

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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NOVEMBER 9, 2021

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

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, Stephen King Jr, Council Liaison

PLEDGE OF ALLEGIANCE

Chairman Pacekonis thanked Frank Bonzani for his work on the Commission.

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

Chairman Pacekonis appointed Commissioner Dexter as Secretary and Commissioner Wagner as Vice Chairman.

Chairman Pacekonis appointed Alternate Commissioner Bernstein for Commissioner Foley

Chairman Pacekonis reviewed procedures for the public hearing, specifically regarding Appl. 21-36P.

CALL TO ORDER:

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

1. **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.

Jimmy Rodrigues presented the application on behalf of Daniel Accarpio. The proposal is to utilize an existing building and the applicant would add netting and other minor changes inside the facility. The proposal is to provide one on one training and small groups training for baseball. Mr. Rodrigues commented on his excitement to have a potential facility for the children of South Windsor and the surrounding communities.

Director of Planning Michele Lipe read Planning Report.

1. Request for Special Exception to table 4.1.1A and Article 7.13 of the zoning regulations to allow an indoor sports training including personal training and small group training in the existing building at 185 Commerce Way, I zone. The use would occupy about 5,064 sq ft. with 1,400 sf of office. There are no exterior improvements proposed with minor changes made for the interior space.
2. Special exception criteria for indoor recreational use include:
 - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
 - The application has met the requirements of the zoning regulations.
 - The land is physically suited to the proposed use.
 - Minimal, if any, adverse environmental impacts are created.
 - No traffic or other hazards will be created.
 - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
 - There will be minimal or no adverse effects on existing uses in the area.
 - Surrounding property values will be conserved.
 - The character of the neighborhood will be maintained or minimally disrupted.

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- The general welfare of the community will be served.
 - There is a balance between neighborhood acceptance and community needs.
- The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.
3. The applicant is proposing to have the facility open Monday through Friday from 4 PM – 10 PM and from 10 AM – 10 PM on the weekends. The narrative indicates that the maximum number of athletes at any given time would be around 10-13, with a few coaches present.
 4. The parking requirement for indoor recreational use is one space per 250 sq ft, or spaces. Based on all the uses currently in the building (office, manufacturing and now recreation), the parking requirement is 31 spaces. There are currently 21 spaces available at 185 Commerce way, however this site is shared with 179 Commerce way. There is currently a cross travel, shared parking easement existing between the two lots. The applicant has provided a letter from the owner of 179 Commerce Way allowing overflow parking.
 5. The applicant will need to work with the Building Official and Fire Marshal to determine what permits may be necessary for any interior renovations.
 6. The site is currently served by public water and sewer. WPCA approval is not required.
 7. If this application is approved, the Planning Dept requests no additional approval modifications.

Town Engineer Jeffrey Doolittle had no comment.

No public comment.

Commissioner Bernstein questioned Mr. Rodrigues about the current building. Mr. Rodrigues commented on the changes the applicant intends to make, mostly minor changes such as painting and adding ball netting. Commissioner Bernstein clarified the facility would be open to little league teams and individuals looking to practice. Commissioner Bernstein confirmed that the applicant has adequate lighting, security and liability insurance.

Chairman Pacekonis commented that he forgot to mention the two newly elected Commissioners and introduced Alan Cavagnaro and Robert Vetere.

Commissioner Dexter read letter into the record from the owners of 179 Commerce Way (Exhibit AA).

Commissioner LeBlanc commented that he is excited for new use of the building.

Commissioner Wagner echoed Commissioner LeBlanc.

Commissioner Vetere commented that he wanted to be sure the children are supervised at all times.

Commissioner Cavagnaro echoed excitement for the applicant.

Chairman Pacekonis questioned if the applicant had a plan to protect fluorescent light bulbs from baseballs. Mr. Rodrigues commented on the plan for netting.

Chairman Pacekonis closed the public hearing at 7:17pm.

2. **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; 10/26/21).

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Peter DeMallie from Design Professionals briefly reviewed the application and highlighted changes made. Mr. DeMallie commented that Ben Wheeler of Design Professionals, Daniel Jameson of Design Professionals, Maximo Polanco of Langan Engineering, Emily Perko of GEI, Matthew Glunt of GEI, Donald Poland of Goman and York, Attorney Jim Connors of Updike, Kelly and Spellacy were also present on behalf of the applicant. Mr. DeMallie reiterated the distances from the building to the abutting properties and reviewed the buffer adding that the applicant is willing to add inter-planting of evergreen trees. Mr. DeMallie reviewed the 2 acre water quality basin and commented that the applicant did receive approval from DEEP for the threatened and endangered species on the property, like the tiger beetles who have already been relocated. Mr. DeMallie commented on truck traffic and truck queuing, adding that the applicant is open to an approval condition prohibiting truck queuing and idling on Governor's Highway.

Maximo Polanco from Langan Engineering discussed additional traffic information that was submitted. Mr. Polanco reviewed trip generation citing that they anticipate on a daily basis 105 trucks entering site and 104 tractor-trailers exiting the site. Mr. Polanco commented that at peak morning hours there would be sixteen tractor-trailers entering and exiting. Additionally, from 4-6pm they would anticipate six trucks entering and seven trucks exiting. Mr. Polanco reviewed the school bus routes. Mr. Polanco commented that Governor's Highway averages 5200 automobiles a day, therefore, they do not feel the site will greatly affect the traffic. Mr. Polanco reviewed the crash data, commented on the State's database and how traffic accidents are recorded. In review of the accidents, only one accident reported was coming from Governor's Highway, the remainder were accidents coming from Route 5. Therefore, there is no specific data that showed any deficiency with road network that would cause these accidents.

Peter DeMallie commented that Daniel Jameson would be available to help answer any questions surrounding the stormwater management plan. Mr. DeMallie reviewed landscape and lighting plan. Mr. DeMallie commented that no soil would be removed from the site. Mr. DeMallie commented that the proposed use for the site is a warehouse and distribution center, not a freight terminal. Mr. DeMallie reviewed approved warehouses in South Windsor such as Aldi's, Coca Cola and Hyundai and Mobis. Mr. DeMallie also reviewed South Windsor data for trucks terminals vs. warehouses (Exhibit BB). Mr. DeMallie commented that trucking terminals are allowed in the industrial zone but only by special exceptions. Mr. DeMallie further reviewed the design of a trucking terminal, noting the building is a thinner building and added that the applicant does not intend to use the site as a freight terminal.

Attorney James Connor, the attorney representing the applicant, reiterated that the proposed application is specifically only for a warehouse and a distribution center. Attorney Connor commented that the applicant had a right to build on this property for the proposed use and added that should the applicant receive approval the Planning Department would be overseeing every step of the process. Attorney Connor commented that the applicant does not have a tenant at this time but does have interested parties, however, no tenant would agree to sign on until all approvals are achieved. Furthermore, Attorney Connor added that the applicant does not want to market the property until the site is ready to be built on, which may take many months.

Peter DeMallie commented on the sound for the site, specifically for loading and unloading of the trucks. Mr. DeMallie commented that the closest home to the loading docks is 360 ft. away. Mr. DeMallie added that the applicant has agreed to comply with all State and local noise ordinances. Mr. DeMallie commented that the building would be ADA compliant. Mr. DeMallie commented on tractor-trailer truck idling and added that the applicant would post signs regarding issue within the site.

Mr. DeMallie commented that the applicant has not applied for tax abatement with the Town, however, an abatement would attract a higher quality tenant. Mr. DeMallie added that the applicant would consider a tax

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abatement but is currently focused on getting the necessary approvals. Mr. DeMallie reviewed the lighting plan, specifically around the abutting residential property lines. Mr. DeMallie summarized that the application conforms to the zoning uses and the property has long been zoned industrial.

Attorney Connor commented that the Commission should be focused on the fact that the application meets the zoning requirements for the proposed site plan. Attorney Connor reviewed local court cases that involved other Planning & Zoning Commissions. Attorney Connor reiterated that the applicant should be judged solely on the current regulations. Attorney Connor reviewed requirements for the industrial zone and demonstrated how the applicant satisfies these requirements. Attorney Connor commented that the regulations do not mention off-site traffic, which, per the State of Connecticut law, cannot be considered when reviewing an application. Attorney Connor then reviewed the Traffic Study and commented that the report summarized that existing levels of services could be maintained and OSTA has concurred with this analysis. Attorney Connor reviewed the Town's site development regulations. Attorney Connor discussed Carolina Freight vs. Victoria O'Neill, the court case that was cited by Attorney John Park's at the last meeting. Attorney Connor commented on the sound that would be produced by the site and the decibel levels. Attorney Connor commented on the lighting waiver request, which would be to increase height of the lighting poles to 35 ft. only in the truck loading area. Attorney Connor commented that he had a rebuttal to intervenor's petition but would wait until the intervenor completes their presentation.

Director of Planning Michele Lipe commented that IWA/CC did approve the application and read some of the approval conditions.

Town Engineer Jeffrey Doolittle questioned the truck traffic and requested from applicant a projected daily truck distribution.

Chairman Pacekonis asked to have letters read into the record (Exhibit A).

Commissioner Cavagnaro read letters into the record from Barbara LaPenta and James Richardson against the application into the record.

Commissioner Dexter read letters into the record from Susan Delhaie, Kristin Andrews, and Jessica Vogelgesang against the application.

Commissioner Vetere read letters into the record from Amy Costa and Lori Rondinone against the application.

Commissioner Dexter read letters into the record from Ulf Jonsson, Paul LaPenta, Gary Crenshaw and David Mills against the application.

Chairman Pacekonis opened up for public comment.

Steve Grech of 155 Judy Lane spoke against the application citing concerns with health and safety. Presented for the record a study regarding adverse health issues living near a trucking facility and also submitted wildlife found on the site (Exhibit B).

Brian Wiley of 954 Main Street, abutter to Newberry Brook expressed concerns with stormwater overflowing Newberry Brook. (Exhibit C).

Wayne Botha of Governor's Highway spoke against the application citing concerns with the Traffic Study, fiscal impact report and traffic trailer traffic.

Emma Pafundi of 46 Elizabeth Street spoke against the application citing concerns with wildlife.

Sophia Pafundi of 46 Elizabeth Street spoke against the application citing concerns with wildlife.

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Melinda Pafundi of 46 Elizabeth Street spoke against the application citing concerns with lighting and air pollution.

Pete Andrews of 80 Cody Circle spoke against the application citing confusion with unknown tenant and allowed Wayne Botha to play his video regarding truck traffic on Governor's Highway as well.

Isabella and Olivia Giammarino of 139 Judy Lane spoke against the application citing concerns of safety.

Rui Costa of 152 Edgewood Drive spoke against the application citing concerns with truck traffic on Governor's Highway.

Dan Edwards of 131 Hilton Drive spoke against the application citing concerns with truck traffic.

Jesse Giammarino of 139 Judy Lane spoke against the application.

Robert Plourde of 701 Governor's Highway spoke against the application.

Leigh Lovering of 20 Elizabeth Street spoke against the application.

Attorney John Park's spoke on behalf of the neighborhood. Attorney Park's commented on the Town's Zoning Regulations citing concerns with overlapping functions of warehouse and distribution center and freight terminals. Attorney Park questioned the need of 54 loading docks if the primary purpose of the building was for storage in a warehouse. Attorney Park further explained why he thinks this site has potential to be used a freight terminal (Exhibit D).

Richard Delhaie of 95 Cody Circle spoke against the application citing concerns with school bus traffic on Governor's Highway.

Tim Wentzel of 630 Governor's Highway spoke against the application.

Dane Mattran of 18 Edgewood Drive spoke against the application citing concerns with the Traffic Study and potential inaccurate crash data (Exhibit E).

Karen Mclean of 26 Edgewood Drive spoke against the application citing concerns with surrounding property values. (Exhibit F).

John Holowczak of 39 Cody Circle spoke against the application citing concerns with surrounding property values, specifically with information given by a property expert (Exhibit G).

William Grondin of 8 Elizabeth Street spoke against the application citing concerns with stormwater, sanitary sewer system and utility systems, specifically handling the capacity produced by the site.

Derrick Butler of 596 Governor's Highway provided his resume for the record (Exhibit H) and commented on his experience in the trucking industry. Mr. Butler spoke against the application citing concerns with tractor trailer queuing and provided a visualization to show how the trucks would become back logged on Governor's Highway. Mr. Butler commented on the potential air quality issues with the site and the potential associated health issues, specifically cancer (Exhibit I).

Karen Viklinetz of 88 Edgewood Drive and also an Intervener, added to the record (Exhibit J).

John Hapkiewicz of 44 Cody Circle confirmed the package of information was distributed to the Commission.

John Holowczak of 39 Cody Circle commented on need for a queuing plan for the site.

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William Grondin continued his comments on concerns with the stormwater drainage, specifically Newberry Road. Mr. Grondin commented on an older deed which mentions a buyers obligation to preserve a walking trail. (Exhibit K).

Steve Grech 155 Judy Lane continued his public comment.

John Holowczak continued his comments. Mr. Holowczak reviewed the Town's Zoning Regulations and commented on need for a larger buffer.

Richard Delhaie continued his comments on the Fiscal Impact Analysis and the potential taxes that would be received by the Town. Mr. Delhaie commented on the property potentially receiving a tax abatement.

John Holowczak provided a letter for the record citing stormwater issues and potential flooding (Exhibit L).

Richard Delhaie continued his public comment and discussed surrounding property values, specifically homes becoming rental properties. Mr. Delhaie commented on the potential pollution produced by the site (Exhibit M).

Commissioner Cavagnaro thanked the public for their input. Commissioner Cavagnaro questioned the amount of the automobiles cited on Governor's Highway per the Traffic Study. Maximo Polanco reviewed the data on vehicle traffic on Governor's Highway and added that there is no data available to differentiate if the vehicles are cars vs. tractor-trailers. Commissioner Cavagnaro commented that he understood the neighbor's concerns, particularly with potential negative impacts on property values. Commissioner Cavagnaro asked the applicant for more information on any potential health risks and potential road erosion.

Commissioner Vetere questioned the number of trucks since no tenant has been decided. Commissioner Vetere questioned if Talbot Lane could handle increase flow of truck traffic with road erosion.

Commissioner Vetere commented he understood the neighborhood's concerns. Peter DeMallie and Maximo Polanco clarified how the traffic engineers put truck data together, specifically, the use of ITE (Institute of Transportation Engineer) trip generation manual. Mr. Maximo added that they were using data based on a distribution center.

Commissioner Dexter questioned Director of Planning Michele Lipe about Governor's Highway land records. Commissioner Dexter questioned Town Engineer Jeffrey Doolittle on Newberry Brook and if could handle additional flow of the water. Mr. Doolittle explained that they are not increasing the flow off the site, as it will enter various water basins before entering Newberry Brook. Mr. Doolittle added that Newberry Brook's flooding is a separate issue itself and is not a part of this application. Commissioner Dexter questioned potential walkway in front of Governor's Highway. Peter DeMallie responded that the applicant agreed to grade the area for future use. Commissioner Dexter clarified that should a tenant need fewer loading docks the applicant build a building with less of them. Mr. DeMallie commented that should any changes be made to the site plan after approval the applicant would have to get permission from the Commission.

Commissioner Wagner commented on the difference between a warehouse distribution center and a freight terminal. Commissioner Wagner clarified with Emily Perko from GEI on wildlife concerns. Commissioner Wagner commented on truck noise and various decibels created by certain trucking activity. Commissioner Wagner questioned truck queuing and truck idling. Commissioner Wagner questioned how the Commission would know if the site was to get turned into a freight terminal. Attorney Connor explained how a Commission could verify the site has not turned into a freight terminal, specifically, relying on the Town staff. Commissioner Wagner questioned potential future use of the site.

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Commissioner Wagner questioned the applicant if the application is for a warehouse and distribution center. The applicant responded yes. Commissioner Wagner reviewed the definitions of freight and terminal since as there is no formal definition for a freight terminal. Commissioner Wagner discussed some of the similarities of freight terminal and a warehouse. Commissioner Wagner commented on the wildlife on the site and confirmed that DEEP had given approval for the site. Emily Perko of GEI responded that they did receive approval from DEEP. Commissioner Wagner questioned Ms. Perko about wildlife having the ability to migrate from and through the site. Ms. Perko confirmed that wildlife would be able to migrate.

Commissioner Wagner commented on truck noise information provided by Interveners. Commissioner Wagner questioned the applicant if they had any updated information on the noise impact from the site with the surrounding neighborhood. Attorney James Connor responded that they do not have a professional acoustical study for the site and reiterated that this kind of study is not a requirement of the application process for Commission. Attorney Connor added that the Town does have a noise ordinance that applicant will comply with and furthermore, the applicant has created additional setbacks for the site as well. Attorney Connor added that the Commission cannot assume the tenant will cause a noise issues. Commissioner Wagner commented that the noise ordinance mentions that once a truck turns off its engines it is then subject to the Town's noise ordinance. Commissioner Wagner continued to comment on noise decibels created by trucks and various activities from trucks. Commissioner Wagner then reviewed a chart he had created showing approximate decibel levels that would be heard at various addresses surrounding the property (Exhibit N). Commissioner Wagner questioned if the Commission allowed to evaluate if an application has an adverse effect on health. Attorney Connor responded that there is no provisions on health impacts for a site plan application. Furthermore, Attorney Connor added that from the perspective of the Plan of Conservation and Development, this is an industrially zoned piece of property and an allowed use. Commissioner Wagner and Attorney Connor discussed certain steps that could be taken to mitigate noise from the site. Attorney Connor commented that per the Town's regulation the applicant could only be denied if they did not comply with the existing regulations and the site plan does comply. Director of Planning Michele Lipe clarified the landscaping buffer requirements and standards reiterating that they were creating a visual buffer.

Commissioner Wagner questioned the plan for truck queuing. Peter DeMallie commented that the site design would allow tractor-trailers to get to and from loading docks with adequate space and additional areas on the site for trucks to sit. Mr. DeMallie confirmed that there are 111 tractor-trailer parking spaces on site in addition to 54 loading docks. Commissioner Wagner commented that it seemed sufficient. Commissioner Wagner commented on truck idling and questioned Intervener, Derrick Butler, on trucks running when a drivers are waiting to be unloaded. Mr. Butler commented that tractor-trailer trucks undergo a pre-trip inspection, which typically takes 20 minutes.

Commissioner Wagner questioned how the Commission would know if the site were turned into a freight terminal. Attorney Connor explained how a Commission could verify the site has not turned into a freight terminal, specifically, relying on the Town staff. Attorney Connor further discussed the surrounding warehouses in South Windsor. Attorney John Park commented that, in his opinion, the site is designed like a freight terminal. Attorney Park commented that the issue before this Commission is to decide what the use is for the site. Additionally, there is a potential for the use of the building depending on the tenant.

Commissioner LeBlanc discussed the mixed use of the building and concerns of a freight terminal. Commissioner LeBlanc commented on truck idling and questioned who would enforce this. Peter DeMallie responded that the applicant would enforce this and added that other agencies would enforce this issue like the State of Connecticut and DEEP. Commissioner LeBlanc commented on the increase of truck traffic

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around town. Commissioner LeBlanc commented that there might be other appropriate pieces of the property in South Windsor for the site. Mr. DeMallie commented that the Macy's distribution center is down the road. Mr. DeMallie reiterated the proposed plan is an allowed use and discussed the differences between a freight terminals and storage warehousing. Mr. DeMallie added that if the applicant were to request a freight terminal they would have to apply for a special exception.

Commissioner Bernstein commented that the Traffic Study had been done when school had not been session. Maximo Polanco, traffic engineer with Langan discussed the traffic counts taken for the Traffic Study. Peter DeMallie explained that a third-party traffic review had already been done through the State of Connecticut. Commissioner Bernstein commented that he would like to confirm school bus traffic was taken into consideration, specifically with Dattco around the corner. Commissioner Bernstein commented he is concerned with bus traffic in this area.

Chairman Pacekonis commented on proposed trees and landscape plan, specifically, how many trees would be saved in the buffer zone. Peter DeMallie along 50 ft. buffer strip almost all trees would be saved. Chairman Pacekonis questioned if crossbars would be on site to remove snow. Mr. DeMallie responded that this would be a tenant decision. Chairman Pacekonis commented on some of the inconsistencies in the Traffic Study. Chairman Pacekonis commented on removing one of the 35-foot light poles near Governor's Highway. Ben Wheeler commented that the applicant agreed to this change. Chairman Pacekonis commented that he would like to see a plan truck queuing on site and internal signs within the site for the tractor trailers. Chairman Pacekonis commented that he would like to see two spaces left open to allow tractor-trailers to turnaround. Ben Wheeler agreed to make this change as well. Chairman Pacekonis and Peter DeMallie discussed putting a conservation easement on part of the buffer for maintenance. Director of Planning Michele Lipe commented that this could be established with wording to allow for maintenance.

Chairman Pacekonis commented on noise concerns. Chairman Pacekonis recommended a retaining wall near the loading dock. Applicant agreed to a 60 ft. wide, 12 ft. tall wooden wall at the end of the last truck spot.

Commissioner Wagner discussed sound analysis that he put together. Commissioner Wagner asked the applicant to clarify the decibel levels near closest neighbors.

Chairman Pacekonis commented on the Fiscal Impact Analysis that states this area of Connecticut is desirable for its location for e-commerce. Chairman Pacekonis added that a tax abatement on any additional properties would not be beneficial for the town. Donald Poland commented that demand should not be interpreted for financial feasibility citing challenges with return on investment.

Commissioner Bernstein motioned to continue the public hearing for a special meeting on November 23rd for limited questions and information requested for the applicant.

Commissioner Dexter seconded the motion.

The motion passed unanimously.

REGULAR MEETING/COUNCIL CHAMBERS:

The Planning & Zoning Commissioner adjourned prior to the start of the Regular Meeting.

ADJOURNMENT:

Meeting adjourned at 12:17am.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary