

**SPECIAL MEETING MINUTES
TOWN PLANNING AND ZONING COMMISSION
MAY 26, 2020
7:00 P.M. COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

Zoom instructions

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3. During public comments if you do not wish to speak you may type your comments into the Q&A feature.

Present: Commissioners Mips, Levine, Harvey Ferraina, and Smith. Alternate Commissioner Harvey was seated for Commissioner Profe and Alternate Commissioner Ferraina was seated for Commissioner Correia. Alternate Commissioner Jaggon was present but not seated.

Absent: Commissioner Profe and Commissioner Correia.

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

I. PUBLIC HEARINGS

1. **Site Plan/Special Use – 1 Joseph Lane & 1201 Kennedy Road, Distribution Center, Section 8.6X, I Zone, SPA Properties, LLC
Recessed from May 12, 2020 meeting**

Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: Attorney Tom Cody, Nate Kirschner, Greg Tocci, Ben Mueller, Luke Mauro, Daniel Madrigal, Tim Elam and Bennett Brooks.

Tom Cody, Attorney from Robinson & Cole, was present and addressed the Commission. Atty. Cody recapped the last two meetings regarding this application. Atty. Cody

explained that Town Planner Barz, the town's sound consultant Bennett Brooks and Atty. Cody's team had a phone discussion to resolve some sound mitigation issues.

Ben Mueller, Engineer from Ostergaard Associates, was present and addressed the Commission. Mr. Mueller recapped the project noise goals and results with the Commission. Enhanced Mitigation Plan included:

- perimeter sound barrier height increased from 15 feet to 25 feet where nearest residential receptors, increasing surface area by 26%.
- lower roof HVAC units will be screened with 10-foot tall sound barrier with absorptive interior facing units.
- upper roof HVAC units will be moved at least 75 feet from northwest and southwest roof edges to provide additional sound attenuation by the roof edge.

Greg Tocci, Engineer from Cavanaugh Tocci, was present and addressed the Commission. Enhanced Sound Controls:

- have provided a perceptible reduction in equipment and activity sound.
- more importantly, have reduced sound levels deeper into the existing ambient noise level, further masking facility sound.
- most sound is transient produced by truck and trailer activities on-site. These will become less frequently audible.
- greatest benefit is reduced tonal alarm sound.

Commissioner Harvey asked if the adjustment allowances are not applicable now and the goals are to be the same as ambient. Mr. Tocci stated that no since the barrier has been raise so that it reduces the facility sound levels. Commissioner Harvey asked Mr. Tocci how many of his projects have you had to go back to and solve the problems once construction is complete. Mr. Tocci stated that it would be a challenge and this facility is not going to be loud compared to the environment. Commissioner Harvey asked why you wouldn't do it again at a previous location once it is built. Mr. Tocci said that variability would change the results by then.

Commissioner Levine asked have pointed out, where the resident that lived on Joseph Lane. Commissioner Mips said that no one lives on Joseph Lane.

Town Planner Barz stated that he had a meeting with all three sound engineers and the results are that the differential between noise generated by the facility and ambient sound levels are now below 10dBA, a margin that would be perceived as twice as loud.

Bennett Brooks, Sound Engineer from Brooks Acoustics Associates, was present and addressed the Commission. Mr. Brooks stated that he received the applicant's new report today and he reviewed it. Mr. Brooks said that sound levels were much improved. Mr. Brooks stated that he agreed that the applicant's models is conservative. Mr. Brooks said that the extra effort on the roof HVAC and the higher barrier will significantly reduce the

sound at the facility. Mr. Brooks noted that based on the studies and enhanced mitigation that the applicant has submitted to this hearing, he expects the sound will be in harmony with the existing background levels. Mr. Brooks stated that if the Commission approved this application, the Commission might want to consider adding conditions that the applicant install the enhanced mitigation features as presented.

Atty. Cody stated that he sent the town staff a list of suggested conditions of approval that has three regarding the sound, including:

1. to address HVAC sound from the lower rooftops, final plans will be revised to add additional shielding on the lower rooftops, which includes at least one or a combination of the following measures: a. extending the parapet up to 10 feet above the roof elevation; or b. installing up to a 10 foot tall acoustical barrier screen around individual units; or c. an equivalent design solution that accomplishes substantially the same sound mitigation as described in a. or b. above. Design details will be finalized before building permit issuance. The sound absorptive side of the mitigation will face the HVAC units;
2. to further mitigate the upper rooftop HVAC units, final plans will be revised to move all HVAC units a minimum of 75 feet away from the northwest and southwest roof edges, or an equivalent design solution that accomplishes substantially the same sound mitigation. Design details will be finalized before building permit issuance;
3. to improve truck activity sound mitigation, the perimeter sound wall will be increased from 15 feet to heights of 20 to 25 feet in the western section of the project site, in accordance with the exhibit dated 5/26/20 submitted by the Applicant. Design details will be finalized before building permit issuance.
4. the lighting plan will be subject to staff review and approval of a final lighting plan.

Luke Mauro, Traffic Engineer from Langan Engineering, was present and addressed the Commission. Mr. Mauro stated that OSTA requested additional information and the application has been sent to them. Mr. Mauro noted that OSTA asked for striping and signage changes at the Kennedy Road I-91 off ramp to provide two left turn lanes. Mr. Mauro addressed the truck movement question and he doesn't anticipate any truck movement between the two facilities.

Nate Kirschner, Engineer from Langan Engineering was present and addressed the Commission. Mr. Kirschner stated that all lighting issues have been addressed and approval could be conditioned with final staff review and approval of the photometric plan.

Atty. Cody answered the question about the parking spaces and how the applicant has proposed a reduction of the parking.

Tim Elam, from Scannell Properties, was present and addressed the Commission. Mr. Elam stated that Scannell Properties wants to be a good corporate neighbor and have

brought in a lot of professional review to make that happen. Mr. Elam noted that this a big investment and will create a lot of job opportunities for the town.

Commission was recessed at 8:30pm.

Commissioner Mips started the meeting back at 8:40pm.

Asst. Planner Sealy explained that the ZOOM number is located at the bottom of the screen to call in to ask questions.

Commissioner Levine read the following letters:

Bonnie Karkowski, 1852 Poquonock Ave. dated May 22, 2020

Ann Beaudin, Poquonock Ave., dated May 21, 2020

Eric Marullo, 9 Priscilla Rd., dated May 25, 2020

Kimberly Cirigliano, dated May 25, 2020

Commissioner Mips stated that the Commission does not take into consideration monetary issues and these are up to the Town Council, and these comments have been forwarded to them.

Town Planner Barz stated that from the town staff prospective, we have been doing everything in our power to mitigate the potential impacts of this proposed facility on the neighborhood and town. Town Planner Barz stated that Mr. Brooks, Mr. Mueller and Mr. Tocci worked together to come up with agreeable mitigation measures. Town Planner Barz stated that the town will use its extensive experience in monitoring construction to work with the applicant to make sure no issues come up during construction

Asst. Town Planner Sealy read the Zoom Q & A into record about sound mitigation compared to the Day Hill Road Amazon facility. Town Planner Barz stated that the Day Hill Road facility is not close to residences and is not buffered. Town Planner Barz noted that with the planned mitigation measures, this facility should be quieter than Day Hill Road.

Commissioner Harvey asked Town Planner Barz if this type of facility is permitted by right and only requires a public hearing because of the building height, then could they be as close as 35 feet to property line with a shorter building. Town Planner Barz stated that yes that is correct. Commissioner Harvey asked what is considered low intensity in the Industrial Zone, noting that having 240 trucks per day is high intensity and asked Town Planner Barz to clarify this. Town Planner Barz said that we used to have two industrial zones: the I-1 Zone for light manufacturing, research and development, and office; and the I-2 Zone for heavy industrial uses generating significant noise, smoke, odors, vibration, etc. The I-1 and I-2 Zones were combined into the I-Zone in 2008 and the stated intent of limiting the zone to low intensity uses was aimed at avoiding the heavy industries previously allowed by right in the I-2 Zone, and did not contemplate high-velocity retail logistics facilities in that intent.1.3-63

Commissioner Smith asked about the parking waiver and he is in favor, but how many employees do they expect per shift. Atty. Cody stated that they have looked at the 1,800 spaces and they are confident there will be enough spaces. Mr. Mauro stated that the day shift is 1,100 employees and night shift is around 1,000 employees and the shifts are staggered about a half an hour to an hour apart to accommodate the changeover.

David Fontaine asked about lights on top the facility for air traffic and if they will they blink. Mr. Kirschner stated that two required forms were submitted for the building and construction crane to the FAA and a response was received and there are no requirements for blinking lights.

Commissioner Mips closed the public hearing at 9:17pm.

Motion: Commissioner Levine moved to approve the Special use – 1 Joseph Lane & 1201 Kennedy Road, Distribution Center, Zoning Regulations Section 8.6X, SPA Properties, LLC with the following conditions:

1. Implementation of the additional sound mitigation stated on the record by Attorney Thomas Cody at tonight's meeting.
2. Resolution of all the outstanding traffic issues with the town staff.
3. Resolution of all the photometric and lighting issues with the town staff.
4. Installation of the crosswalk at River Street and Kennedy Road and the continuous sidewalk to the facility.
5. Overall staff approval of the final site plan.

Commissioner Ferraina seconded the motion and it passed, 4-1-0

Motion: Commissioner Levine moved to approve the parking waiver requested by the applicant reducing the total of 1,900 parking spaces to 1,800 parking spaces, which will decrease the runoff from the parking surface.

Commissioner Smith seconded the motion and it passed, 4-1-0

Motion: Commissioner Levine moved to approve the Site Plan – 1 Joseph Lane & 1201 Kennedy Rd., Distribution Center, Section 8.6X, I Zone, SPA Properties with the following conditions:

1. Implementation of the additional sound mitigation stated on the record by Attorney Thomas Cody at tonight's meeting.
2. Resolution of all the outstanding traffic issues with the town staff.
3. Resolution of all the photometric and lighting issues with the town staff.
4. Installation of the crosswalk at River Street and Kennedy Road and the continuous sidewalk to the facility.
5. Overall staff approval of the final site plan.

Commissioner Ferraina seconded the motion and it passed, 4-1-0.

The meeting was recessed at 9:21pm.

Commissioner Mips started the meeting back at 9:26pm.

2. Text Amendment – Section 2.2 & 8.6Y, Cody

Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: Attorney Tom Cody

Atty. Tom Cody, Attorney from Robinson & Cole was present and addressed the Commission. Atty. Cody explained the text amendment to the Commission and how the change came about. Atty. Cody said that this amendment addresses a gap in the Zoning Regulations.

Commissioner Mips asked what the difference is between the Amazon on Day Hill Road and the new one on Kennedy Road. Atty. Cody said that both Amazon facilities are fulfillment centers and this particular facility is not storing packages, it is different type of facility than fulfillment centers. Commissioner Mips asked if there would be any outside storage. Atty. Cody said that there will be no outside storage.

Commissioner Levine asked about the Sardilli Produce facility on Marshall Phelps Road and trucks being closer than 50 feet to residential zone. Town Planner Barz stated that Commissioner Levine is talking site specific and in this case, the amendment refers to a smaller type of facility. Town Planner Barz stated that there will be conveyer belts to get packages off the trucks and into the vans for delivery. Town Planner Barz said that if the Commission felt the 50 feet is too close, you have discretion during the Special Use to move it further away.

Commissioner Harvey asked about the setback in the I zone and being 50 feet already, wouldn't that be the closest anyway. Town Planner Barz said that the building has to be at least 50 feet away from line.

Commissioner Smith asked if this was like a UPS or FedEx. Town Planner Barz said that is a good comparison to this. Commissioner Smith asked about outside loading and how does it work. Atty. Cody stated that deliver vans are not able to back up to a dock so the way they are loaded is of a manual nature. Atty. Cody noted that the vans may be able to drive into the building. Commissioner Smith asked about the 50 feet from residential zone for loading, which is 16 paces. Commissioner Smith said that he wouldn't want this near his house and thinks 50 feet is not far enough. Commissioner Smith said that the language where it says 10% building should be changed to 10% of building footprint. Commissioner Smith stated that he can't support this as it is written right now. Commissioner Levine and Commissioner Harvey agreed with Commissioner Smith.

Commissioner Levine read CRCOG letter dated May 8, 2020.

Town Planner Barz stated that the town staff has signed off and explained the discussions with the applicant and the logic that led to this text amendment.

Commissioner Mips asked if the 10% could be changed to the building footprint. Commissioner Mips asked if the 50 feet could be changed to 100 feet from a residential zone.

Atty. Cody started that they can agree with the 10%. Atty. Cody noted that he hears the Commission's concern expressed about the 50 feet. Atty. Cody asked to continue the public hearing rather than craft language on the spot.

The Commission continued the hearing to its June 9, 2020 meeting.

II. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 9:55 p.m. Commissioner Smith seconded the motion and it passed unanimously, 5-0-0.

Respectfully submitted, _____, Lisa Ozaki, Recording Secretary

I certify these minutes were adopted on June 9, 2020

Jill Levine, Secretary