

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
SEPTEMBER 26, 2019 SPECIAL MEETING
6:00 P.M. COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

**Present: Commissioners Levine, Profe, Harvey, Jaggon, and Correia (by phone).
Commissioners Mips, and Smith were absent.**

Also Present: Town Planner Barz, Assistant Town Planner Sealy, and Recording Secretary Lisa Ozaki.

I. NEW BUSINESS

Commissioner Levine, as acting chair, opened the meeting at 6:02 p.m. Commissioner Levine read a letter concerning her status as a resident of abutting Walden Woods, dated September 26, 2019 into record. Town Planner Barz stated that we have a full quorum of Commissioners. Commissioner Correia has called into the meeting and was given a full set of plans and materials to follow the applicant's presentation with the Commission. Don Sardilli, President of Sardilli Produce was present and stated he had no problem with Commissioner Levine sitting on the application and will respect whatever the vote is.

A. Public Communications and Petitions (five-minute time limit per person) –

Town Planner Barz suggested that if the applicant would like to make his presentation first and then open comments to the public, they would then be more informed by the applicant's presentation, perhaps answering any questions or concerns that they may have. Wilson Alford Jr., engineer for the applicant, stated he had no objection to that.

Motion: Commissioner Jaggon moved that Item B to be presented first before Item A. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

B. Re-Approvals/Revisions/Extensions

1. Site Plan Revision – 550 Marshall Phelps Rd., Building Addition and Fuel Station, Alford Associates

- a. Requesting waiver of Section 3.1.2A – Required Buffer Strips
- b. Requesting waiver of Section 3.4.1A (1) – Industrial and Warehouse truck loading area aprons shall be no closer than 150 feet from any Residential, NZ, AG Zone boundary line. On the north side of the subject property, the adjacent property is zoned Residential.
- c. Requesting waiver of Section 8.2.3D – Minimum glass requirement for a utility structure.

Wilson Alford Jr., Engineer from Alford Associates, Inc., was present and addressed the Commission. Mr. Alford reviewed the older plan that was previously approved by the Commission. Sardilli Produce has 100,000 sq. ft. that they will be occupying at 550 Marshall Phelps Road and they have realized they will need more loading docks. Mr. Alford reviewed Sardilli Produce's truck schedule over the course of the day that there are not enough loading docks to service all their trucks. The best option would be to add loading docks on the west side of the building. Mr. Alford stated the original location of the fueling station would restrict tractor trailer movement from the loading dock area. Mr. Alford stated the new fueling station is located closer to this loading area, which means less movement of the trucks during the night to load produce, they would remain parked, and would leave from the same dock in the morning. Mr. Alford noted that they are asking for three waivers. The first waiver is for the buffer strip. The second waiver is the loading area encroaching into the 150 ft. buffer from a residential property. The third waiver is for the 3% glass requirement for a utility building in the I zone. Town Planner Barz asked Mr. Alford to explain a berm to audience. Mr. Alford stated he is going to bring the ground up about 12 ft. to 15 ft. to a final evaluation of 192 ft.

Mr. Alford stated the fueling of the trucks takes place during the afternoon and distance to the location is shorter with relocation of the building. Mr. Alford stated that the sound will not go towards Walden Woods with the fueling station moving to new location parallel to property line. The sound study has not changed, but there should now be less sound. Mr. Alford stated the berm was raised up to 192 ft., which means less sound towards the neighbors now. There would still be very thick plantings on the top of the berm.

Commissioner Profe asked how many trucks there would be and would there be bumper to bumper traffic in the parking lot. Mr. Sardilli stated docks to the north of the building are for receiving. We will not be receiving any more produce after 6pm. The loading docks on the west side of the building are the most important. Mr. Sardilli stated the trucks will come in, fuel and park for the night to be loaded. At the present time we have 25 trucks.

Mr. Alford stated the first half of the fueling station building is a maintenance facility where the maintenance of the trucks would be serviced during the day. The middle of building is office and storage space. The back of the building is for storage of the equipment to maintain the facility and driveway. The equipment would be a snow loader, a lawn mower, and a bobcat to move the loads of snow. Mr. Alford indicated there would be a snow scraper in the corner of the parking lot for snow to be scraped off the top of the trucks before daily route. On both sides of the fueling and maintenance building there are 9 ft. tall retaining walls that shield the building and support the berm. The berm to the south has a 193 foot elevation, which is 12 ft. above the grade of the ground plus plantings on top.

Commissioner Levine asked how tall the building is. Mr. Alford stated the building is 27 ft. high. With the dirt presently against the back of building, 18 ft. of the building is exposed. Mr. Alford stated when the special use was approved the applicant offered backup device sensors, which sense ambient sound levels and if it is quiet outside, it would emit a lower level noise. There were concerns of traffic coming out onto Marshall Phelps Road. Mr. Alford stated there are conditions of the Special Use permit, which prohibited left turns onto Marshall Phelps Road. Mr. Alford stated the produce is delivered by common carriers that come off I 91, down Day Hill Road to Marshall Phelps Road. As for the Sardilli Employees, they get a bonus at the end of the month if they comply with a twenty item checklist. Item 21 is don't make a left onto Marshall Phelps Road. There is a sign that will be posted with no left turn onto Marshall Phelps Road. Mr. Alford thanked the Commission for showing up on a Thursday.

Commissioner Jaggon asked if they are considered an essential service that delivers to nursing homes and hospitals. Mr. Sardilli stated absolutely. We are the same as an ambulance or a fire truck. Not only nursing homes and hospitals, but school and colleges where people stay overnight. Mr. Sardilli stated this is why we need the fuel supply.

Commissioner Levine asked how much time is really saved by having the fueling station there rather than in original plan. Mr. Sardilli noted not only is time saved, but there is less noise made. Mr. Sardilli stated it's not so much moving the fueling station, but the major issue is we can't use the dock if fueling station remained in the original place. Commissioner Levine asked how many spaces are in the back. Mr. Sardilli explained the docks to Commissioner Levine. Mr. Sardilli counted 20 spaces, but he thinks it will be less, 17-20. Mr. Alford showed Commissioner Levine on the plan the docks and the dumpsters. Mr. Sardilli stated a maximum of 36 spaces. Commissioner Levine stated the request is double of what you were approved. Commissioner Levine asked if the sound report was based upon that number of trucks. Mr. Alford noted it was based upon eight running trucks in the area north of the building. Commissioner Levine stated the report does not reflect more trucks with refrigerated units running on them, so where is the new sound study so we know it meets the requirements of the regulations. Mr. Alford stated the number of trucks on the back wall are located farther away. Mr. Sardilli explained the refrigerated units to the Commission and stated once trucks are parked against the docks inside, the docks are already at the 35 degree temperature. Commissioner Levine asked about parking near Walden Woods. Mr. Sardilli stated we will not be using it over there. Mr. Alford stated the top of the berm is four foot higher than what the sound study used, which means less sound that will bounce over the berm. Commissioner Levine asked if the concrete wall went all along the property. Mr. Alford stated just near the fueling station. Commissioner Levine asked about plantings. Mr. Alford stated that the plantings will be evergreens, planted in two rows. Commissioner Levine asked if they will be mulched underneath. Mr. Alford stated grass or mulch. Mr. Sardilli stated that the end result is less noise and truck movement with a higher berm. Commissioner Levine asked

what time do the tractor trailers come. Mr. Sardilli stated the tractor trailers come during the day, unload, and then leave.

Town Planner Barz noted this is a warehouse zone and as such, the loading docks against the back of the building are allowed by right. If the applicant wasn't asking for waiver, the staff would have the right to approve the loading docks. If the applicant wasn't asking for these three waivers, they would be in their right to have the docks. Mr. Alford stated loading docks could be asked for on both sides. With just the existing 9 docks, any other tenant would have a problem getting their product out. They can store but need to get out. Another tenant could come in and basically do a staff signoff with no berm or plantings. You would see the building in the fall. Commissioner Levine stated that you can see it now. Mr. Alford stated that as the trees grow you would see less and less of the building. If it is any other tenant, there would be no berm to soften the sound or sight.

Town Planner Barz asked Mr. Alford what is along the back side of the building on the currently approved plan. Mr. Alford stated truck parking was there. Town Planner Barz stated that with 16 loading docks on north end of the building, a truck would repeatedly move from these spaces at the rear of the building to the loading docks, get loaded, and drive back to these loading spaces, with their reefers running. With the new application, there is going to be a truck pulling in and staying there, cooled at times by the refrigerated building. Town Planner Barz asked how many loading docks there will be. Mr. Alford stated 18 to 20 with 18 to 20 filled and parked there for the night. Town Planner Barz stated reiterated that if someone else buys this building, the berm, the landscaping, and the other sound measures will not necessarily be there. Mr. Sardilli stated it would be a different case if he didn't buy the building and even more tractor trailers could be there.

A. Public Communications and Petitions (five-minute time limit per person) –

Roland Bernier, 17 Haskins Road, spoke of Tuesday night's discussion from Mr. Alford and Mr. Sardilli and that it helped him understand the application and thanked them for explaining it. Mr. Bernier appreciated the truck movement being reduced from his house and that this would be a benefit to him to have Sardilli Produce move in. Mr. Bernier asked about the dumpster noise.

Chris Hayes, 1 Dunbar Drive, spoke that he greatly appreciated Mr. Sardilli talking to us on Tuesday. Mr. Hayes noted the efforts of the berm, trees, and limit of truck traffic is a benefit and overall enhancement to the neighborhood. Mr. Hayes asked Mr. Sardilli to communicate with Walden Woods Association if anything comes up.

Sue Raupach, 5 Last Leaf Circle, spoke that she was thankful for the presentation and Mr. Sardilli explained the difference, adding that if we have good neighbors this could work.

Ms. Raupach asked Mr. Sardilli if he would join them at their association meetings on the last Wednesday of the month at their meeting house.

Robert DeMarco, 21 Scarlett Lane, spoke of setbacks and though he is neither for nor against, he is concerned with the noise level generated by this facility being 40 ft. closer.

Jane Peters, 430 Pond Bridge, spoke that she was new to the neighborhood. Ms. Peters stated Sardilli is enlarging their truck amount by a significant amount. Ms. Peters asked Mr. Sardilli how he knows if trucks took a left or a right onto Marshall Phelps Road and she is also concerns about the environmental impact regarding the maintenance building. Ms. Peters stated she doesn't believe they are going to be able to control the amount of noise.

John Webber, 80 Pierce Blvd, asked what could be done if Mr. Alford is wrong about the noise level. Mr. Webber asked if there is additional steps to quiet the noise.

Terry Tracz, 619 Thoreau Circle, asked what recourse they have regarding noise or zoning restrictions. Mrs. Tracz stated that the Commission will be relaxing the controls from 150 ft. to 75 ft. Mrs. Tracz noted she doesn't see how there will not be noise.

Commissioner Harvey read a letter from Francis Starr, 522 Hawthorne Lane, dated September 24, 2019 into the record. Mr. Starr stated his objection to this application concerning noise.

Commission Levine read a letter from Theda Marinelli, 3 Marble Faun Lane, dated September 24, 2019 into the record. Ms. Marinelli stated she is against this application, also due to noise.

In conclusion, Mr. Alford stated there is a noise ordinance and if it exceeds the ordinance the Zoning Enforcement Officer would take action against them. Mr. Alford stated with the expansion of the facility, the only difference would be the loading docks in the back are 4 ft. lower and now trucks would be parked and left for the night. Mr. Alford noted that with the original plan, the trucks would be parked to the north of the building and at 3:00 in the morning, would be moved, loaded, and moved back. The new layout is more effective and generates less noise for neighborhood. The sound would be directed away from Walden woods. Mr. Alford reiterated that they raised the berm up and can't imagine noise would be any louder because of a higher berm.

Mr. Sardilli stated the dumpster will be emptied during the day. Mr. Sardilli explained how the policing of left hand turns with trucks would work, adding that they have a lot of cameras and will know. The bonus for the Sardilli Produce employee would be \$400 a month. The employees would lose \$100 every time they turn left. Mr. Sardilli noted as for being involved with the neighborhood, he gave them his business card and if they

can't get a hold of him, there are enough management who can help you with a problem. Mr. Sardilli stated someone else could purchase the building and put more vehicles than his company, and that they will follow any codes to be a good neighbor.

Town Planner Barz stated we have to assume the sound study was done accurately. Town Planner Barz stated the berm is going to be a little bit higher and common sense would dictate that has a positive impact on sound. The number of trucks aren't going to change. As far as recourse goes, if the numbers exceed the decibel levels in the report, there is no direct recourse. As for the town ordinance, it's very specific. Town Planner Barz stated that the safety backup alarms are OSHA required. Whether you grant this or not the trucks are going to be there. Town Planner Barz stated that he believed the situation is superior.

Commissioner Profe asked if we have a better picture. Town Planner Barz asked Mr. Alford if he had sections with him and Mr. Alford reviewed the visibility of the building from five locations in Walden Woods.

Commissioner Levine stated that the IWWC is fine with it. Town Planner Barz read the Town Engineer's letter dated September 26, 2019 into the record.

In response, Mr. Alford stated that the pipe under the building is going to be abandoned.

Town Planner Barz stated that having the berm here with the landscaping is superior in terms of views from Haskins Road and that the Commission is not simply relaxing 150' standards. They are substituting the berm, retaining walls, and plantings for a wider buffer with less visual and noise barriers. If the applicant went to ZBA they could get a variance and there would be no berm or plantings. You are getting a trade for this.

Motion: Commissioner Profe moved to approve the Waiver of Minimum glass requirement for a utility structure – 550 Marshall Phelps Road, Section 8.2.3D, Building Addition and Fuel Station, Alford Associates, Inc.

Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the Waiver of Buffer Strips – 550 Marshall Phelps Road, Section 3.1.2A, Building Addition and Fuel Station, Alford Associates, Inc.

Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the Waiver of Industrial and Warehouse truck loading area aprons shall be no closer than 150 feet from any residential, NS, AG Zone boundary line. On the North side the subject property, the Building Addition and Fuel Station, Alford Associates, Inc.

Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the Site Plan Revision – 550 Marshall Phelps Rd., Building Addition and Fuel Station, Alford Associates with the following conditions:

1. Addressing Engineering Department letter comments.
2. Addressing outstanding Staff Review comments.
3. Final Staff Review and Approval.


Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

VI. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn the meeting at 8:05 p.m. Commissioner Harvey seconded the motion and it passed unanimously, 5-0-0.

Respectfully submitted, , Lisa Ozaki, Recording Secretary

I certify these minutes were adopted on October 8, 2019


Jill Levine, Secretary

