

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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NOVEMBER 23, 2021

MEMBERS PRESENT: Bart Pacekonis, Alan Cavagnaro, Stephanie Dexter, Kevin Foley, Michael LeBlanc, Robert Vetere, Stephen Wagner (attending by WEBEX)

ALTERNATES PRESENT: Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann; IT Support; Caitlin O'Neil, Recording Secretary; Marek Kozikowski, Council Liaison

PLEDGE OF ALLEGIANCE

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

Chairman Pacekonis reviewed the protocol for the public hearing.

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; 10/26/21 and 11/9/21)

Peter DeMallie from Design Professionals spoke on behalf of the applicant. Mr. DeMallie reviewed the updated items to the revised site plan, including the conservation buffer/easement, parking spaces to accommodate tractor-trailer turn around, light pole location and height change, grading for a future sidewalk and signs showing no parking and queuing along Talbot Lane. Mr. DeMallie discussed Donald Poland's Property Value Impact Report, which showed no impact on surrounding residential property values. Mr. DeMallie discussed trucking queuing and reviewed a sketch to demonstrate the truck traffic on the site. Mr. DeMallie commented on the addition of a trail system on the site that would connect to the Town's open space and the already established walking trail at Constitution Landing. Mr. DeMallie added that they had submitted an acoustical study per the request of the Commission. Mr. DeMallie reviewed the Acoustical Study citing that the findings showed that sound level produced by the site would be below the regulatory limits. Mr. DeMallie commented that Attorney James Connor would like to make a summarization after the intervener speaks.

Chairman Pacekonis asked for comments from town staff.

Director of Planning Michele Lipe commented on items in the site plan, interplanting in the 50 ft. buffer area and briefly reviewed the history of the Town Councils action and truck traffic in the area.

Town Engineer Jeffrey Doolittle commented on potentially collecting additional research on Governor's Highway and suggested that the town conduct a Traffic Calming Study of the area to see what measures may be implemented to address the situation.

Chairman Pacekonis asked for public comment.

Kathy Kerrigan of Main Street commented against the application citing concerns with noise.

Attorney John Parks spoke against the application and cited issues with compliance with the zoning regulations. Attorney Parks submitted a Supplemental Compliance document for the record (Exhibit A). Attorney Parks commented part of the documents that he has submitted are three affidavits and diagrams, one of which is signed by an engineer and town resident that questions the application compliance. Attorney Parks commented that the applicant said that OSTA had approved the traffic plan, however, Attorney Parks

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commented that OSTA has not formally approved the plan, it is still in pending status. Attorney Parks commented that also included in the packet are two signed affidavits by engineers citing issues with Section 6.6 of the Zoning Regulations. Attorney Parks reviewed sound concerns for the site and summarized that that application is not a good fit. Attorney Park presented a video produced by Derek Butler, Intervener, that shows the height of a tractor-trailer truck stacker and the noise that is produced.

Liz Pendleton of 319 Hilton Drive spoke against the application.

Steven King Jr of 926 Ellington Road spoke against the application.

John Holowczak of 39 Cody Circle spoke against the application and submitted his resume as an engineer for the record. Mr. Holowczak commented on concern with the Acoustic Study and submitted additional information that was included in Attorney Parks packet.

Gerald Bittner of 24 Cody Circle spoke against the application.

Jessica Glass of 1837 Main Street spoke against the application and read letter from neighbor at 1832 John Fitch Boulevard that was also against the application.

Cynthia St. Cyr of 47 Ferry Lane spoke against the application.

Wei Zhang of 125 Cody Circle spoke against the application citing concerns with the Traffic Study (Exhibit B).

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

Commissioner Cavagnaro read letter into the record of support from Brian Faraci. Commissioner Cavagnaro read letters in opposition from Allison Poulin, Robert Poulin, and John Drenga.

Commissioner Dexter read letters into the record in opposition from Gary Pitcock, Carrie Morse, Linda Levack Dalpe, and Marek Kozikowski.

Commissioner Vetere read letters into the record in opposition from Kimberly Owen, Amy Costa and Annette Pasek.

William Grondin of 38 Elizabeth Street spoke against the application and discussed concerns with feasibility with public sewage on the property. Mr. Grondin commented that the application is also incomplete. (Exhibit D).

John Holowczak commented on concerns with the sound study and read a letter into the record from a civil engineer and neighbor, John Hapkiewicz, also, intervener. The letter stated concerns with the stormwater management plan. Chairman Pacekonis clarified that Mr. Hapkiewicz's letter and information would be submitted as part of Attorney Parks packet. Mr. Holowczak questioned why there was not a construction noise abatement plan submitted with the application.

Attorney James Connor asked for a copy of the packet from Attorney Parks.

Dan Edwards of 131 Hilton spoke against application and questioned who commissioned Brooks Acoustic Study.

Karen Mclean of 26 Edgewood Drive spoke against the application citing concerns with the warehouse becoming a vacant lot in the future.

Attorney John Park commented that he would like the public hearing to be kept open for Derek Butler to speak.

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Jon Plante, Traffic Engineer with Langan Engineering clarified OSTA approval, citing OSTA has approved the methodology of the traffic study and their final decision will not be determined until the Commission has rendered a decision.

Jessica Giammarino of 139 Judy Lane spoke against the application commenting against the proposed sidewalk connection from the site into the Edgewood Drive neighborhood.

John Holowczak commented again citing a chart that discusses truck queuing and zoning regulations.

Chairman Pacekonis asked for Commissioners questions.

Commissioner Wagner commented on the DEEP report for animal impact and questioned whether the report incorporated noise. Director of Planning Michele Lipe responded that she spoke with Robin Bloom from DEEP and confirmed that this is not something taken into consideration in the reports. Commissioner Wagner questioned who has that responsibility to look into noise and pollution. Ms. Lipe clarified that from her understanding, certain departments of DEEP are responsible for looking into the impacts of noise and pollution.

Commissioner Wagner commented that he did not have an issue with the accuracy of the Traffic Study. Commissioner Wagner questioned whether this site would be considered a truck terminal or not and explained why one may view this facility as a truck terminal. Commissioner Wagner also questioned the vehicles that would primarily use the site. Jon Plante of Langan Engineering reviewed the ITE land use used for the traffic study was based on the potential tenant market, which would intended to be warehouse and not a last mile distribution center. Mr. Plante commented that the vehicles used on the site would be dependent on the tenant, however, the study does not break down the vehicles by tractor trailer trucks vs. box trucks. Commissioner Wagner suggested that perhaps the bays closed to the residential homes could not service large trucks as a way to reduce noise further. Mr. Plante commented that from his work on numerous projects he understands that sound is an additive, therefore, the sound from multiple trucks does not necessarily add more noise. Commissioner Wagner commented that the multiple trucks puts out more energy. Peter DeMallie commented they had a tight time frame to get an acoustical engineer, however, they successfully contracted one that was able to look at the requested concern of sound from the nearby property lines from the site. Furthermore, the report concluded that they would meet the State's standard for acoustical sound level. Mr. DeMallie added that this report did take into consideration the proposed 12x60 wooden barrier. Commissioner Wagner commented that his concern would be more than one truck operating away from that barrier and potentially be less effective. Commissioner Wagner commented on his concern of multiple trucks idling and moving throughout the site.

Commissioner Wagner commented on the truck queuing plan and feels it is a good plan. Commissioner Wagner added that he was happy to see the walking trail too. Commissioner Wagner commented on the noise on Main Street and agreed that the town and residents should discuss a potential solution such as a barrier. Peter DeMallie commented on the trail system, which would be part of the existing system that is part of the industrial park for Constitution Landing. Mr. DeMallie commented that the trail would be at the discretion of the Commission. Commissioner Wagner commented that he would be in favor of the trail system.

Commissioner Wagner questioned the existing property lines from a site plan, which was approved in the 1990s. Director of Planning Michele Lipe commented that applicant can combine property lines as part of the application process. Ms. Lipe added that she would recommend that the property lines be combined by deed as an approval condition. Commissioner Wagner questioned the stormwater report and wanting clarification on the report showing less peak stormwater runoff. Daniel Jameson of Design Professional

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responded yes they did reduce peak flows to stilling basin and did receive net reduction of peak flow leaving the site.

Chairman Pacekonis questioned if Derek Butler had arrived. Derek Butler, Intervener, commented that he had additional testimony that he would like to discuss. Mr. Butler commented that he reviewed the truck queuing plan and feels the plan is tight. Mr. Butler commented that it would be difficult to stack two tractor-trailer trucks next to one another. Mr. Butler commented that other facilities in the area that have much longer driveways that allow for better queuing. Mr. Butler commented that there are many loading docks on the right-hand side, which would force drivers to do blind side back ins, which is something in the industry that is typically avoided, as it can be hazardous. Mr. Butler commented that he feels this would ultimately create a backlog that would spill onto Talbot Lane and Governor's Highway.

Mr. Butler commented on freight terminal versus distribution facility, adding that the trucking industry has changed. Mr. Butler commented that many of the companies that were considered trucking terminal companies no longer exist and now many large retailers have taken over and e-commerce has become a large industry. With that said, many companies operate and own private fleets, which manage different types of functions such as cross dock and cross transit transfers, very similar to freight terminal work. Mr. Butler commented that he just wanted to clarify that freight terminals are no longer what they used to be and added that this information is a part of the packet submit by Attorney Parks.

Commissioner Vetere questioned the height of the exhaust for the sound in the acoustical study.

Commissioner Vetere questioned the peak level of sound taken from the study. Derek Butler commented on the video he took. Commissioner Vetere clarified that he was looking for the height from where the maximum decibel level was heard. Peter DeMallie responded that the receiver height and maximum decibel level height was 5 ft.

Commissioner Foley questioned Jon Plante on decibel levels. Mr. Plante commented that he is not an acoustical engineer but has a part of multiple sound studies for projects throughout the state. With that said, Mr. Plante explained that in general, sound is not additive, for example, 50 decibel sound plus 50 decibel sound does not equal 100 decibels. Commissioner Foley questioned the energy produced. Commissioner Foley questioned if the traffic study done on a Sunday. Mr. Plante responded no, additionally, the study was done over multiple days. Commissioner Foley questioned the number of trucks at peak and non-peak. Mr. Plante responded based on the land use by ITE of similar facilities, approximately about 105 trucks coming into the site and 105 leaving the site. The morning peak would equate to approximately 16 trucks coming in and 16 trucks exiting the site. For the evening peak, it would be approximately 11 coming trucks in and 11 trucks leaving. Commissioner Foley questioned the truck queuing design and agreed with Derek Butler's opinion that the space seems tight. Ben Wheeler of Design Professionals responded that ultimately, the design is tenant driven, additionally, the tenant could choose to remove the security gate which would allow for easier truck queuing. Mr. Wheeler commented that the worst-case scenario would be if the gate was closed, there would be room for 8 trucks between the gate and Talbot Lane. Mr. Wheeler commented that the two ingress lanes are 12 ft. wide, which is the same width as a highway lane. Mr. Wheeler commented on blind side back ins, citing a provision to allow drivers to circulate around if they are not comfortable with blind side back in. Brian Wiley, resident and aerospace engineer, responded to the question for decibels and explained that decibel math works on the power of ten.

Commissioner Dexter commented that she felt Derek Butler was a very credible speaker with his insight of the trucking industry. Commissioner Dexter added that she agrees that the trucking has changed.

Commissioner Cavagnaro commented that he was still concerned about some items brought up at the last meeting.

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Commissioner Bernstein questioned Derek Butler if truck drivers do a pre trip inspection like bus drivers do. Mr. Butler responded yes, it is the same regulation for bus drivers and for CDL truck drivers. Commissioner Bernstein commented that from his knowledge as a former bus driver, there is a great deal of noise that would be created besides the engine.

Commissioner Foley commented on his concerns with the site plan, specifically the truck queuing. Commissioner Foley commented that they have had queuing issues with Home Depot.

Chairman Pacekonis questioned Ben Wheeler on the stormwater discussion from the October 26 meeting. Mr. Wheeler commented that his statement was correct, the stormwater treatment systems are designed for a 2- year storm. Mr. Wheeler clarified that the overall size of the stormwater underground structures are sized to take into account a 100-year storm. Chairman Pacekonis commented that he would like some explanation on how the stormwater system would influence flooding on Newberry Brook. Daniel Jameson responded that the project would not make the brook worse. Mr. Jameson explained that the peak flows currently leaving the site would not increase due to the installation of the two detention basins on site that water could flow to before leaving the site. Mr. Jameson explained additional stormwater measures on the site that would assist with keeping large amounts of water leaving the site. Mr. Jameson commented that the distance from the site to Main Street is 7,500 ft.

Chairman Pacekonis echoed the same concerns as Commissioner Foley for truck queuing. Chairman Pacekonis commented that he drove by a site in South Windsor with a longer entrance and still trucks were in the road queuing. Chairman Pacekonis called on Brian Wiley, questioned the stormwater report, and asked for elaboration of his experience of flooding for Newberry Brook. Mr. Wylie commented on the letter that he submitted at the last meeting and expressed his concern for stormwater runoff to Newberry Brook. Mr. Wylie commented on the storms over the summer that caused major flooding problems for the brook and concerns of increased volume. Daniel Jameson responded that there is an increase in volume, which is consistent to match peak flows, which is a State and town requirement. Mr. Jameson added that the site is at the top of the Newberry watershed and is only 2.5% of the total watershed for the brook. Mr. Jameson summarized that per conversation with Town Engineer Jeffrey Doolittle, there is a known problem for Newberry Brook that the town may have plans to solve in the future, however, this application will not be impacting this further. Chairman Pacekonis questioned Mr. Doolittle if the town does have a plan to remedy the issue in the future. Mr. Doolittle explained that it would take some time to solve the issue as it is a complicated problem. Mr. Doolittle added clarification on the location of the Audubon property.

Chairman Pacekonis questioned if there had been any further discussion with applicant regarding a traffic calming study and a potential roundabout added in the future. Peter DeMallie responded that the applicant is willing to work with the town should they wish to pursue a roundabout and provide the necessary land to assist with the project. Chairman Pacekonis clarified that the subdivision regulations were not pertinent to this application. Chairman Pacekonis commented on the proposed trail system. Ben Wheeler reviewed the trail system for Constitution Landing. Mr. DeMallie added that the applicant has agreed to remove the security gate and should a future tenant wish to install it, they would have to return to Commission for approval. Mr. DeMallie explained this measure would assist with the queuing issue.

Chairman Pacekonis commented on a large potential for back up of trucks near the site. Mr. Wheeler commented on the Macy's Warehouse down the road, which has limited truck queuing space. Mr. Wheeler reiterated the applicant being agreeable to removing the security gate at the entrance to allow more free flow of traffic. Derek Butler, Intervener, added insight for the Macy's facility and explained they do not have a large amount of outbound traffic like the proposed site does. Mr. Butler added that at their peak, Macy's does have approximately four trucks idling on Governor's Highway.

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Chairman Pacekonis questioned whether the concern of pollution being in the Commission's purview. Director of Planning Michele Lipe responded that she awaiting more insight from the Town Attorney. Attorney James Connor, representative for the applicant, explained the programs that related to development and pollution control. Attorney Connor summarized that certain programs existed in the 1970s but have since gone away. Essentially, pollution control is regulated by DEEP to a certain degree.

Commissioner Foley questioned Intervener, Derek Butler, about truck queuing. Mr. Butler clarified the truck process can be first come, first serve or by appointment.

Commissioner Wagner clarified his reasoning for allowing only smaller trucks at the loading docks near the residential property lines. Commissioner Wagner reviewed the decibel levels for trucks, specifically at peak hours, while idling. Commissioner Wagner questioned if additional noise would be produced by the trucks besides engine noise. Derek Butler responded that in addition to engine noise, there is noise produced from hook ups, dropping of empty trailers, dropping of full trailers and noise from forklifts going into trailers. Commissioner Wagner and Mr. Butler discussed truck idling, particularly in the winter months. Attorney Connor commented that they are assuming that drivers would break the law, cannot assume the law will be broken. Attorney Connor reviewed the idling laws for the town and the State. Attorney Connor added that the Commission could not regulate truck queuing especially without a tenant and the elimination of the check in gate would allow the Commission additional administrative control since a tenant would need to return to the Commission for approval for this. Commissioner Wagner questioned if the applicant would consider a condition that states trucks could not idle for more than 3 minutes. Attorney Connor responded that it is the law, therefore, they would be okay with this condition. Commissioner Wagner and Attorney Connor discussed how idling could be monitored and enforced.

Chairman Pacekonis commented it was time to state the closing concerns. Chairman Pacekonis commented for the interveners to present any additional information.

Derek Butler commented that he ultimately feels the site is not right for this area. Karen Viklinietz agreed with the documentations that has been presented.

Attorney James Connor gave his closing statement on behalf of his client UW Vintage II. Attorney Connor commented that the proposed site plan is a permitted use in the industrial zone. Attorney Connor reviewed the Acoustical Study, Traffic Study, the truck queuing exhibit and commented that his client was agreeable to removing the check in gate to allow for better traffic flow. Attorney Connor commented that the applicant was also in agreement to have an approval condition for truck idling enforcement. Attorney Connor reviewed Donald Poland's study which shows there is no adverse effect on surrounding property values. Attorney Connor summarized that the applicant has submitted an acceptable site plan and has provided expert testimony. Attorney Connor commented that the Intervener did not provide expert testimony and did not show feasible and prudent options.

Chairman Pacekonis closed the public hearing at 10:43pm and commented that they would move to the decision portion to the next meeting on November 30.

SPECIAL MEETING/COUNCIL CHAMBERS:

CALL TO ORDER Chairman Pacekonis did not call the Special Meeting to order.

ADJOURNMENT:

Meeting adjourned at 10:44pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary