EXHIBIT A

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6/22/2023

To whom it may concern,

RE: Trio Investment Properties, LLC

75 Connecticut Ave.

South Windsor, CT 06074

This letter is to inform you that Windsor Sanitation, Inc. is able to provide commercial sanitation and recycling service and individual small container pick up during the hours of 8am to 6pm.

If you have any questions or concerns, please contact our office at 860-688-3955.

Sincerely,

Jordan Sprague

Windsor Sanitation, Inc.

JACOBS, WALKER, RICE & BARRY, LLC

ATTORNEYS AT LAW

146 MAIN STREET

MANCHESTER, CONNECTICUT 06042

TELEPHONE (860) 646-0121 FAX (860) 645-6229

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LEONARD JACOBS (RETIRED 2017)
RONALD JACOBS
1927-2017

836 FARMINGTON AVENUE SUITE 136 WEST HARTFORD, CT 06119

June 27, 2023

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

Re: Application 23-15P by Trio Investment Properties, LLC for Approval of Site Plan for 39,850 Square Feet of Industrial Flex Space at 75 Connecticut Avenue, I Zone

Dear Chairman Pacekonis and Commissioners:

MICHAEL J. RICE

MARIA K. TOUGAS

JAMES B. ZIMMER

DAVID M. BARRY, JR.

GREGORY W. MCCRACKEN

ALEXANDRA B. BOWEN

This firm represents the Applicant of the above-referenced Application. The Applicant wishes to address comments from the public concerning the moratorium on new warehouse/distribution centers, the terms of a conservation easement to the Town of South Windsor, and published notice of public hearings, personal notice to abutting property owners.

1. The moratorium by the Town of South Windsor Planning & Zoning Commission on new warehouse/distribution centers does not prevent the Commission from accepting, hearing, and approving this Application.

First, the proposed use in the Application is not a warehouse/distribution center. While warehouse/distribution centers are permitted in the I Zone with approval of a site plan under Table 4.1.1A of the Town of South Windsor Zoning Regulations, the Application is for other permitted uses. As the Applicant explained at the beginning of the public hearing, the Application covers approval of the flex space for plumbing, heating, electrical, mechanical, industrial, and general contracting establishments under Table 4.1.1A of the Zoning Regulations. The possible use of some of the flex spaces for storage in connection with the permitted uses does not transform the proposed development into a warehouse/distribution center, and the size and configuration of the proposed development make it unsuitable for a warehouse/distribution center.

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Second, even if one were to accept the unfounded claim in the public comments that the subject of the Application is a warehouse/distribution center, the moratorium on approval of new truck and freight terminals and warehouse/distribution centers throughout the Town under Section 1.5 of the Zoning Regulations has expired. The Commission can hear and approve the Application.

2. No conservation easement to the Town extends 75 feet from the boundaries of the subject parcel of the Application, and the site plan shows the buffer of 50 feet that the Commission previously approved.

During the Commission's public hearing on the Application, an abutting property owner offered a copy of a Conservation Easement from Hale Realty, LLC to the Town dated March 8, 2001, which was recorded in Volume 1192 at Page 254 of the South Windsor land records, and questioned why the Applicant's proposed site plan did not show a conservation easement extending 75 feet from the easterly boundary of the parcel. Lawrence R. Geissler, Jr., L.S., the Director of Surveying for Design Professionals, Inc., reviewed the description of the property that is subject to the Conservation Easement, and the easement area does not include any portion of the subject parcel for the Application. With reference to the attached Constitution Landing Re-Subdivision Plan (revised through 2001), the subject parcel is the southerly portion of Lot 8, and the northerly portion, which is the Tribe 9-Carla's Pasta parcel, was acquired by Carla's Pasta parcel, and it terminates well before the boundary of the subject parcel, as depicted on the attached Plan. Because the conservation easement burdens property to the north of the subject parcel, there is no requirement for the site plan to depict the easement area.

The Plan also depicts the approved buffer of 50 feet for the subject parcel. The Application was submitted under the Zoning Regulations while this buffer requirement remained in effect for the subject parcel, and the site plan depicts this buffer. The amendment to the Zoning Regulations increasing the buffer to 75 feet does not apply here.

3. There are no defects in notices to the public or to abutters of land use applications that this Commission may consider.

Public comments questioned the validity of public notices and notices to abutting property owners for the public hearing by the Town of South Windsor Inland Wetlands Agency. These comments have no bearing on the present Application. This Commission does not have authority to determine the validity of the notices for the IWA's public hearing. Abutting property owners must raise these issues with the IWA,

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and the time for an appeal from the approval of a permit to conduct regulated activities has passed.

For the present Application, the Zoning Regulations did not require notices to abutting property owners, and the published notice fairly and sufficiently apprised the public of the nature and character of the Application.

Please include this letter with the record of the Application. The Applicant's design professionals, principal, and this firm will be available during the continued public hearing this evening to respond to any questions about the letter and provide additional information that the Commission may require.

Very truly yours,

JACOBS, WALKER, RICE & BARRY, LLC

Gregory W. McCracken

GWM:ahh Attachment

Copies to: Michele M. Lipe, AICP, Director of Planning (with attachment)

Peter R. DeMallie, Design Professionals, Inc. (without attachment)

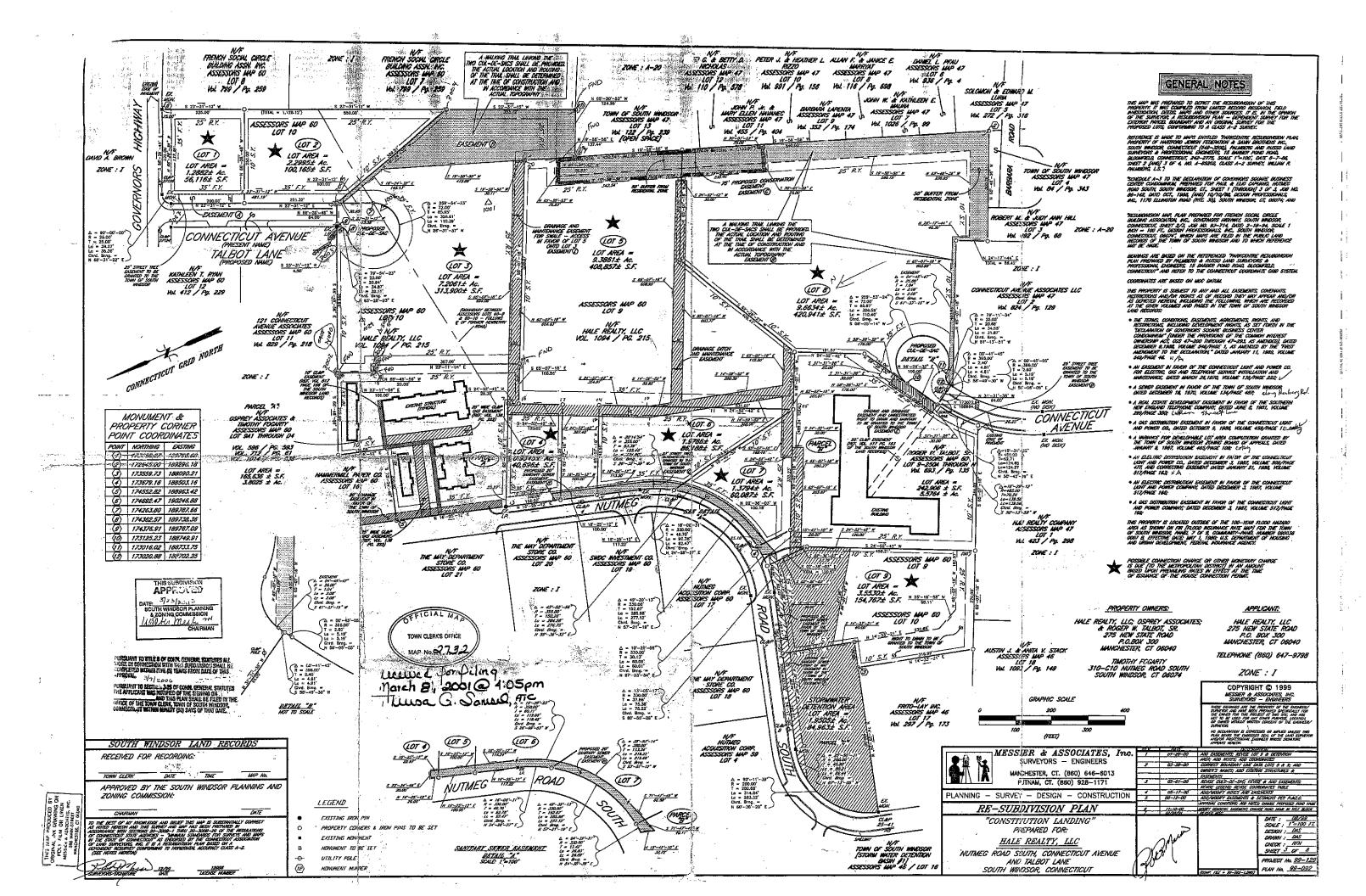


EXHIBIT C EXHIBIT C
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Town of South Windsor CT, Planning and Zoning Meeting 06/27/2023 Application 23-11P

- 1) Revised 06/21/2023 submitted plans do not include 75' conservation easement on southerly and easterly borders with residential.
 - a. Easement submissions were physically given to committee at 6/13/2023 Planning and Zoning meeting and listed on the Planning and Zoning Committee website under meeting 6/13/2023 Exhibits.
 - b. In addition, conservation easements have an additional 38' requirement for roots of tree species
- 2) Revised 06/21/2023 submitted plans do not include 75' buffer from residential, beyond conservation easement.
 - a. SW Planning and Zoning Regulation 6.2.4
- 3) Determination of type of development of Application 23-11P
 - a. Submission by resident Richard Delhaie, showing different project scope before Inland Wetlands and the application now before Planning and Zoning. Submission is with the 6/13/2023 Planning and Zoning meeting minutes exhibits.

b. 7.24.1 Intent

- i. The intent is to allow for wholesale, storage and/or distribution activities, truck freight and bus terminals that are compatible with neighboring uses; have adequate community services, street, utilities and will not have a harmful effect on surrounding neighborhood(s).
- ii. A. Warehouse use: Where used throughout these regulations, the term warehouse use applies to warehouses, distribution centers,

- box truck storage facilities, freight terminals and last mile delivery facilities. See Section 11.9, Appendix J for warehouse type definitions.
- iii. B. The separating distances established below between residential zones and proposed use(s) shall be measured by establishing a radius of the required separating distance from the residential zone to establish the boundary. All proposed activities for the use, including parking areas, truck courts, buildings, etc. shall be shown on the site plan and shall fall outside of the separating distance radius.
- iv. C. Any existing site with an approved warehouse type use at the time of the adoption of these regulations, 05-28-23, which now requires approval by special exception or does not meet the established separating distance, shall be allowed to expand up to 15% of the existing square footage by site plan approval provided the expansion does not bring the on-site activity any closer to the residential zone.
- v. If an applicant/developer cannot identify the specific application for a project (e.g. is it a warehouse or is it a truck terminal) the PZC will assume the highest level of intensity and apply the most stringent requirements. The project will be subject to a Special Exception at a minimum. Changes in the use after the original Commission approval may require additional approvals from this Commission.
- 4) From the revised site plan App. 23-11p dated 6/21/2023, last seen online at 13:42 06/262023. Page 15: Property and Topographic Survey
 - a. Dimensions of trees are grossly under exaggerated as witnessed by 6/13/2023 submission (Minutes/Exhibits) of actual photos and measurements of trees.
 - b. The South Windsor Tree Warden should be brought in to make an independent study representing the town and the resident's interests.
 - c. P and Z regs, Section 6.2.1.E E. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable. Existing healthy trees of 18-inch caliper and greater (to be survey-

located either singly or as groups) shall be incorporated into the site plan to the maximum extent possible. Similarly, significant stands (10 or more trees) of related species, or consistent scrub-shrub groupings occurring in front, side or rear yards shall be preserved whenever feasible. When possible, existing trees shall be saved by appropriate welling and mounding. The revised site plan from June 21st shows, a large number of trees, but oddly no double or triple trunk trees. Sheet V-1 seems odd in that so many of the trees are marked as only 17 inches. I strongly encourage the Commission to send the town tree warden out to measure these trees, or conduct a site visit with tape measures in hand - an 18 inch tree will be about 57 inches around the circumference.

- 5) Town of South Windsor CT/Planning and Zoning Regulations Section 8.6.2
 - a. B.6 Name of adjacent owners and zoning classification of their property; The property currently in between 10 Barbara rd and 39 Barbara rd, is currently owned by the Town of South Windsor and no notification was sent via certified mail.
 - **b.** B.13. Locations and descriptions of all existing and proposed easements and rights-of-way; **There is no mention of the Conservation easements on the southerly and easterly borders.**
 - c. B14. Location of existing trees; trees larger than 18" in diameter shall be shown. All trees larger than 6 inches in diameter within the public right-of-way shall be identified on the plan. Groups of trees shall be identified by a "tree line" that shows the extent of the stem line as well as the extent of the drip line; drip lines may be approximated through the use of existing aerial photographs. **Developers' submission is complete** fiction as represented by residents' submission.
 - d. B16. When buffers are required, the buffer design as proposed after 5 years' time and at maturity shall be portrayed and shall conform to paragraph 6.2.4.C Buffer Widths, as appropriate. In addition, a profile of a typical section of the buffer as projected at five years' time and at maturity shall be shown; Buffer submitted on the revised site plans

06/21/2023, do not have correct dimensions which should include 75' conservation easement and 75' buffer.

e. 8.6.3 Standards for General Plans of Development

- i. A. Purpose
- ii. A General Plan of Development may be submitted for the purpose of having the Commission approve of the proposed conceptual development of a site. The purpose of a General Plan of Development is to show:
- iii. 1. Proposed land use;
- iv. 2. Building layout;
- v. 3. Proposed intensity of development (including coverage ratio, setbacks, parking count, building height);
- vi. 4. General layout of utility systems and location;
- vii. 5. Circulation and street/road networks;
- viii. 6. Drainage systems and location;
 - ix. 7. Open space;
 - x. 8. Impervious areas; and
 - xi. 9. Recreation areas.
- xii. The intention of this General Plan of Development is to show details visible to any viewer. The Commission may decide to hold a public hearing on the General Plan of Development. The Commission may require submission of the General Plan of Development to the Architectural and Design Review Committee.

f. B. Form and Content of General Plan of Development

- i. The General Plan of Development shall consist of 1 or more maps prepared by an engineer, architect, landscape architect or planner and accompanying documents:
- ii. 1. Drawings at a scale of not less than 1" = 100' drawn on South Windsor Topographical Survey maps showing existing topography with property boundaries, contours, existing structures, existing roads and rights-of-way, and major topographical features (including wooded and open areas, inland wetlands, watercourses and flood plains); Wetlands mis identified by developers expert.
 2 additional Soil Scientists have conflicting opinions.

- iii. 2. A layout plan showing type of development and uses; the proposed general system of utilities (including sewer, domestic water, fire protection and storm water drainage) and their connection points to existing systems; building layout; road and parking layout including access locations from connecting roads and driveways; proposed open space areas; buffers; and proposed recreation areas; The site plan and naming convention on 3 separate occasions have identified different uses.
- iv. 3. A plan showing land uses and building locations within 500 feet of the site;
- v. 4. A plan showing abutting property owners;
- vi. 5. A report regarding existing traffic conditions and information on traffic generated by development of the proposed site, and traffic impact of the traffic generated, prepared by a registered professional engineer;
- vii. 6. A statement of the projected impact on the water supply and distribution system, drainage, and sanitary sewer system;

6) 6.1.4 Natural Landscape Features

- a. Due regard shall be given to the preservation and potential enhancement of natural features, trees, scenic points, rock formations, and other assets of a community nature. All watercourses should remain in as natural a state as possible, and all land filling shall be subject to the landfill regulations of the Town. The developer shall preserve, insofar as possible, hardwood and evergreen trees that are not required to be removed by the building construction or public improvements. Comments made by design firm, to they effect, they will make it better than it was Video recording 6/13/2023 P and Z Committee meeting. Similar comments made by Design Firm and Soil Scientist on multiple occasions throughout Inland/Wetland Committee meetings
- 7) 8.7.3 Criteria for Plan Evaluation
 - i. B. Specific Criteria for Plan Evaluation
 - ii. The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of South Windsor's

- environment. Pertinent to appearance is the design of the site, building and structures, plantings, signs, street hardware, and other objects that are observed by the public.
- iii. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Town:
- iv. 1. Impact on the market value of existing structures in the adjoining area;
 - 1. Putting commercial building 75' or 150' will impact the resale value of the neighboring community
- b. 2. Effect on the health, safety and general welfare of the community;
- c. 6. Location and dimensions of public and private pedestrian walkways, sidewalk malls and paths;
 - i. 75' Conservation easement and walking trail
- d. 7. Types, styles and colors of building materials, exterior facades and facing, fenestration, and fireretardant characteristics;
 - i. Fall and Winter Months, buildings will be exposed to residential surrounding community

Town of South Windsor CT

Planning and Zoning committee meeting 6/27/2023

App: 23-11 P

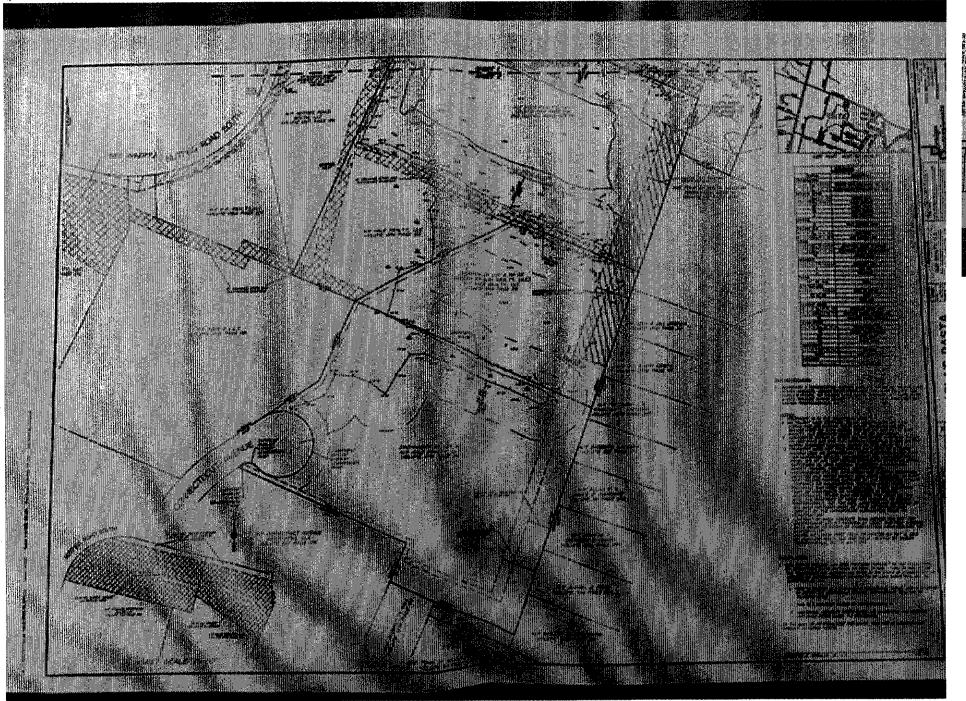
Connecticut Avenue

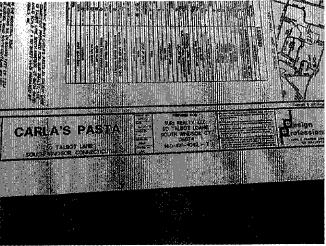
Submitted by Steve Grech

Judy Lane

South Windsor CT

6/6 Page / Mapping





Mapping showing Conservation Easements for 75 Connecticut Ave

EXHIBIT D

EXHIBIT D

EXHIBIT D

EXHIBIT D

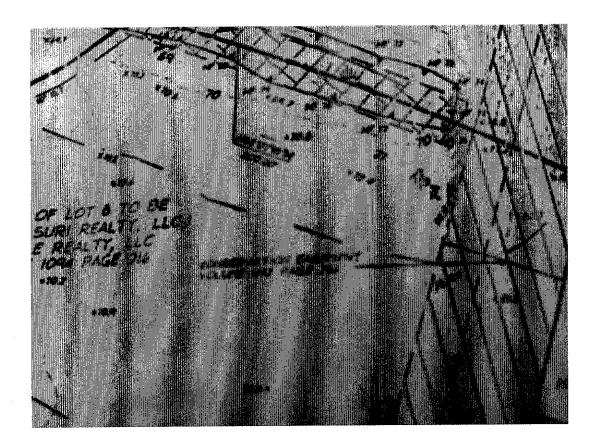
Town of South Windsor CT Planning and Zoning committee meeting 6/27/2023 App: 23-11 P

Connecticut Avenue
Submitted by Steve Grech
Page 1 of 2/Mapping



Image expanded of Conservation Easement mapping showing volume and page.

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