating the increase in sound intensity between two decibel values is:

$$\text{x-fold increase in sound intensity} = 10^{(\text{ending dB value} - \text{starting dB value})/10}$$

Therefore, to find the increase in sound intensity between 10 dB and 15 dB, you simply subtract the higher dB value from the lower value and divide the result by 10 to get the exponent. Calculating $(15 - 10)/10$ gives you an exponent of 0.5. Raising 10 to the 0.5 power ($10^{0.5}$) gives 3.162. Thus, the intensity increase between 10 dB and 15 dB is 3.162-fold.

In like manner, to calculate the difference in sound intensity between 52 dB and 94 dB, just follow the same procedure and use the same formula. $(94-52)/10$ gives an exponent of 4.2. $10^{4.2} = 15,848.9$. Thus, the intensity increase between 52 dB and 94 dB is 15,848.9-fold. To put it another way, it takes 15,848.9 times as much energy to produce a sound of 94 dB than to produce a sound of 52 dB.

It's easy to check your work to be sure you are in the right ball park. You know the difference you are working with is 42 dB. You already know that for a 40 dB increase, the intensity value is 10,000 times higher ($10 \times 10 \times 10 \times 10$) and that for a 50 dB increase, the value would be 100,000 times higher ($10 \times 10 \times 10 \times 10 \times 10$). (See above table.) So your answer must lie somewhere between these two values, and sure enough, it does.

To make things simple, in case you don't have a fancy calculator*, here is a table to help you.

dB Difference x-fold Multiplier

1	1.259
2	1.584
3	1.995
4	2.512
5	3.162
6	3.981
7	5.011
8	6.309
9	7.943

10	10.000
----	--------

In order to use this table, just take the multiplier figures for values between 1 and 10 and then move the decimal point to the right one place for each whole 10 dB difference.

Thus, if you want to find the difference in sound intensity between 3 dB and 9 dB, and since the value is less than 10 dB, just read off the value from the table for a 6 dB difference, namely 3.981. Thus for a 6 dB increase, there is a 3.981-fold increase in intensity.

If you want to find the sound intensity increase between 52 and 94 dB, you subtract 52 from the 94 to get 42 dB. Take the units figure (2) and from the table for a 2 dB difference, you see the multiplier is 1.584. Now to get your final answer, move the decimal to the right by the value of the tens figure (4) and you have a 15,840-fold increase in intensity. (If the decibel difference is larger than 100, then use the tens and hundreds figures. Thus if the difference was 124 dB, you'd move the decimal to the right by 12 decimal places.) That's how simple it is.

And if you ever want to calculate how much louder you perceive one sound as compared to another you can do it by using the following formula.

$$\text{perceived x-fold volume increase} = 2^{(\text{ending dB value} - \text{starting dB value})/10}$$

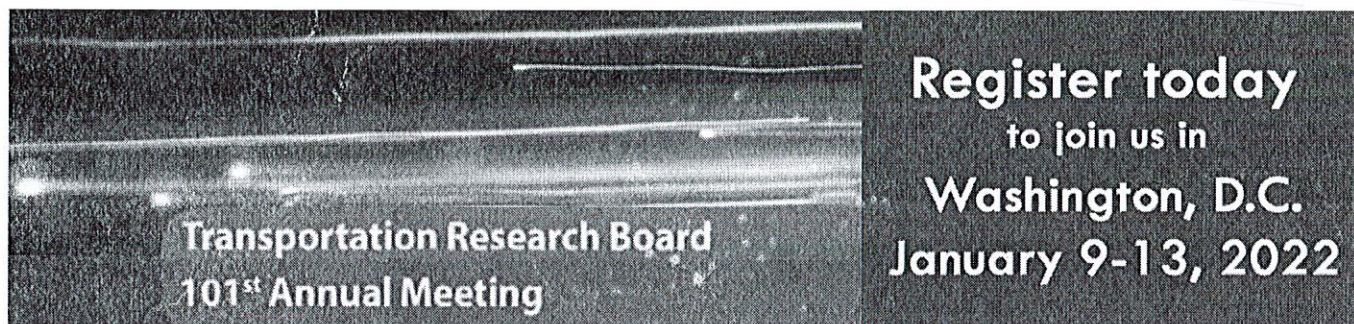
Therefore, to find the perceived increase in sound volume between 10 dB and 15 dB, you simply subtract the higher dB value from the lower value and divide the result by 10 to get the exponent— $(15 - 10)/10$ gives you an exponent of 0.5. (So far, everything is the same as for calculating intensity differences. Now comes the change—you use base 2 rather than base 10.) Raising 2 to the 0.5 power ($2^{0.5}$) gives 1.4. Thus you would perceive the sound as being 1.4 times louder.

In like manner, to calculate the difference in perceived sound volume between 52 dB and 94 dB, just follow the same procedure and use the formula. $(94-52)/10$ gives an exponent of 4.2. $2^{4.2} = 18.4$ times louder.

Note: Perceived volume varies from person to person so the calculated results may not agree with any given person's subjective results, but it certainly puts you in the right ball park.

* Note: if you have an iPhone, you have a fancy built-in calculator. Swipe up from the bottom and you'll see it there with your flashlight, timer and camera. When you hold your iPhone vertically you have a simple calculator. Turn your phone on its side and it automatically switches to a fancy scientific calculator where you have the 10^x and x^y functions.

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VEHICLE NOISE SOURCES AND NOISE-SUPPRESSION POTENTIAL

A study was made of the noise sources of a heavy-duty diesel tractor trailer. By making measurements at 50 ft (15 m) to the side of the vehicle, it was found that: (1) truck engine noise produced by the rapid pressure rise in the combustion chambers of such engines is radiated by the vibrations of the engine block and attached fixtures, with a sound level of 78 dBA being attributed to the engine and mechanical combustion noise sources; (2) exhaust noise is engine noise radiated from the exhaust pipe outlet and vibration noise of the pipes and mufflers, and a level of 85 dBA represents typical exhaust noise; (3) engine air intake or induction noise at a relatively low level of 75 dBA is created by the pulsating column of air moving into the engine and, in many cases, includes noise of mechanically driven or exhaust turbine-driven supercharges; (4) the engine cooling fan moves large quantities of air through the radiator with a very restricted downstream flow condition and generates high noise levels (82 dBA); and (5) truck tires generate a noise level of 75 dBA at a speed of 35 mph (56 km/h) or less and 95 dBA at highway speeds. Adding all sources gives a total truck noise level of 88 dBA at speeds less than 35 mph (56 km/h) and 96 dBA at highway speeds. These data would apply to a relatively modern truck design that is in compliance with voluntary industry standards and noise regulations of various states and localities. Measurements were also made on passenger car noise and motorcycle noise; these results are presented and discussed. In addition, discussions are made of noise certification levels, sound propagation, atmospheric attenuation, traffic noise, and highway noise barriers. Tables are presented on the following: Percentage of people annoyed by the sources of residential noise; population and use of mobile noise sources in the U.S.; miles traveled by motor trucks; California motor vehicle noise certification levels at 50 ft (15 m); effect of noise-abatement measures on highway noise; and relation of quieting truck and using roadside barriers to reduce truck noise.

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Corporate Authors:

Transportation Research Board (TRB)
Washington, DC

Authors:

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[Heavy vehicles \(/Results?q=&datein=all&index="Heavy%20vehicles"\)](#);

[Measurement \(/Results?q=&datein=all&index="Measurement"\)](#);

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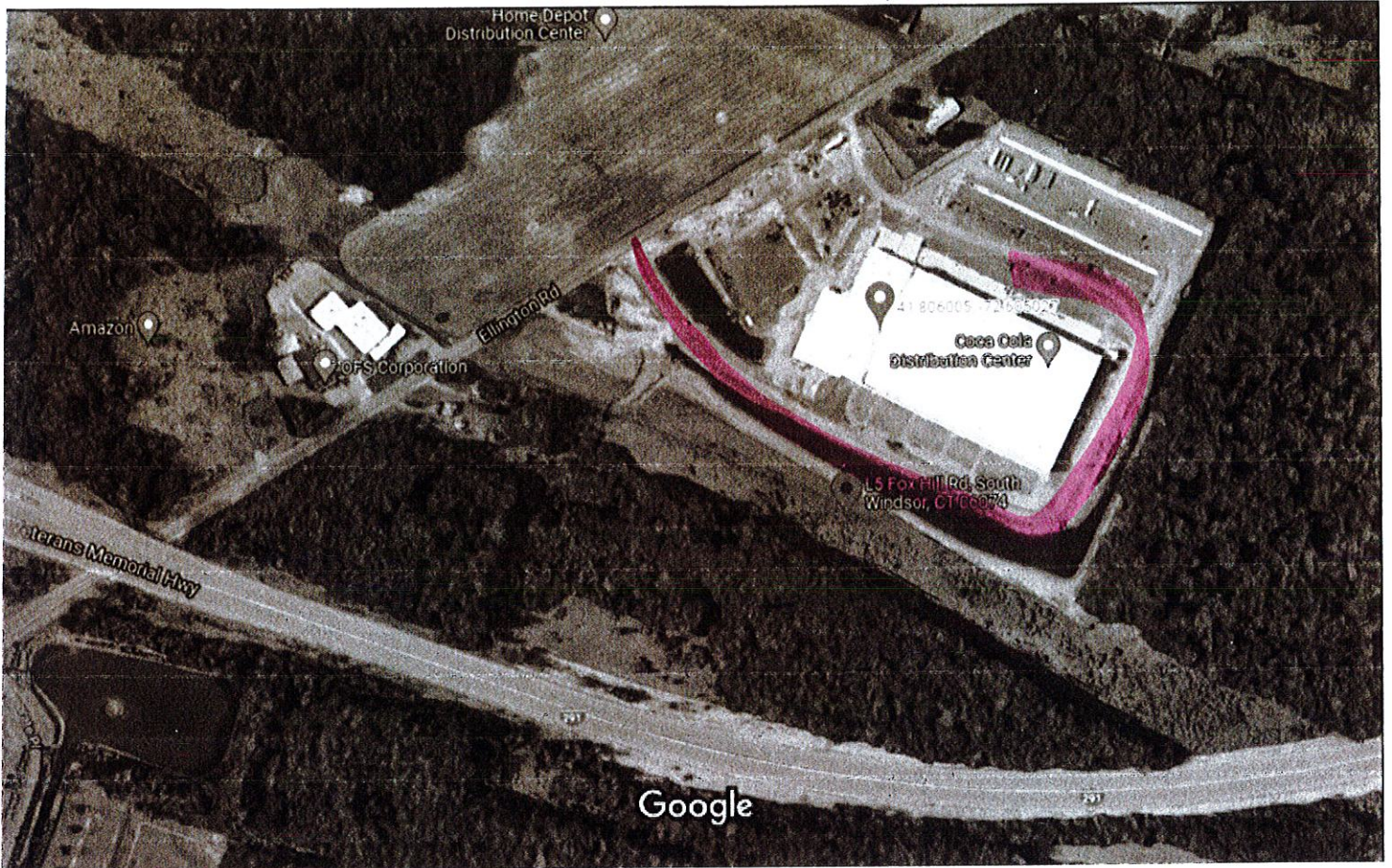
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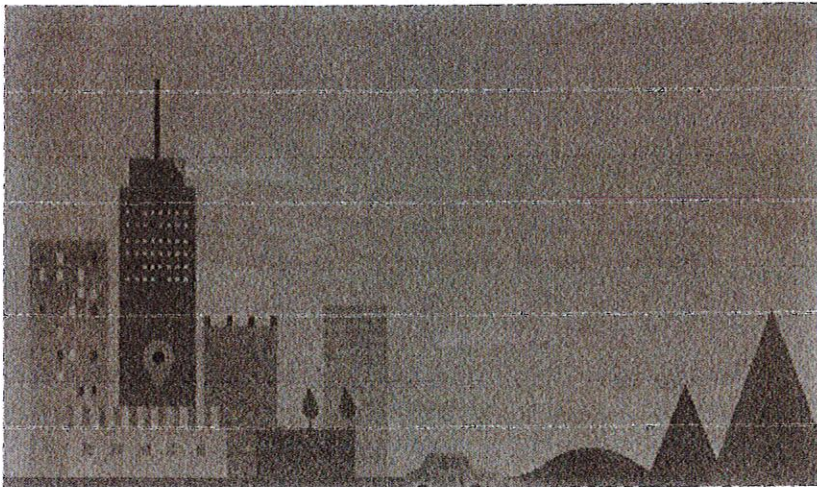
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Google Maps L5 Fox Hill Rd

Exhibit EXHIBIT E



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Coke Bldg
L5 Fox Hill Rd
South Windsor

DRIVEWAY Checkin Staging Area

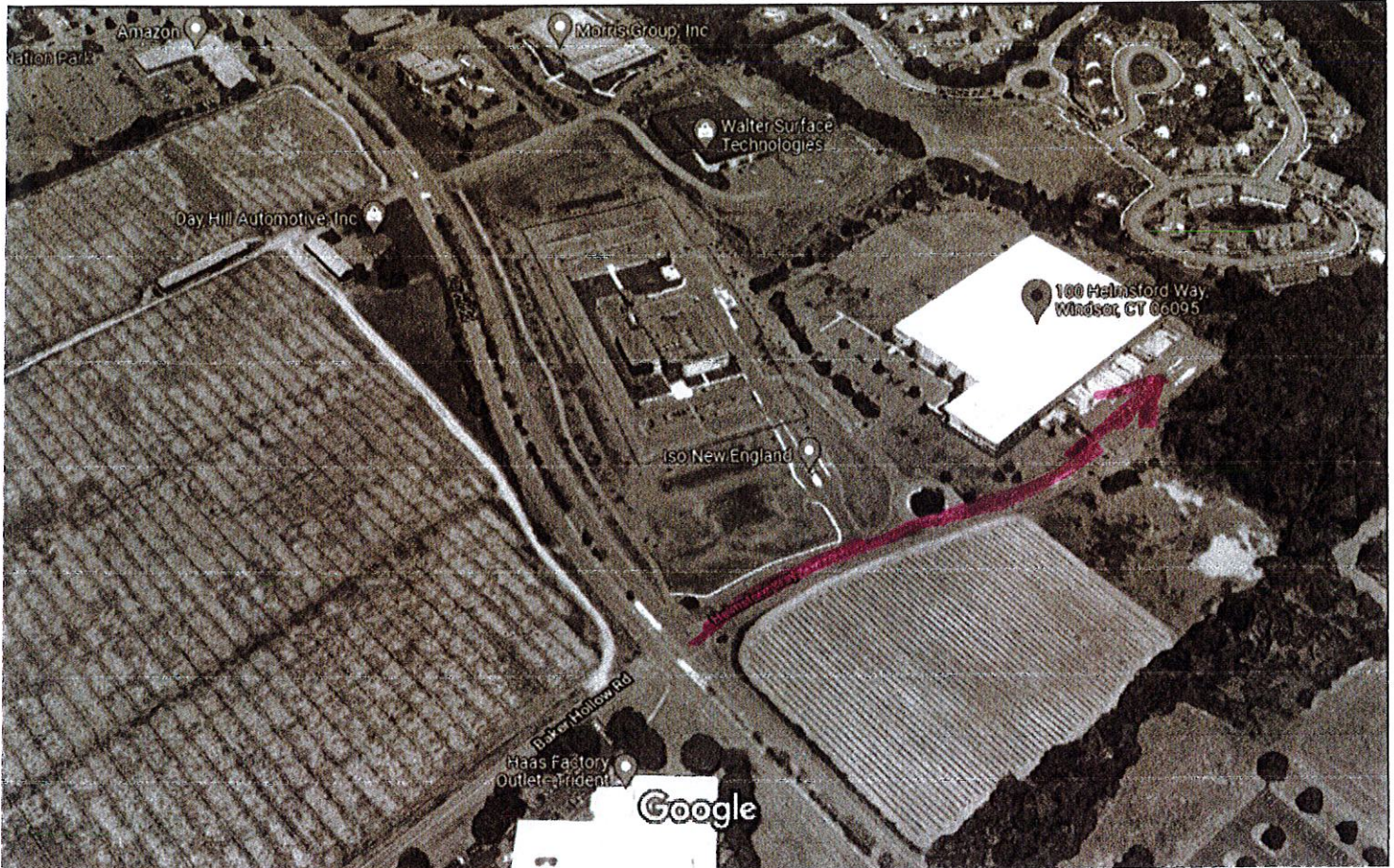
L5 Fox Hill Rd

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Directions
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 L5 Fox Hill Rd, South Windsor, CT 06074

Google Maps 100 Helmsford Way

Exhibit EXHIBIT E



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AMAZON DC 1
 100 Helmsford Way
 Windsor, CT

DRIVEWAY + TRUCK STAGING AREA

100 Helmsford Way

Windsor, CT 06095
Building

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 Directions
- 
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 Nearby
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Google Maps 801 Day Hill Rd

Exhibit EXHIBIT E



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AMAZON DC2
801 DAY HILL RD
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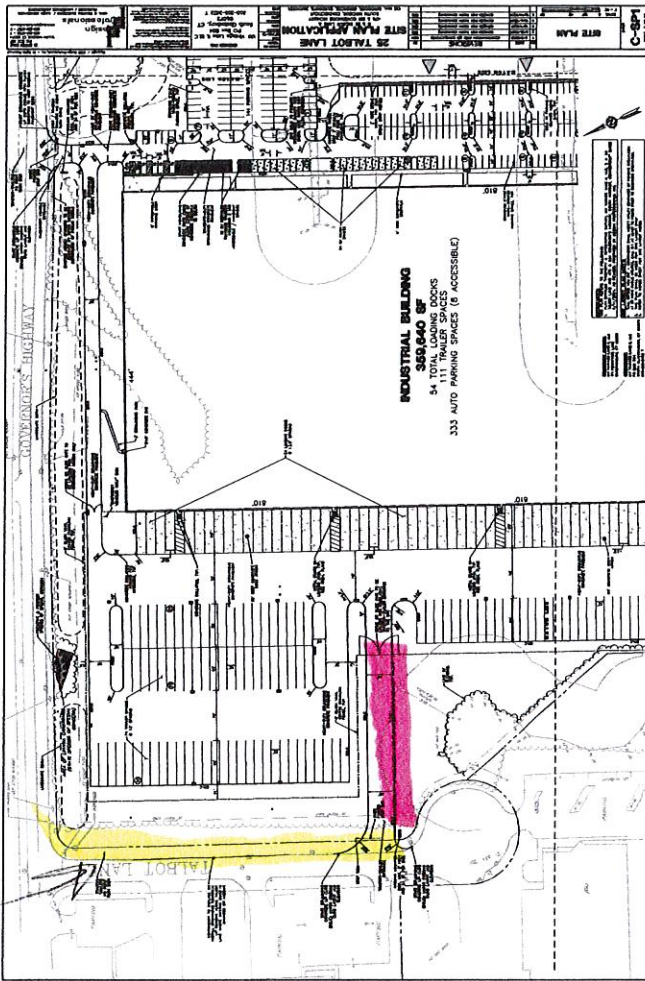
DRIVEWAY - STAGING AREA

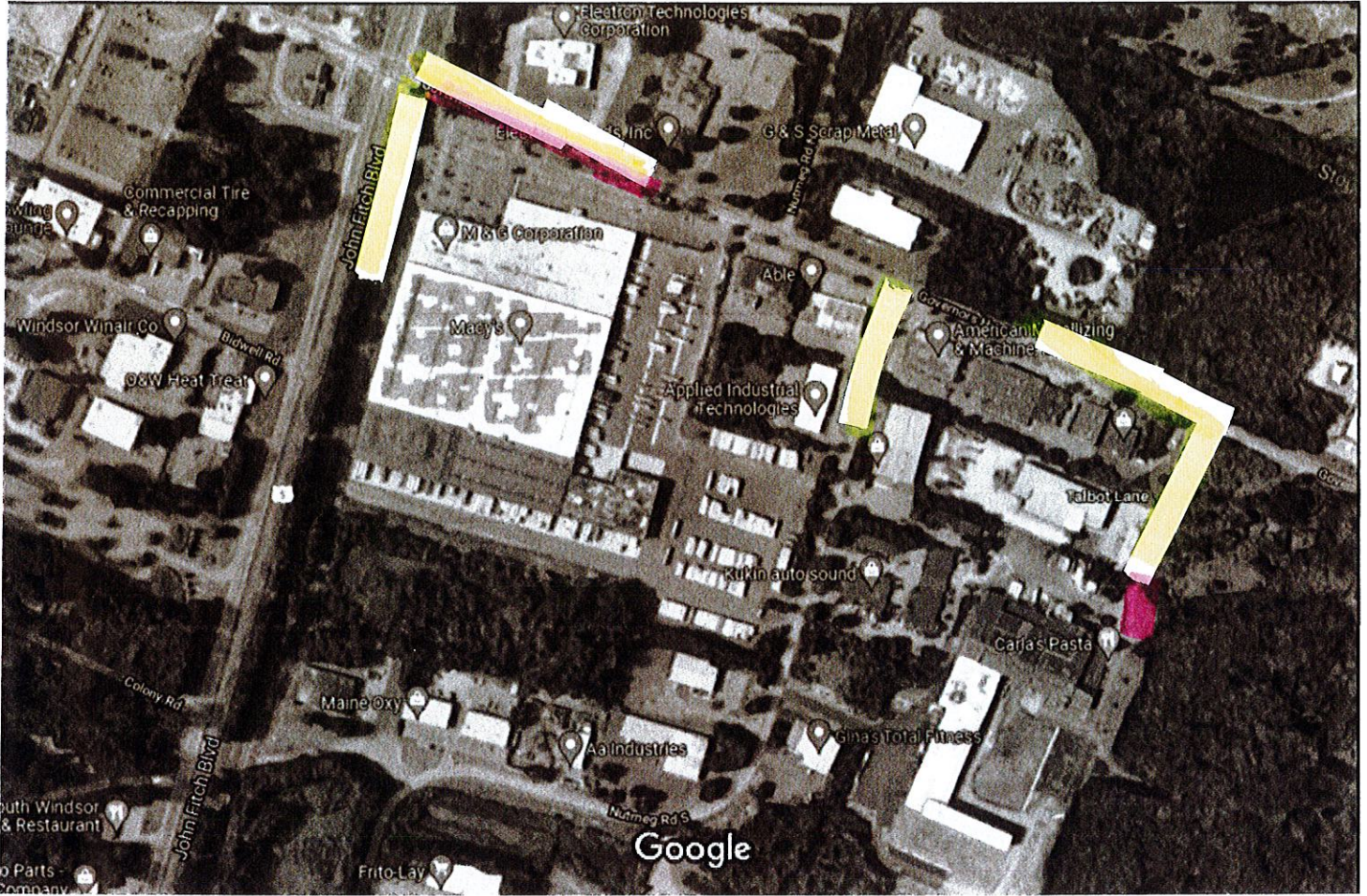
Exhibit

Proposed Talbot LN Site

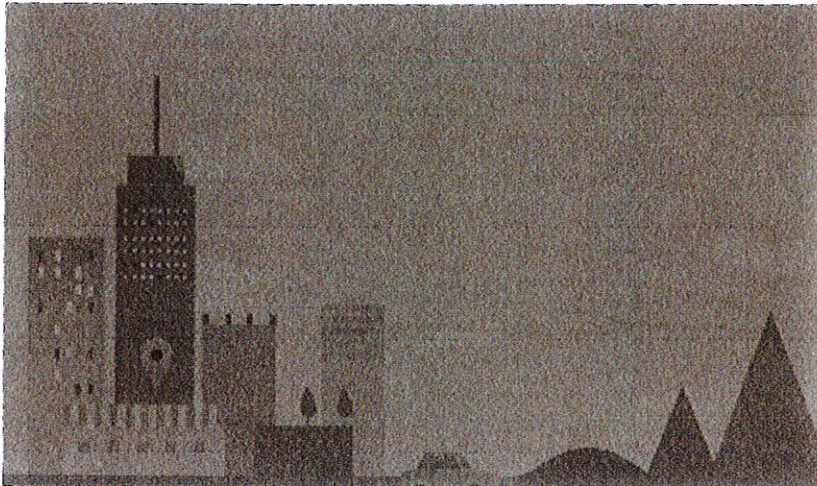
Talbot LN

Minimal Driveway/ Staged Checkin





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Area Currently Used For Staging

Avail Site created Trailer Stage

Talbot Ln

South Windsor, CT 06074

- 
 Directions
- 
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Talbot Cane Circle
Near proposed Entrance
to 25 Talbot Cane
Already used as Trailer Staging
For Carlos Panto Site
Ex)



Talbot Cane Circle Congestion
Already used AS Staging Area





Truck Staged
@ West Exit
of Carolas Pasta Site
in Driveway
off of Nottmes Rd.

Truck Staged

Rte 5

Approx 300 FT South of Governors Hwy + Rte 5 Intersection



10/20/21

EXHIBIT E

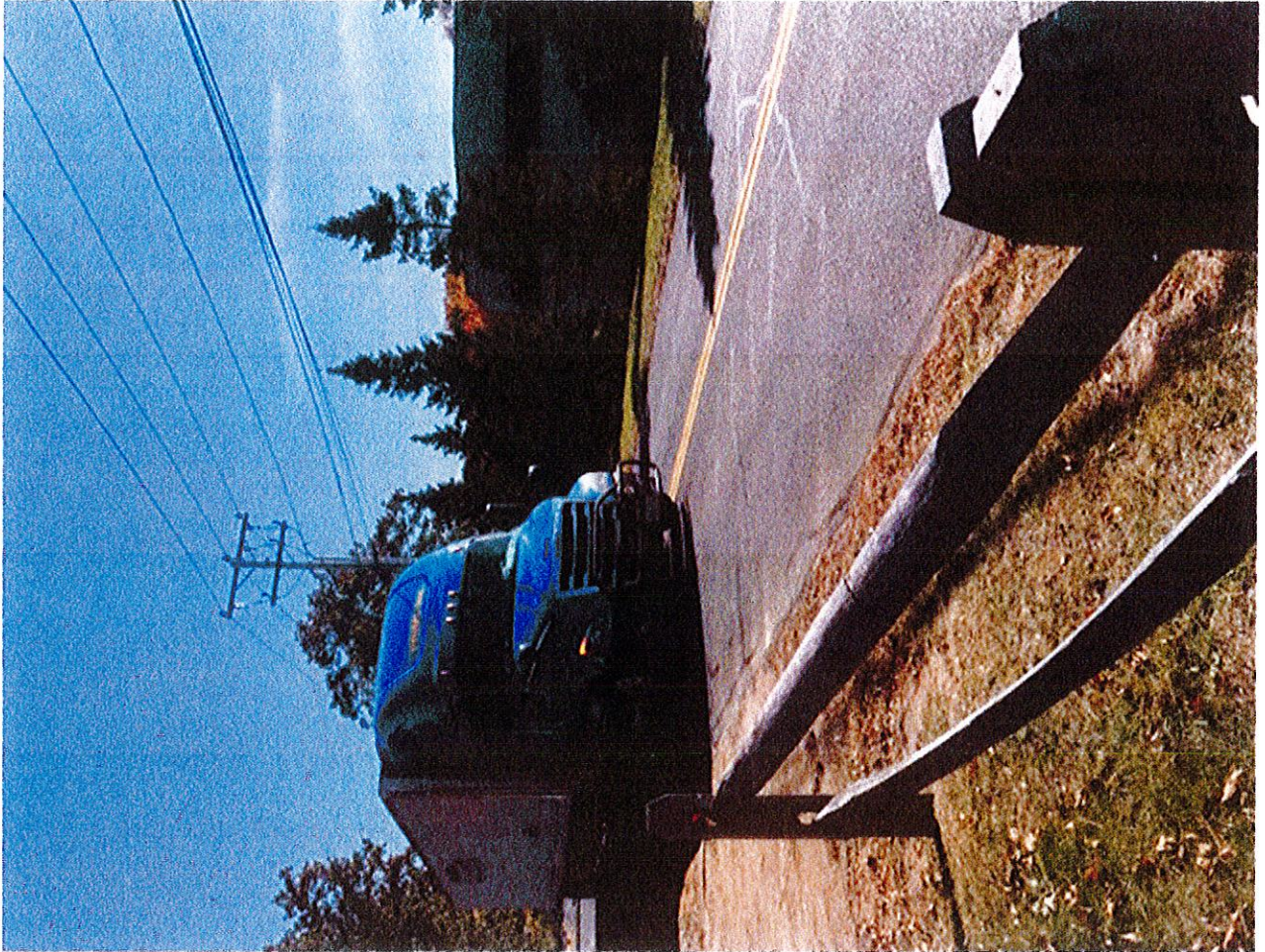
8 AM



TRUCK
TRAFFIC
GOVERNORS
HIGHWAY

SUNDAY 10/27

EXHIBIT E



TRUCK
TRAFFIC
Governors Hwy
Sunday 10/24



10/26/2021 2:30pm Tractor trailer heading west on Governors Hwy from the Rte 30 intersection



intersection Talbot Lane and Governors hwy

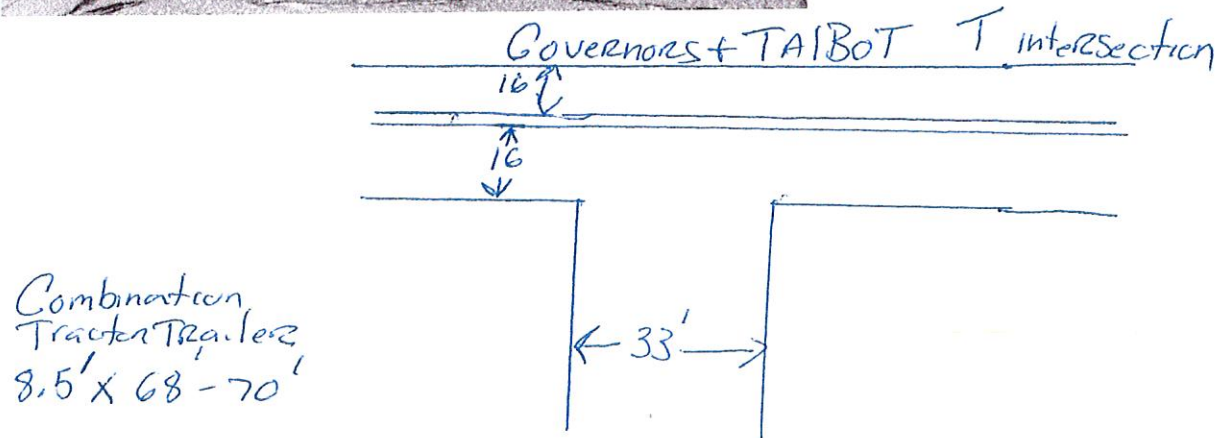


EXHIBIT F

95 Cody Circle
South Windsor, CT

October 24, 2021

Town of South Windsor
Planning and Zoning Commission
1540 Sullivan Ave.
South Windsor, CT 06074

Dear Commissioners,

My family and I are direct abutters to the proposed distribution center at 25 Talbot Lane. I strongly oppose this development as an operation of this massive scale will significantly diminish my family's quality of life and that of our community. A 360,000 square foot warehouse with 54 loading docks creates loud, harsh, quality of life destroying activity. Along with other obvious concerns such as traffic, safety, pollution, and being an eyesore, this 24/7 beehive of diesel tractor commotion will include moving trailers, idling, honking, and the constant metallic banging from dropping and picking up trailers that will overrun any sense of peace for a half mile.

This nightmare scenario is apparent after first glance of the site plan and its proximity to dense residential housing. Every neighbor has their own unique personal story on why it will destroy their quality of life, and I will share ours.

Our daughter is a medically fragile eleven-year-old with severe disabilities. She is non-verbal and legally blind. Because of her challenges she spends 99% of her life on our property, even the school system comes to our house to educate her. Our house and our yard are, for all purposes her world. It is impossible to underestimate the effect of such a massive around the clock trucking fleet and outdoor mega-warehouse operations to her quality of life. She doesn't have the ability to get away from the noise which is so detrimental towards her strongest and most critical sense, hearing. My daughter was delt a difficult hand but this project compounds it.

I would also like to point out that there have been two town "Blind Child Area" street signs on Cody Circle for over two years prior to the applicant's purchase of the property.

Sincerely,



Susan Delhaie



EXHIBIT F

October 18, 2021

Planning and Zoning Commission
Town of South Windsor
1540 Sullivan Avenue
South Windsor CT 06074

Re: Letter of Support- 25 Talbot Lane

Commissioners:

Please be advised that the Town of South Windsor Economic Development Commission, at its Regular Meeting on July 28, 2021, voted by majority to send a letter of support regarding the 25 Talbot lane project.

Sincerely,

Paul Burnham / P.B.
Paul Burnham, Chairman
Economic Development Commission

PB/ks

cc: Economic Development Commissioners



Good evening,

My name is Wayne Botha and I live at 720 Governors Highway.

1. I wish to thank you commissioners for your service. I appreciate that you invest your time and energy to help direct prudent and sustainable development in our town.
2. I submitted written testimony because I am from South Africa and sometimes my accent gets in the way of the message.
3. I am proud to be a US Citizen, and live in South Windsor.
4. I chose to establish my family in South Windsor, because our town used to have a rural feel with open spaces and wildlife in the wetlands. I have wild deer that come into my yard to snack on my shrubs, yet I still get a thrill watching them wander around with their young ones in the woods next to our property.
5. I am strongly opposed to this distribution center. This distribution center is the wrong development for this site.
6. I have had the opportunity to attend the Inlands commission and Economic Development meetings for this application and have followed the evolution of this proposal.
7. For context, just imagine the FedEx building next to your house.
8. The proposed distribution center is 359,654 square feet and is bigger than the FedEx building on Sullivan Street which is 301,011 Square Feet, and 1.7 times bigger than the Coca-Cola building on Ellington Road, which is 209,744 square feet. (As submitted by Donald J. Poland, PhD in the Municipal Fiscal Impact Analysis).
9. Design Professional confirmed to the Economic Development commission that there will not be any restrictions on the tenant regarding the types of operations for this distribution center. This will be a 24 hour operation, year round, located right next to a residential development, with tractor-trailer traffic as described in the applicant's traffic analysis.

EXHIBIT F

10. For the record, my opposition to this development is the following:

- a. Increased tractor-trailer traffic on Governors Highway. (Despite the town ordinance on Governors Highway and Beldon Road which is not enforced).
- b. Noise from the distribution center (especially on weekends).
- c. Being left with a deserted building at some future date, such as the Mestek building at 515 John Fitch Boulevard.
- d. Significant decrease in property value, because many people choose to live in South Windsor for the same reason I do, namely, open space and wildlife.
- e. We have abandoned buildings, and open space along Sullivan Avenue, and on John Fitch Boulevard that is available and much more appropriate for distribution centers.
- f. The only upside to this development is the highly speculative tax revenue to our town of approximately \$500,000 per year, which will only be realized after building is complete, occupied and if the town does not offer tax incentives to the proposed tenant. Therefore, our town is guaranteed to have a lower quality of life with the potential prospect of a slightly larger tax base. The guaranteed downsides of this development far outweighs the single potential upside.

I understand that the Applicant has requested a property tax abatement. So not only are tax payers being harmed by the impact of this project in terms of the adverse impact to their property values, they are being asked to subsidize it for at least a decade if the tax abatement is granted.

11. I request the Planning and Zoning commission consider the following regarding this application:

- a. Review the Traffic Impact Study submitted by the applicant regarding school bus impacts. The Traffic Study was conducted in June 2021, during school summer months. No school or school bus traffic was captured and while town schools and workplace shutdowns were still on-going due to the public health concerns. I searched the Traffic Impact Study and do not find any reference to the fact that the Dattco Bus Yard is located on 660 Nutmeg Rd North. One of the major school bus routes in South Windsor is along Nutmeg road, and then on Governors Highway and Beldon to Ellington Road. Our school bus routes will be impacted by the increased tractor-trailer traffic as school bus peak travel times conflict with peak times

EXHIBIT F

indicated in the Traffic Impact Study.

Additionally, the study completely omits the intersection of Beldon Road and Ellington Road. The reason this is an important intersection, is because if you are traveling down Governor's Highway and want to go SOUTH on Ellington Road, you would turn RIGHT down Beldon Road and exit at the intersection of Beldon and Ellington. If you wanted to Travel NORTH, you would exit at the Governors Highway / Ellington Road / Podunk Circle intersection.

With all of that in mind, it's obvious that the Applicant's Traffic Impact Study is missing a significant amount of vehicular traffic that traverses the study area, and is per se invalid.

- b. Understand the Governors Highway entrance on this proposed distribution site. At the Wetlands Commission the plan was to have the Governors Highway gate closed, and only be used for emergency access. At the Planning and Zoning commission meeting, the plan showed that the gate will be used for automobiles. I request the commission to get confirmation on the final plan for entrances and traffic flow.
 - c. The plan for this property has evolved during presentations to each of the commissions over the past few months. The Wetlands commission and EDC were presented with prior versions of this plan, and deliberated on proposals presented. I request that the Planning and Zoning commission invite the applicant to present the single, final plan, so that the EDC and Inlands Commission agree can confirm their decisions. Otherwise, the Wetlands, EDC and P& commissions are deliberating on different versions of the plan for the proposed development.
12. Design Professionals proposed several versions of residential development on this property in the past, including 34 Conforming Lots of Single Family Homes, which was not feasible at that time, partially because this property was zoned Commercial. Times have changed and we now have neighborhoods developed around this property. I request this Commission be open to considering other options for this property, such as allowing variance for this property to allow construction of similar Residential units as previously proposed, if such an application were submitted.

I again thank you for time volunteering for Planning and Zoning commission and allowing public input.

Oneil, Caitlin

From: Gary Crenshaw via Town of South Windsor CT <cmsmailer@civicplus.com>
Sent: Wednesday, October 13, 2021 8:24 PM
To: Planning
Subject: [External]Form submission from: Contact Us EXHIBIT F

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Submitted on Wednesday, October 13, 2021 - 8:23pm
Submitted by anonymous user: 68.9.243.145
Submitted values are:

Subject: For the Planning / Zoning / Wetlands Departments

Message: Hello commissioners, I attended last night's meeting regarding the Distribution Warehouse proposal. I live at 113 Edgewood Dr and learned that the location of loading docks was proposed to be moved entirely to the westerly side of the building. Last night I wanted to speak but did not have the slide up as a reference guide so I thought to ask my question with this online comment. Since I am facing the woods across the street from that Westerly corner, I am most likely going to be impacted by the sounds of trucks offloading and commuting to and from the loading docks at various hours if the day and night. I purchased my property for the quiet picturesque view of the woods which has not been disturbed since we moved here. I understand the economic aspects of gaining this Tennant but I could see many of you had questions about the noise and traffic and safety of the site. My home is my investment which will undoubtedly decrease in value if this project is allowed to proceed. I have paid my taxes which at 1/100th of the gross taxes this building will generate yet I feel my rights as a resident like others to live in peace with the best quality of life I can provide for my family. I can honestly say that regardless of the buffers and berms and architectural landscaping and barrier trees, abutters and our entire neighborhood will suffer from this development. Through the noise it will generate in the fall and winter with no leaves or trees to act as sound proofing. May I say we heard Carla's pasta, we constantly hear a car stereo business testing their installations through the thickest forest. We will certainly hear the sounds of diesel trucks and air breaks and people moving around at all hours if this is allowed to proceed. We will smell the diesel fumes from a distance. We will loose thousands of dollars in equity on my home as I have worked so hard to achieve curb appeal and all my upgrades will be absorbed in the losses I will take for facing this 40ft heigh,440x800 ft 360,000 sq ft Distribution Warehouse which currently has no tennant at the moment. Perhaps it would be fair if I was offered some compensation for my loss of sleep, compromised view of a Warehouse, or my 30% projected loss of equity in my home. I realize I represent only 1/100 th of the potential tax revenue tax to be collected by this project. I also realize that the owners bought this property and intend to use it for the industrial zoned location and that they are meeting or exceeding requirements which make it difficult to reject such a project. As I humbly submit to you today, An entire neighborhood is at risk.of being damaged by the proximity of this building. The distances from this building to the the nearest residence could be 500 feet and we would still hear and feel the economic loss and beautification of a older development that all of our neighbors take great pride in. South Windsor can not afford to loose all of its prime wooded property to develope Distribution type buildings. Who will want to live in South Windsor if we keep up this developmental trend. I submit to you all in the most sincere manner. The proud neighbors of Cody Circle and Edgewood Drive will suffer from this project. I'd be happy if another housing development was allowed to proceed here but not this Warehouse. It's like a giant Square box amongst a circle of beautiful homes that we all take pride in maintaining. I appreciate every commissioner's questions and the fairness you have shown in these proceedings this far. Sincerely Gary Crenshaw at 113 Edgewood Drive.

==Please provide the following information==

EXHIBIT F



Dear Planning and Zoning Commission,

I am writing in regards to the application for a warehouse at the Talbot Lane site. According to the Hartford Business Journal, this would be a "massive warehouse" with 54 loading docks and 118 parking spaces for trailers. It is hard to see how a business of this size would not negatively impact the surrounding residential area.

It seems to me that it might be in the town's best interest to revisit our zoning laws and regulations to better articulate and detail what type of commercial buildings can go where. The rise of e-commerce has changed the game and our zoning regulations should be updated for today's realities.

I understand why these companies would want to be here - South Windsor is at the crossing points of 84 and 91. Sensible zoning and sensible town planning should include creating a plan for where warehouses of this scale can be placed and where commercial trucks may travel. If our town is hoping to grow our tax base from these warehouses, it should be equally concerned about how the quality of life is being impacted by the encroaching proximity of the warehouses themselves to residential areas but also the fact that the commercial truck traffic actually expands their footprint into residential areas.

Until such plans are made, I am against a warehouse of this scale being put at Talbot Road or any other location in town.

Regards,
Jared Lewis
170 Long Hill Road
Attachment: