

**Karen Johnson, AICP  
1819 Upper Maple Street  
Dayville, CT 06241**

January 17, 2022

Keith Thurlow, Chairperson  
Planning & Zoning Commission  
Killingly Town Hall  
172 Main St.  
Danielson, CT

RE: Applications of Haskell Corporation  
Frito-Lay, Inc. #21-1273 and #21-1275  
1886 Upper Maple Street, Dayville, CT

Dear Chairman Thurlow and Members of the Commission,

Please see below as a follow up to the concerns expressed at the November 15, 2021 meeting of the Planning & Zoning Commission ("PZC") regarding the proposed expansion of the Frito-Lay facility located at 1886 Upper Maple Street in Dayville, CT.

I reviewed the revised material submitted on December 13, 2021 and January 14, 2022 and although some issues from my letter on November 12<sup>th</sup> have been addressed, there are still critical flaws with the application materials.

### **NON-COMPLIANCE WITH THE ZONING REGULATIONS**

***Section 450.3. – Height***– exceptions listed include "farm silos", per the definitions:

*The Term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.*

Plans and zoning indicate the corn silos are exempt from zoning and are shown on the plans ranging from 58 feet to 77 feet with two Future Corn Silos listed at 88 feet high in violation of the height limit in the Industrial zone at 50 feet.

***Section 450.3.1 – Height in Industrial zones***

*Structures in an industrial zone not exempted in Section 450.3 may be allowed under*

*Special Permit to exceed the maximum height as specified in Table A if the Commission determines that the structure is necessary for the efficient operation of the proposed industry and that it does not significantly interfere with present or reasonable anticipated use of other property.*

The application materials for Special Permit include the ASRS addition but not for the silos. The ZEO should also determine how the existing silos were approved as they do not comply with the zoning regulations.

**Section 470.9.4 Noise abatement.** *That all machinery and devices such as ventilation fans, drying fans, air compressor, air conditioning units, etc., shall be shielded and isolated in a manner which shall deaden the noise and deflect sound waves away from abutting premises.*

At the December hearing, Attorney Hammer asked Mr Brooks if “the selection of equipment and build process, the expansion will comply with the applicable noise standards” and Mr Brooks explained that he is very confident. A condition of approval must incorporate the conditions outlined in the Cavanaugh Tocci letter dated January 17, 2021 addressed to Attorney Mary Mintel Miller.

### **Section 530 – Off Street Parking and Loading**

#### **Section 530.1 - Methodology**

***Off-street parking shall be provided to meet the demand for the proposed land use. The applicant shall calculate this demand based on accepted standards, such as published in the Institute of Transportation Engineer's Parking Generation Reports. Mixed-use projects shall provide parking according to a shared parking analysis that projects parking needs based on the peak hour of parking demand. For example, a building with first-floor retail and office space and upper-floor residential will be able to adjust total parking demand to address the fact that peak residential parking demand will occur in the evening, while peak office parking demand will occur during the day. This analysis shall be based on accepted methodologies, such as the Urban Land Institute Shared Parking Study. The parking demand projections and methodologies shall be subject to approval by the Planning and Zoning Commission.***

The methodology for off street parking requires a demand analysis based on accepted standards i.e. ITE which shall be subject to review and approval by PZC. The applicant stated they know what they need for parking and that it is less than ITE would require based on a square foot calculation for Industrial uses. However, a demand analysis is not a simple per square foot calculation and the applicant should be made to provide such an analysis per the regulations.

#### **Section 530.2 – Off Street Parking Guideline**

***These new parking guidelines are based on changing industry standards and needs; and should be reviewed periodically. If an applicant cannot provide an accepted parking***

*demand projection and methodology (Section 530) then the following shall serve as the required parking for the proposed land use.*

The proposal is 231 spaces over parked based on the GUIDELINES– WHY? Haskell Appendix statement only says it is to meet additional parking counts as provided by Frito Lay. This is not sufficient justification for providing 57% more parking spaces than is required by zoning guideline. Frito-Lay should be required to submit a parking demand analysis as required per Section 530.1. Approximately 230 new spaces are being constructed and only 120 new jobs (over how many shifts?) are being created. Based on the guidelines, Frito-Lay has sufficient parking today so what is the justification for encroaching further into the residential area? Additionally, the 15 trailer spaces shown on Sheet 2C-124 should be removed – there are 716 trailer spaces on this lot – why is the parking area encroaching on the residential neighborhood to this extent? A recent site plan approval authorized the construction of an entire trailer parking area on the Yellin lot with insufficient screening and excessive light pole heights

#### **Section 530.4.1 Parking Lot Standards**

*j. For each parking space, a minimum of twenty (20) square feet of landscaped area shall be provided within the parking area or along the periphery of the parking area. For the purposes of this section, the parking area shall be defined as that area used for parking, backup space and driveways associated with the parking lot. **For those parking lots containing in excess of twenty spaces, a minimum of fifty percent of the required landscaping must be provided within the parking area.***

Haskell stated in supplemental materials that it will not comply with this requirement for various reasons. This provision is not waivable – the PZC must require interior landscaping.

#### **Section 532 – Green infrastructure and Improvements**

*Green infrastructure is a network providing the ingredients for solving urban and climatic challenges by responsible development. The Town of Killingly encourages all developments to focus on site improvements that address renewable energy, public transportation, stormwater management, climate adaptation, biodiversity, air quality, clean water and healthy soils; with the intention to increase the quality of life of residents present and future. Site improvements can be unique depending on the geographic location in Killingly and the proposed land use. **Site improvements can consist of but are not limited to electric charging stations, bike racks, public transportation stops, rain gardens, community gardens, dedicated public space, parks, pedestrian friendly walkways, etc.***

What if any site improvements are proposed that meet the above? This is reported to be a \$235M project and yet there are no Green Infrastructure Improvements proposed? The issue of trailer parking has also not been addressed other than to note that food products not manufactured on the premises are stored here. Why are there 716 trailer parking spaces on the property? This leads to a significant site disturbance and Frito-Lay has not substantiated

the need.

### **Special Permit Requirements**

The following special permit conditions must be incorporated if the Commission decides to approve the Special Permit:

#### ***Section 740. Additional conditions and safeguards***

***In granting any special permit the Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:***

1. ***Section 740.2 – Requirement of screening of parking area or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Commission.***
  - Add notations to the current plans related to the forested buffer from the 2010 Special Permit approvals and reinstate the requirement for a forest management plan. This buffer should be a permanent buffer. Mr. Thurlow noted at the December hearing that “. . . over the years, trees are diminishing, and buffers are being more and more exposed.” This buffer should be a permanent buffer on the plans to protect the screening function as required by prior special permits related to height and as a condition of approval for this special permit application.
  - Mr. Thurlow also noted the view of the Frito-Lay plant is prominent from Upper Maple Street because of the development of the Yellin Lot. Mr. Gieeke said that they can “plant some trees on the Frito-Lay property.
  - Are views shown on the 06 August 2021 presentation materials consistent with the new sheets added to the site plan set? Section 450.3.1 states the Commission must determine “. . . that it does not significantly interfere with present or reasonable anticipated use of other property.” The history of review for prior special permits seeking an increase in height have always provided visuals to verify that it cannot be seen from Alexander’s Lake. These visuals, although submitted in an earlier form – are not verified for accuracy and do not reflect the current plans. The special permit for height cannot be issued until this is verified and any appropriate mitigation measures implemented.
2. ***Section 740.6 – Requirement of off street parking and other special features beyond the minimum required by these Regulations or other applicable codes or regulations.***
  - Verify the need for 633 car parking spaces as noted earlier in the letter related to Section 530.2 and also provide verification for the need for 715 trailer parking spaces.
3. ***Section 740.7 - Regulation of the number, type and location of outdoor lighting facilities.***
  - Add shields to the existing light fixtures at the Yellin lot to minimize the light

pollution from the lake. These lights were installed at 45 feet high and create light pollution.

4. **Section 740.8** - Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these Regulations may be accepted in whole or in part by the Commission and may be made additional requirements and conditions of the permit when granted.
- The CLA review letter under comment #15 raises concerns about traffic flow during construction. Mr Hesketh also noted at the December hearing that mitigation measures will be implemented during construction to to minimize traffic concerns. Several Commission member questioned the effectiveness and enforceability related to these measures. Specifically, that contractors will carpool to the site and work off peak hours. The Commission should stipulate that all construction traffic be routed through the Attawaugan Crossing Road access point and any excess construction vehicles be required to park at the Attawaugan Crossing Road/Upper Maple Street lot, the former Poludniak lot or rent space at the vacant restaurant across Attawaugun Crossing Road.
  - The CLA review letter also noted in comment #16 that the earth removal and associated trucking may be excessive. Haskell's response was similar to other responses to comments – we will manage it! The Commission should require a construction phasing and management plan which outlines Frito-Lays approach to all these concerns.
  - Incorporate the conditions outlined in the Cavanaugh Tocci letter dated January 17, 2021 addressed to Attorney Mary Mintel Miller.

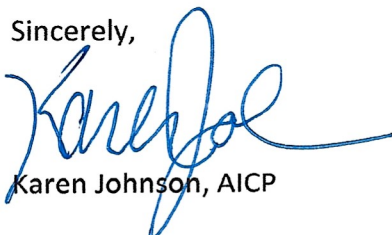
#### **Section 790 Bonding**

*The Commission may require that applicants post a bond to insure the completion of the required site improvements such as road or parking area construction, landscaping, grading, storm drainage and any other items, the failure of which to complete would adversely affect the environment and/or health, safety and welfare of residents of the Town.*

- **The Commission should require bonds for any aspects of compliance Frito-Lay has committed to addressing but has not shown compliance – such as noise mitigation measures.**

Thank you for your very thoughtful and thorough review of the application materials.

Sincerely,



Karen Johnson, AICP