

Janice Rockwood

From: Janice Martin <martinj4hhorses@gmail.com>
Sent: Monday, November 15, 2021 9:39 AM
To: Public Comment
Subject: Re: Frito Lay Project

Dear Friends,

Let me start by saying I do not envy you as you work your way through this project. It is a no-win situation. The township needs the revenue and jobs from such projects. The people living at Alexander's Lake are trying, desperately, to hold onto the wonderful location they have had for generations.

Having said that, please let me add to your thoughts.

My family started at the lake in the 1950s. Since the early 1960s we have lived on the North Shore, directly across from Frito Lay. I have watched this bloom into a very large complex. I have also experienced some detrimental sides of this expansion.

Let me start with some facts. My mother and I raced Sunfish on the lake in the 60s and beyond. These boats have a yellow hull, which makes any dirt easily visible. The first thing I noticed after Frito Lay started was a distinct skim of grey, oily substance on the surface of my boat. This was there every weekend when we arrived to clean and race. EVERY WEEKEND!!! It has not ceased, in fact, it just gets worse.

My family uses the "cottage" all during the Spring/Summer/Fall seasons. We still sail and swim there. It will be passed down to the next generation, hopefully.

Next, the stack provides a constant reminder that there is industry on the other side of the lake. Although not a pleasant sight, it is, in and of itself, not intrusive. However, the noise, CONSTANT noise, has increased over the years. Add to that the sudden bursts of noise and it becomes intrusive to the area.

I am not even going to address the "smell". If you like chips, etc., then it is no problem. However, there is a definite smell coming from the plant. We can take our choice of the smell of chips or the smell of rolls....pick one!

A newer, bigger plant will provide an economic boost to the area. However, it will have a great cost, if it is allowed to destroy the area. A SOUND BARRIER, i.e., berm or trees, needs to be included in this plan and ENFORCED. Removing trees removes the sound barrier. Replanting trees means that it will take nearly 20 years before that sound barrier is effective, if then!

The truck traffic needs to be COMPLETELY addressed. There is no way Maple Street can handle any of this. It all needs to be directed onto 395 and away from the area. Trust me, all those trucks will make NOISE and add to the congestion and air quality problems of the area. We have already noticed an uptick in the noise from 395, Frito Lay and the asphalt plant. [The asphalt plant that was supposed to be "temporary" until 395 was completed. The same plant that smells and generates a whole lot of noise at times.]

The bottomline on all of this is that to "progress" you will be destroying a beautiful gem that is cherished by generations.. Please remember that many families at the lake have been there for generations and wish to remain there for future generations. To allow an expansion to the plant that intrudes on the lake would be a serious detriment to the area. We do pay taxes to the township and expect our lives to be taken into account with future projects. We are already being hemmed in and having problems with the industrial park on the North Shore of the lake which has been allowed to encroach and mar the area. Between the noise, lights and trucks from that area, the lake is having problems already. Let's not add to the problems and complicate the area by poor decisions.

Again, step wisely, do NOT allow this to go forward if it means future problems for the lake and its residents. There needs to be a COMPLETE understanding of what is happening and how it will impact the area before moving forward on plans for this expansion. Promises of "oh, it won't...." don't amount to much after the project is completed. Industry tends to favor itself, not the local environment.

Thank you for your time and consideration,
Janice Martin
225 North Shore Rd.
[mailing address:
2681 W. Scenic Dr.
Danielville, PA 18038]

Janice Rockwood

From: Lenore Gudmundson <lenore000@atlanticbb.net>
Sent: Monday, November 15, 2021 1:44 PM
To: Public Comment
Subject: PZC

In response to this evening's meeting.

I am expressing my opposition to this large expansion of Frito Lay. Piling all these industries in this small residential town causes huge health problems with the cumulative effect on the air. Also the visuals, loss of trees, the noise, the odor, the traffic which is already terrible on the corner of Upper Maple and Lake Rd, are all negative factors. There are 30 Frito Lay plants in the United States. Some other one can be used for Cheetos.

Lenore Gudmundson
78 Island Road
Dayville, CT

Janice Rockwood

From: debra gaudreau <rdgaudreau100@hotmail.com>
Sent: Sunday, November 14, 2021 6:57 PM
To: Public Comment
Subject: Frito Lay Variance

My name is Deb Gaudreau. My address is 242 North Shore Rd., Dayville, Ct. I am writing to express my strong opposition to the variance proposed by Frito Lay.

As a resident of Alexander's Lake, I and my family have enjoyed this pristine, beautiful lake for almost 48 years. I am very concerned about the noise, smell, and the obstruction of beauty we once enjoyed. As I look back at pictures of beautiful sunrises, I see smoke stacks and a warehouse. I can only imagine what I will see if Frito Lay gets their variance request.

Please consider what our lake residents are about to lose when deciding this terrible proposal and vote against this variance.

Sent from my iPhone

Janice Rockwood

From: Miller, Mary <mmiller@reidandriege.com>
Sent: Sunday, November 14, 2021 3:36 PM
To: Public Comment
Subject: Notice of CEPA Intervention in Special Permit Application #21-1273
Attachments: 2021-11-14 ALHA Notice of CEPA Intervention.pdf

Dear Mr. Thurlow,

Please find attached a written submission from Alexander's Lake Homeowners' Association, Inc., intended to be included in the record for the public hearing to be held tomorrow, November 15, on Special Permit Application #21-1273. Specially, it is a notice of CEPA intervention, as is explained therein. The original copy of this submission will also be provided at the hearing, so that Exhibit A can be more clearly seen.

Thank you,

Mary Mintel Miller
Attorney

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Attorney**

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November 14, 2021

Via Email PDF

Keith Thurlow, Chair
Town of Killingly
Planning & Development Office
172 Main Street
Killingly, CT 06239
publiccomment@killinglyct.gov

Re: Notice of CEPA Intervention as a Party in Special Permit Application #21-1273

Dear Mr. Thurlow:

I write as the legal representative of Alexander's Lake Homeowners' Association, Inc. ("ALHA"). ALHA consists of approximately 200 homeowners living within close proximity of the property owned by Frito-Lay, Inc. (the "Applicant"), in Killingly, Connecticut (the "Site"). Some members of ALHA live adjacent to and/or within 100 feet of the Site and may assert individual party status on those grounds, but I write specifically to inform you that the development on the Site that you are now considering will, or is reasonably likely to, cause unreasonable pollution of Connecticut's air, water and other natural resources. For these reasons, which are supported by the facts below and those anticipated to come out at the public hearing scheduled for November 15, 2021, ALHA hereby intervenes as a party pursuant to the Connecticut Environmental Protection Act, General Statutes § 22a-19, in Special Permit Application #21-1273.

I. Statutory and regulatory authority

ALHA is entitled to intervene as a party to this proceeding pursuant to General Statutes § 22a-19(a), which states: "In any administrative, licensing or other proceeding, and in any

judicial review thereof made available by law the Attorney General, any . . . legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.”

In reviewing an application for a special permit, the Commission is required under the Town of Killingly Zoning Regulations § 720.4(e) to consider “[t]he avoidance of potential nuisance,” which would include the aforementioned odor, noise and light issues. In addition, pursuant to § 720.4(f), the Commission should consider “[a]ll standards contained in these Regulations,” which would include the site plan objectives found in § 470.9. While the Commission must consider all nine of the site plan objectives, three are of special concern to ALHA: noise abatement (§ 470.9.4), other pollution or related problems (§ 470.9.5), and landscaping and screening (§ 470.9.6).

More specifically, pursuant to § 470.9.4, the Commission must ensure “[t]hat all machinery and devices . . . shall be shielded and insulated in a manner which shall deaden the noise and deflect sound waves away from abutted premises.” Pursuant to § 470.9.5, the Commission must ensure “[t]hat the obstruction of light or air, or the emission of light, smoke, odor, gas, dust or vibration in noxious or offensive quantities shall be minimized.” Finally, the Commission must ensure “[t]hat the general landscaping and screening of the site provides adequate tree plantings,” pursuant to § 470.9.6.

II. Manner in which Connecticut’s natural resources will be impacted

Alexander Lake is adjacent to the Site. It is a source of refuge for a range of wildlife, including breeding and migrating waterfowl and bald eagles, all of which are reasonably likely to

be adversely impacted by the proposed Site expansion due to its noise, odor, and light pollution.

In the area closest to Alexander Lake, the Applicant has proposed an expansion of its employee parking lot. This request should be denied outright, as it would not conform with the restrictions in its own 2010 Special Permit. The survey from that proceeding is appended hereto as Exhibit A; it clearly shows that a wooded buffer was intended by the Commission to be preserved and enhanced in conjunction with a licensed forester for “visual and sound buffering.” Impacting any of the trees between the 25-foot wide easement and the railroad property would be arbitrary and should be avoided at all costs. If anything, additional visual and sound buffering should be required in light of the fact that the Applicant is seeking to expand its operations by more than 88,000 square feet and has requested that the Commission permit it to exceed the height limit by more than 73 percent. Such expansion, if approved, will not only include new manufacturing space, but, in the area closest to the wooded buffer, would result in a tower in excess of 86 feet in height.

This buffer is made all the more necessary due to established noise issues that are only likely to increase. In advance of this hearing, Frito Lay provided the undersigned with a noise report submitted by Brooks Acoustics Corporation on March 8, 2021 (the “Noise Report”). The Noise Report was narrowly focused and did not consider whether the noise issues will increase with an expansion of manufacturing, but instead simply reported the results of testing conducted in three 16-minute installments on October 22, 2020. The Commission should require a more comprehensive report to be submitted that will consider future impacts.

The measurements included in the Noise Report were not taken properly. The measurements must be taken at about one foot beyond the boundary of the Emitter’s Noise Zone, which is defined to include all contiguous streets and railroad rights-of-way. Regs., Conn. State

Agencies, § 22a-69-7.4(g). The one set of measurements included in the Noise Report was taken west of 1781 Upper Maple Street, up a hill from the road and railroad tracks. The Noise Report admits that this was done to avoid the noise from the road and railroad tracks, but such avoidance is not permitted by the noise regulations, as the goal is to measure the true noise impact on the receptor.

Even more questionably, the Noise Report then claims that it is permissible to deduct 2 dBA from the noise measurements, because they were taken on the Site, not from the appropriate location on the receptor's property. This is impermissible, and the Commission should disregard this attempt to comply through creative reporting. The measurements reveal that when both of the Frito-Lay starch recovery blowers are on, the noise level is 52.7 dBA. With one on, the noise level is 51.2 dBA. The nighttime limit, by regulation, is 51 dBA. Regs., Conn. State Agencies, § 22a-69-3.5. Therefore, no expansion should be permitted without these existing noise issues first being remedied. In addition, the Commission should require a 24-hour noise study be performed at an appropriate location in order to determine the best way to abate the anticipated increases in both manufacturing and traffic noise. This report should be publicly submitted and another hearing held, after which appropriate abatement measurements should be made a requirement of the Applicant's permit.

With regard to air pollution, the Applicant has not provided the undersigned with a recent odor report. The last report known to the undersigned was prepared in 2009. That report, which was submitted in response to a DEEP Notice of Violation, found the odors produced by the Applicant's fryers greatly exceeded recognition thresholds. I anticipate that the Commission has received, and will continue to receive, complaints from the Applicant's neighbors with regard to odor, but this is more than a quality of life issue. If this pervasive odor noted by the residents

surrounded Alexander Lake is due to oil in the air, then there is reason to believe that it eventually condenses and then negatively impacts the wildlife that rely on the Lake. Therefore, a new study should be required and no expansion should be permitted until this odor issue is remedied and appropriate abatement measures are put in place for the future.

III. Relief sought by ALHA

ALHA asks the Commission to deny the Application in its entirety. In the alternative, the Application should be permitted only with an appropriate order to prevent excessive light, noise and odor pollution. Such an order should include a refusal to expand parking (or a reduction of existing parking in favor of additional buffering), as well as appropriate noise and odor studies, followed by mitigation of those issues.

Respectfully submitted,

**Alexander's Lake Homeowners'
Association, Inc.**

By: Mary M. Miller
Mary Mintel Miller, its attorney

VERIFICATION

I, Mary Mintel Miller, legal representative of Alexander's Lake Homeowners' Association, Inc., being duly sworn, depose and say that I have read the foregoing Notice of Intervention, and that the allegations contained therein are true to the best of my knowledge.

By: Mary M. Miller
Mary Mintel Miller

Subscribed and sworn to before me this 14th day of November, 2021.

[Signature]
Commissioner of the Superior Court

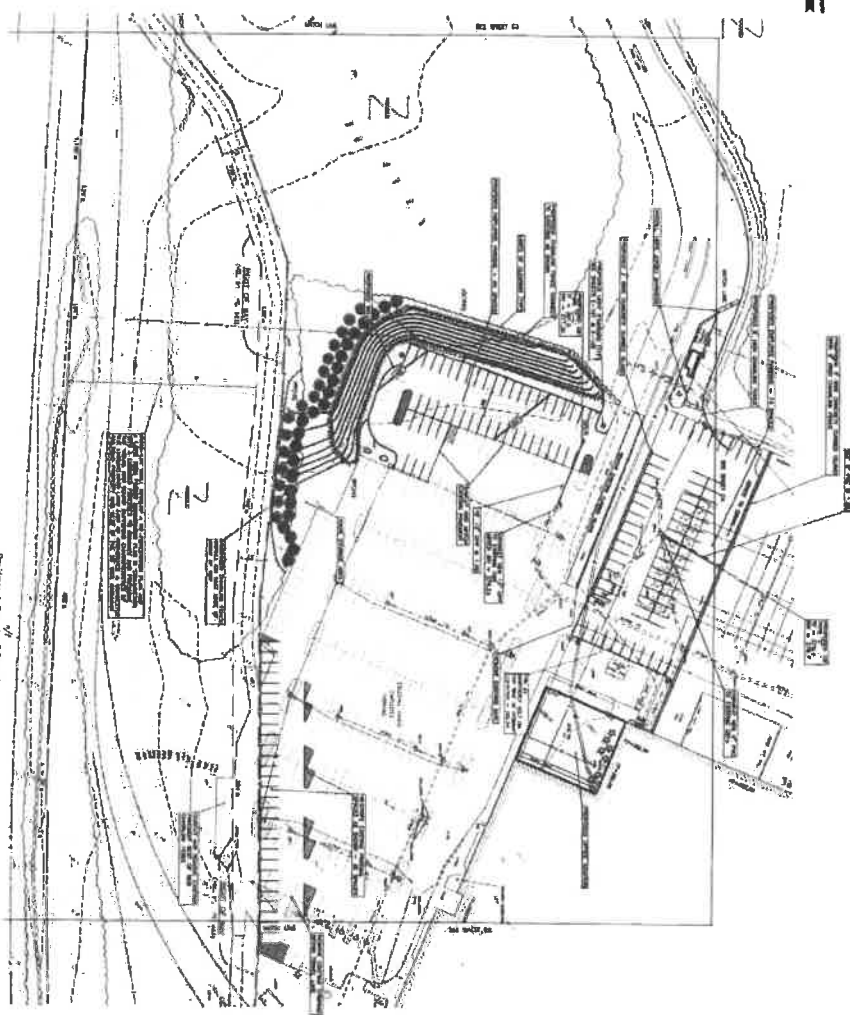
Exhibit A

Received For Record September 27, 2010 @ 9:16 AM Attest: Esiglan on view of Tran Clerk

LANDSCAPE SCHEDULE

SYMBOL	DESCRIPTION	QUANTITY	UNIT
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NOT TO SCALE
FOR INFORMATION ONLY



1/2" = 1' - 0"

#6425

<p>C6</p> <p>2000</p> <p>SITE</p> <p>DEVELOPMENT</p> <p>PLAN</p> <p>WAREHOUSE</p> <p>EXPANSION</p>	<p>KEY</p> <p>FRITO-LAY</p>	<p>SCOOPS LINE EXPANSION</p> <p>FRITO-LAY, INC.</p> <p>KILLINGLY PLANT</p> <p>KILLINGLY, CONNECTICUT</p>	<p>HASKELL ARCHITECTS AND ENGINEERS</p> <p>HASKELL</p> <p>The Haskell Company</p> <p>111 Riverdale Avenue</p> <p>Andover, MA 01810</p> <p>Phone & Fax: 978-475-0900</p>
	<p>DATE: 10/1/09</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>APPROVED: [Signature]</p>		

Janice Rockwood

From: david scott <davescott244@gmail.com>
Sent: Friday, November 12, 2021 8:27 AM
To: Public Comment
Subject: Response to variance Frito lay

Hello, My name is David Scott located at 244 North Shore Rd. I am responding to the variance request from Frito Lay. I truly believe there are several things that we need to understand before granting this variance. First, I think we need to understand why the variance is being proposed from the original 50 feet to the proposed 86 feet. If that were granted it would certainly be an awful view from all residences on North shore Road as well as surrounding neighbors. With the plans to cut trees down directly across the trees from us not only poses the aesthetic awfulness look but also poses a direct increase for additional noise.

I was also briefed on the recent noise study done at Frito Lay recently which was very disturbing to our residences. The study was done at ground level which concluded the noise level was at compliance with town noise ordinance. However, We do not believe the testing was done at the relative height levels which really impacts the noise that residences hear without even factoring wind directions. If we can't get this resolved it is the current noise level multiplied by three.

8

We all encourage growth in our community. However, We also expect the thought and respect of us as neighbors to be considered what's important to us as well.

Janice Rockwood

From: Veilleux, Marc J. <Marc.Veilleux@klgates.com>
Sent: Monday, November 15, 2021 2:43 PM
To: Public Comment
Cc: linethv62@gmail.com
Subject: Planning and Zoning Meeting for the Frito Lay special permit

Dear Town Council members and the Killingly Planning and Zoning Committee,

We were unable to attend the recent Town Council meeting and unfortunately are unable to attend the November 15 meeting on Frito Lay's application for a special permit to allow a variance from 50' to 86' for their expansion project, so we are writing to the Committee to express our views about the project and the Frito Lay facility generally.

We own and spend considerable amount of time at 228 North Shore Road, which we purchased in 2009 from my uncle John Keenan. We are on the north shore of the main lake and so in sight and sound of the plant and a witness to the constant noise levels (and occasionally, when winds are coming from a northeasterly direction, the smell of the fryers) that are generated on a 24/7 basis.

I grew up in Danielson and spent a lot of my youth on Alexander's Lake, so I know that the noise and smells from the plant have been a fact of life lake residents since the beginning. In recent years, though, noise levels are consistently higher than we or our neighbors can recall. Residents have tolerated, adapted (by closing windows at night, etc.) and generally learned to live with it over the years. Our experience today is that even shutting all of our windows won't block the noise. For many of us in the 280+ homes on the lake, what is too much today in terms of the noise (and smell for some) may very well be unsupportable if the plant expansion occurs without addressing it.

I was Killingly High School student when the Frito Lay plant was built and remember the town's excitement in landing this important industrial park tenant, and rightly so. Frito Lay has made and I fully expect will continue to make important contributions to the town and the wider community. We also do not doubt that Frito Lay is the world-class environmentally and socially conscious company that it claims to be, so we are confident that Frito Lay will understand and be receptive to the concerns of the Town of Killingly communities that are and will be most directly affected by the existing plant and expanded plant. We believe now is the ideal time to address these conditions in a comprehensive and effective way to reduce the negative aspects of the plant's impact peaceful and healthy enjoyment by lake community of their homes and this beautiful lake.

Separately, we are facing similar problems with noise levels coming from the industrial park tenants behind us on North Shore Road. Last year we wrote to Town Manager Mary Calorio about it, as did a number of other lake residents, and to its credit one of the tenants (Automatic Rolls) took steps to address our concerns and noise levels were reduced. There is still more to be done, though, with UnFi and other tenants.

We will be grateful for the support of the Committee and the Town of Killingly on these important matters, and thank you for your attention.

Marc and Lineth Veilleux
228 North Shore Road