

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

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OCTOBER 26, 2021

MEMBERS PRESENT: Bill Flagg, Stephanie Dexter, Bart Pacekonis, Kevin Foley, Stephen Wagner, Michael LeBlanc, Frank Bonzani

ALTERNATES PRESENT: Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann and Scott Roberts; IT Support; Caitlin O'Neil, Recording Secretary

PLEDGE OF ALLEGIANCE:

Chairman Pacekonis offered condolences for the recent passing of family members in the Planning & Zoning Department.

Chairman Pacekonis thanked Commissioner Flagg for his years of service. Commissioner Dexter echoed her admiration for Commissioner Flagg's dedication and service to the South Windsor community.

Chairman Pacekonis commented on the order of business for the public hearing and commented that the public would have a 3 minute time limit. Chairman Pacekonis commented that the public hearing would be held open until November 9 so they can receive the official decision from the IWA/CC on the application.

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

CALL TO ORDER:

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

1. **Appl. 21-36P, 25 Talbot Lane Site Plan-** request by UW Vintage Lane II, LLC for site plan approval for a 359,640 sq ft distribution facility on 30.37 acres of property, on property located at 5, 25 Talbot Lane, 475 and 551 Governor's Highway, I zone. (Continued from 10/12/21)

Peter DeMallie continued his presentation on behalf of the applicant. Mr. DeMallie commented that George Fellner of Fellner Architect, Ben Wheeler Director of Operations and Landscape Architect with Design Professionals, Jon Plante from Langan Engineering, Emily Perko and Matthew Glunt of GEI, Donald Poland of Goman and York, and Attorney Jim Connor were all present on behalf of the applicant. Mr. DeMallie commented on the Town's Plan of Conservation and Development, which states the Town's desire for business development by minimizing the loss of the industrial land for residential uses. Mr. DeMallie commented that the Town's zoning map shows all four parcels of land in the site are zoned industrial. Mr. DeMallie presented the Town's zoning map and highlighted that many industrially zoned pieces of land abut residential land. Mr. DeMallie presented mapping to show what 50% lot coverage would look like on the site, which is allowed by the zoning regulations (Exhibit AA).

Mr. DeMallie briefly summarized the original plan submitted in July for the applicant, which showed the loading docks in the NE and NW corners and employee parking in both the SE and SW corners. Mr. DeMallie commented that the original impervious coverage for the site was 57.5%. Mr. DeMallie reiterated that the proposed buffer would be 90 ft. Mr. DeMallie discussed the current proposed plan, which showed the loading docks strictly on the western side of the property. Mr. DeMallie reiterated the reason for the change in the plan was avoid a waiver request for the loading docks on the eastern side of the site. Mr. DeMallie commented that the plan remains the same for the building size and explained the employee parking would now be exclusively on the eastern side of the building. Mr. DeMallie commented that the employee entrance changed and is now closer to Governor's Highway, however, it is still separate from the

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truck entrance. The tractor trailer entrance still remains on Talbot Lane Mr. DeMallie added that they reconfigured the water quality basin, would still remain close to 2 acres in size.

Mr. DeMallie highlighted the distance from the proposed loading docks to the residential property lines; 360 ft. from Edgewood Drive, 580 ft. from Governor's Highway and over 900 ft. from Cody Circle. Mr. DeMallie commented that regarding sound, both the State and local noise ordinances do not apply to tractor trailers. Mr. DeMallie added that the applicant would enforce the trucking idling statute. He commented that the applicant intends to hold off on a decision in regards to either building a spec building or waiting until a tenant is secured. Mr. DeMallie commented that the applicant would first like to know if they have received approval for the site before rendering a decision. Mr. DeMallie commented that to Town's Economic and Development Commission has endorsed this application and added that this Commission has voiced opposition of changing industrially zoned land to residential with previous applications.

Ben Wheeler, Director of Operations from Design Professionals, reviewed the stormwater drainage plan on behalf of Daniel Jameson, P.E. Mr. Wheeler commented that the stormwater drainage would remain the same as the previous plan and detailed the catch basins, water quality basins, piping and underground infiltrator systems. Mr. Wheeler commented that the stormwater designs were completed per the 2004 Connecticut Stormwater Quality Manual. Mr. Wheeler added that the designs exceeded what is recommend in that manual, adding that all calculations were based on a two year storm, which is three times the recommendation per the manual. Mr. Wheeler commented on the runoff water, highlighting that the majority of runoff water would lead to the various water treatment systems on site. Mr. Wheeler added that almost all the runoff water from the site would discharge to the stilling basin in SW corner of the lot. Mr. Wheeler commented that original owners of Carla's Pasta and the original owners of the Talbot Lane parcels negotiated the stilling basin. He added that the sole purpose of the stilling basin is for drainage of this site, not Carla's Pasta. Mr. Wheeler commented on the course of the discharged water, explaining that the water would ultimately discharge to Nutmeg Road South, under Route 5 and then to Newberry Brook into the Connecticut River.

Matthew Glunt, Professional Engineer with GEI, reviewed the groundwater drainage and levels. Mr. Glunt commented that his purpose was to look at groundwater at peak inflow into the basin and review impacts of overall groundwater. Mr. Glunt summarized the findings and commented that he believes the basin would help control groundwater as there are currently no controls on the property at this time.

Mr. DeMallie briefly reviewed tax benefits from the site and commented that Donald Poland of Goman and York would be available for any additional questions. Mr. DeMallie added that Jon Plante from Langan Engineering would also be available.

George Fellner of Fellner Architects reviewed the exterior design of the proposed building. Mr. Fellner commented on changes from last meeting's presentation, specifically the change of the location for the loading docks. Mr. Fellner reviewed elevations for the building, citing the west elevation now shows the 54 loading docks and the east elevation shows the offices now located in the NE corner. Mr. Fellner highlighted the proposed material for the exterior citing a 10 ft. high band split face block concrete with textured base and fluted metal panels in a desert beige color. Mr. Fellner added that there would be linear clearstory windows to provide natural light. Mr. Fellner reviewed the renderings in more detailed and added that the office area would have recessed down lights. Mr. Fellner commented on surrounding nearby buildings and highlighted the similarities of all of these buildings to keep the flow. Ben Wheeler added that he and Mr.

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Fellner had a follow up meeting with the Architectural Design Review Committee and the Committee was pleased with the changes made.

Emily Perko, Consultant and Certified Soil Scientist with GEI, reviewed the Wildlife and Habitat Assessment. Ms. Perko reviewed her assessment along the proposed water courses, where she looked for signs of natural drainage features and commented that none were observed. Ms. Perko commented that given the current condition of the site, turtles and frogs could not currently inhabit this site. Ms. Perko reviewed her assessment of the site and summarized that the proposed water basin has potential to serve as an aquatic habitat for these species. Ms. Perko commented on the concerns of a pathway for other wildlife, stating the addition of the landscape berm, 50 ft. vegetative buffer, the 50 ft. planted buffer adjacent to Cody Circle and the neighboring open space, would all provide an adequate pathway for local and migratory wildlife. Ms. Perko commented on various site visits made to the property for review of endangered species and rare plants. Ms. Perko briefly reviewed Jim McManus' soil delineation and the third party soil report.

Peter DeMallie reviewed that employees and automobiles would access the site via Governor's Highway and tractor trailers would only be able to access the site off of Talbot Lane. Mr. DeMallie commented that the access drive on north and south side of building would be used for emergency and services vehicles and would have gates to stop any trucks from potentially using the wrong exit for the site. Mr. DeMallie added that the applicant is looking for one waiver request for higher lighting pole in the loading dock area of the site. Mr. DeMallie reiterated that this site is in the industrial zone and meets all zoning requirements.

Ben Wheeler reviewed the lighting waiver request. Mr. Wheeler commented the applicant is requesting a waiver to allow thirteen 35 ft. light poles in the loading dock area. Mr. Wheeler commented that this waiver had been granted for other sites in Town before.

Chairman Pacekonis asked for staff comment.

Director of Planning Michele Lipe commented that ADRC did provide a favorable review for the application. Ms. Lipe passed out information to the Commission regarding how to approach petitions for intervention, an email from the Town Attorney regarding through truck prohibition, the Town noise ordinance and State exclusions (Exhibit A). Ms. Lipe commented on an email between Police Lieutenant Bonaducci and Town Manager which stated that the South Windsor Police Department has had trouble enforcing the truck traffic in town because they cannot ticket trucks that are delivering within South Windsor.

Town Engineer Jeffrey Doolittle asked for clarification on the use heavy duty pavement instead of standard pavement. Mr. Doolittle commented that the EV parking spaces should be clearly labeled for level 2 charging stations. Mr. Doolittle commented that the existing drainage structure at east side of the property. Mr. Doolittle added that the drainage to the north should be abandoned by either removal or by being buried. Mr. Doolittle commented that upon initial review of stormwater drainage he feels that this system should function well during designed storms as specified. Mr. Doolittle asked for clarification on concrete barrier curb on NE side of site. Lastly, Mr. Doolittle reiterated the applicant would need WPCA review and approval.

Chairman Pacekonis commented that the Commission would address the three intervener petitions (Exhibit B). Chairman Pacekonis commented that the Commission would accept all three intervener petitions but they would be limited to specific items in the Planning & Zoning purview. Chairman Pacekonis commented that the acceptable items would be A and E and items C and F would only be considered if the intervener could provide proof of adverse impact.

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Chairman Pacekonis commented that the Interveners had time to present and speak. Attorney John Parks was present on behalf of the neighborhood. Attorney Parks commented that he would allow the Interveners to speak and then he would finish on behalf of them. Chairman Pacekonis commented that the Interveners would be treated like the applicant and therefore had no time limit. Chairman Pacekonis added that the public would have a 3-minute time limit.

Derek Butler of 596 Governor's Highway, Intervener, presented. Mr. Butler commented that he has been involved in the trucking industry for over 40 years. Mr. Butler reviewed the applicant's traffic study. Chairman Pacekonis commented that the truck traffic would not be allowed to be discussed as an Intervener's petition as it is not in the realm of the Planning & Zoning Commission. Mr. Butler and Attorney Parks agreed that Mr. Butler would speak on behalf of the traffic concerns during the regular public hearing.

John Hapkiewicz of 44 Cody Circle, Intervener and licensed Engineer. Mr. Hapkiewicz requested renderings from the view of Cody Circle and Edgewood Drive look at the site, specifically, would like to see the point of view of the site, as it would look from the first day of the building Mr. Hapkiewicz also reiterated that he would like to be included in any meeting and discussion of the application. Mr. Hapkiewicz added that he would comments regarding economic concerns that he would discuss during the public hearing.

Attorney John Parks spoke on behalf of the abutting neighbors. Attorney Parks commented on the Planning & Zoning table of uses for the Industrial zone. Attorney Parks commented that 54 loading docks would suggest that the site could be used for more than just a warehouse and distribution center, there would be a potential for it to be used as a freight terminal. Attorney Parks commented that the Commission should know what the suggested use would be for the building prior to an approval. Chairman Pacekonis clarified that the application is not for special permit but for a site plan. Attorney Parks feels that the applicant has not be questioned enough about the intended use of the site. Attorney Parks commented on a similar application in Sonoma, CA (Exhibit B) and explained that Town of Sonoma pushed to find out who the proposed tenant would be on the site. Attorney Parks explained that this site in Sonoma became more than just a warehouse, it was also going to be a freight terminal. Attorney Parks urged the Commission to ask the applicant tougher questions about the use of the building.

Attorney Parks commented on concerns of truck queuing on Governor's Highway. Attorney Parks commented on the negative impact of surrounding property values in the neighborhood. Attorney Parks stated that he understood that tractor trailers are exempt from the Town's noise ordinance, however, this facility would provide a large nuisance to the surrounding residences. Attorney Parks explained the potential negative impact of tractor trailers decibel levels and highlighted a court case in East Windsor, Victoria O'Neill vs. Caroline Freight Carriers, a truck facility next to her residence that created a nuisance (Exhibit C). Attorney Parks highlighted the various noises that would come out of a facility like this and presented a chart on the levels of sound and their impact (Exhibit D). He reiterated negative impacts of the proposed site to the surrounding neighborhoods and commented that the only positive for the proposed plan are the potential tax gains. Attorney Parks commented that he did not feel the applicant explored prudent and feasible alternatives enough. Attorney Parks summarized that he felt there were many unanswered questions by the applicant and the surrounding community needs to be taken into more consideration.

Chairman Pacekonis clarified with Director of Planning Michele Lipe that the application is for a site plan for a warehouse or distribution facility and not a special exception. Mr. DeMallie confirmed this and explained that a warehouse would be use permitted by right under site plan. Chairman Pacekonis questioned Mr. DeMallie how the Commission could confirm the proposed plan is for a warehouse facility and not a

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freight terminal. Mr. DeMallie responded that a freight terminal would be a thinner building and would not need the space that is being proposed. Mr. DeMallie commented on surrounding warehouse in the area that have been approved recently. Mr. DeMallie commented on expert testimony by Sean Duffy at the Inland Wetland Agency and Conservation Commission that described the need for this type of facility in the current market. Mr. DeMallie commented that they did not have a tenant and added that if they did have a tenant, the tenant would not allow the applicant to identify them until approvals are received. Mr. DeMallie added that the special exception permit that Attorney Park's had mentioned did not apply to this application.

John Holowczak of 39 Cody Circle reviewed Zoning regulations. Mr. Holowczak questioned how the Commission could confirm the applicant would not engage in a wholesale warehouse.

Attorney John Parks commented that the question for the Commission would be to determine what the exact uses of the site would be per the regulations. Additionally, how could one confirm a freight terminal would not be placed on the site? Attorney Parks commented that Intervener Derek Butler would present information on the trucking industry to help clarify neighborhood concerns.

Derek Butler commented on the operation for the building. Mr. Butler commented that he does not believe the building is being built on spec, he feels there is a tenant ready to move into the site. Mr. Butler commented on truck volume discussed in the Traffic Study, approximately a truck a minute during the peak hours. Mr. Butler commented that with the anticipated volume of trucks, a backlog onto Governor's Highway would be created, adding that from his professional experience it takes approximately 40-50 minutes to unload a truck. Mr. Butler distributed a booklet to the Commissioners to shows driveways for Coca Cola and Amazon and areas for staging (Exhibit E). Mr. Butler highlighted the differences between the proposed site versus other warehouse sites in Town, commenting that other sites are more appropriate to handle truck staging. Mr. Butler added that Talbot Lane and Governor's Highway are not prepared for truck staging. Mr. Butler summarized that he is concerned about the additional traffic back up that would be created from the site as there is already truck staging issues with Carla's Pasta.

Chairman Pacekonis asked for letters to read into the record (Exhibit F)

Commissioner Bonzani read letter of opposition from Susan Delhaie of 95 Cody Circle.

Commissioner Dexter read letter of support from the Town of South Windsor's Economic Development Commission.

Commissioner Bonzani read letters in opposition from Wayne Botha of 720 Governor's Highway.

Commissioner Dexter read letter of opposition from Gary Crenshaw of 113 Edgewood Drive.

Commissioner Bonzani read letter of opposition from Jared Lewis of 170 Long Hill Dr.

Chairman Pacekonis called for the public comment to begin.

Tim Wentzel of 630 Governor's Highway spoke against the application. Mr. Wentzel commented that the property should be re-zoned to fit the neighborhood. Mr. Wentzel also commented on the change that could be made to Talbot Lane that would force trucks to turn left.

Janet Giammarino of 139 Judy Lane spoke against the application citing other issues with industrial building nearby and noise concerns.

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Dane Mattran of 18 Edgewood Drive spoke against the application, specifically tractor trailer traffic concerns. Mr. Mattran also cited additional researched needed for potential change to the traffic light timing at the Governor's Highway and John Fitch Boulevard intersection (Exhibit G)

Paul LaPenta of 168 Edgewood Drive spoke against the application, citing concerns of stormwater.

Attorney Brian Smith of Robinson & Cole commented on behalf of his client, Carla's Pasta, and spoke against the application and provided a letter (Exhibit H).

Ryan Will of 95 Beldon Road spoke against the application, citing concerns of noise from tractor trailer trucks (Exhibit I).

Priyank Singhvi of 121 Edgewood Drive spoke against the application, citing concerns of noise from the tractor trailer trucks.

Jill Marino of 97 Edgewood Drive spoke against the application, citing concerns of noise and lights.

Sharon Stimson 55 Cody Circle spoke against the application, citing concerns of noise, air quality and property values.

Nagamathan Subramaniyan of 116 Edgewood Drive spoke against the application, citing concerns of noise and lighting.

Leigh Lovering of 20 Elizabeth Street spoke against the application citing concerns with water pollution.

John Hapkiewicz of 44 Cody Circle spoke against the application citing concerns with fiscal impact on the Town.

John Drenga of 144 Edgewood Drive spoke against the application citing concerns with loading docks and noise.

Janet Holowczak of 39 Cody Circle spoke against the application citing concerns with noise.

Richard Delhaie of 95 Cody Circle spoke against the application citing concerns with noise and potential safety hazards.

John Holowczak of 39 Cody Circle spoke against the application and submitted news article citing issues with warehouses around the country (Exhibit J).

Chairman Pacekonis commented to keep the public hearing open to November 9 and asked that public comments at the next meeting should strictly be new information. Commissioner Flagg motioned to keep the public hearing open to November 9, 2021.

Commissioner LeBlanc seconded the motion.

Commissioner Wagner commented that he would like clarification at the next meeting if the applicant plans on a freight terminal and added he would be against this use. Commissioner Wagner commented on truck traffic concerns and road erosion concerns, adding that he would like the applicant to come back at next meeting with more information regarding these topics. Commissioner Wagner commented on the adequacy of Talbot Lane, specifically, if the road can handle such a large distribution facility with numerous trucks in and out of the site.

Commissioner Foley commented on Traffic Study and asked the applicant to take school bus traffic into consideration.

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Commissioner LeBlanc commented that he would like clarification for queuing of the tractor trailer trucks. Commissioner LeBlanc would specifically like to understand whether trucks would be queuing on the Governor's Highway or idling in the parking lot.

Commissioner Wagner commented that he would like the applicant to provide a prediction of the noise level from impulse noises and the frequency of these sounds.

Commissioner Dexter questioned if the Town Council had voted for a tax abatement for the applicant. Michele Lipe commented not to her knowledge. Commissioner Dexter commented that she would like applicant to confirm if they would still move forward with the site without a tax abatement.

Commissioner LeBlanc commented on changing of the site size by a tenant if the applicant does not plan to build immediately.

Commissioner Flagg commented that he would like to see the pollution addressed by the applicant.

Commissioner Bernstein commented on soil concerns and questioned if a soil study had been done.

Commissioner Foley commented on Newberry Road concerns with flooding with addition of this building and wanted clarification if Newberry Road could handle this flow of water.

The motion passed unanimously.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER

PUBLIC PARTICIPATION:

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

BONDS:

MINUTES: 9/28/21 and 10/12/21

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 21-50P**, Appl. 21-50P, Daniel Accarpio – request for a special exception to Table 4.1.1A and site plan approval for an indoor recreational facility (approx. 8700 sf), to be known Dreams Baseball and Softball Training Facility, on property located at 185 Commerce Way, I zone

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Meeting adjourned at 10:38 PM

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary