

LAW OFFICE OF ANDREA L. TRUPPA, LLC

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VIA EMAIL AND REGULAR MAIL

November 10, 2021

Ann-Marie L. Aubrey, Director
Planning & Development
Killingly Town Hall
172 Main Street
Killingly, CT 06239
E: aubrey@killinglyct.gov

RECEIVED

NOV 15 2021

PLANNING & ZONING DEPT.
TOWN OF KILLINGLY

Mr. Keith Thurlow, Chairperson
Planning & Zoning Commission
Killingly Town Hall
172 Main Street
Killingly, CT 06239
E: Thurlowexc@yahoo.com

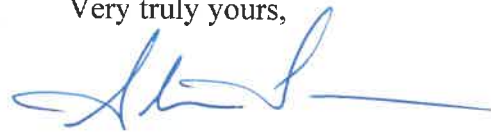
RE: ANTHONY SIMPSON'S OBJECTION TO FRITO LAY PHASE TWO

Dear Ms. Aubrey and Mr. Thurlow:

I am writing on behalf of Anthony Simpson to inform you that my client objects to any further development of the Frito Lay property. While he reached agreement with Frito Lay relative to Phase One of its expansion project, Phase Two of the expansion project imposes new obstructions to his right of way essentially negating it and eliminating any safe access to his property. To date, Frito Lay has had no discussion with Mr. Simpson concerning Phase Two of its expansion plan and the adverse consequence upon his real property interest. As such, Mr. Simpson objects to any further development of the Frito Lay property. Should the Town approve Phase Two and authorize the elimination of Mr. Simpson's titled property interest, then we will take immediate legal action against Frito Lay and the Town of Killingly to enjoin any further development and pursue a claim for consequential damages.

Please contact me or Mr. Simpson to discuss the matter further.

Very truly yours,



Andrea L. Truppa

cc: Roger Gieseke, Roger.Gieseke@pepsico.com

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

REID & RIEGE
ATTORNEYS

Reid and Riege, P.C.
234 Church Street, 9th Floor
New Haven, CT 06510

D (860) 240-1059

F (203) 777-6304

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E mmiller@riawpc.com

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**Mary Intel Miller
Attorney**

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Hartford, CT 06103

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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

SCHEMATIC DEVELOPMENT

FRITO-LAY, INC.

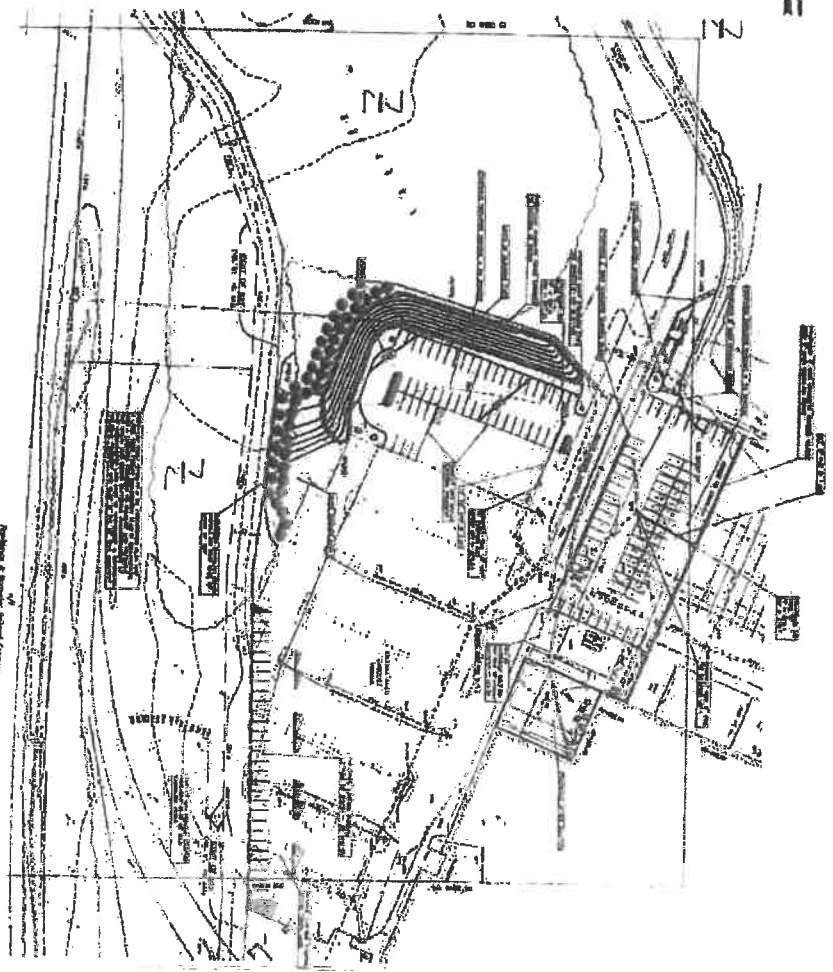
PLANTING NUMBER #6425

Sheet 6 of 9

Received Site Record Sept. in file 27, 2010 @ 01:16 AM Artist: Elizabeth on site of town clerk

NO.	DATE	DESCRIPTION	BY
1	10/1/09	Site Record	EL
2	10/1/09	Site Record	EL
3	10/1/09	Site Record	EL
4	10/1/09	Site Record	EL
5	10/1/09	Site Record	EL
6	10/1/09	Site Record	EL
7	10/1/09	Site Record	EL
8	10/1/09	Site Record	EL
9	10/1/09	Site Record	EL
10	10/1/09	Site Record	EL

FRITO-LAY, INC.



Scale 1" = 100'

FRITO-LAY, INC.

#6425

<p>DATE: 10/1/09</p> <p>PROJECT: FRITO-LAY, INC. KILLINGLY PLANT</p> <p>SCALE: 1" = 100'</p> <p>BY: ELIZABETH</p>	<p>SCOOPS LINE SURVEY</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 81 Elmwood Avenue Middletown, Florida 32668 Phone 9 409/173-0000</p>
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**Karen Johnson
1819 Upper Maple Street
Dayville, CT 06241**

November 12, 2021

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,

I am writing to express our concerns for the proposed expansion of the Frito-Lay facility located at 1886 Upper Maple Street in Dayville, CT, specifically as it relates to the expansion of the auto parking lot on the west side. My neighbors and I are located immediately across the street from this facility on Upper Maple Street. I have made this my home for almost twenty years and many of my neighbors have been here even longer, some before Frito-Lay was constructed. We appreciate the economic benefits of this facility over the last 40 years and understand that we live across from industrially zoned property, however, the incremental intrusion over the years has dramatically impacted our quality of life. Please see chronology of the expansions over the years attached as Exhibit A.

The current special permit application will bring the footprint of Frito Lay to more than 800,000 square feet which is more than 3 times the size of the original facility. Although this is a permitted use, the impacts of this use and the special permit conditions over the years must be considered.

Special permit #10-974 issued in 2010 for a 70' high warehouse expansion was in part approved as the building is "buffered by the existing tree line." Sheet #6425 titled "Site Development Plan Warehouse Expansion" dated 12/15/09 revised to 5/14/10 prepared by KWP Engineering and Haskell Architects and Engineers is recorded in the land records. This plan stipulated that a reforestation plan for the area west of the right-of-way (recorded in vol 91 page 463):

Frito-Lay shall develop a re-forestation plan and a long term forest management plan in conjunction with a licensed forester to enhance and preserve the visual and sound buffering characteristics of the undeveloped land east of providence & Worcester Railroad property and west of the 25' wide easement. (Emphasis added)

Subsequent special permits issued in 2011 and 2012 also reference the conditions of the 2010 special permit and stipulated conditions related to the visibility of the buildings and appurtenances. See 2010, 2011 and 2012 special permits and 2010 plan attached as Exhibit B.

I started to review the Civil Engineering Plans for Frito-Lay Killingly Transformation P&Z Submission 11/5/21 prepared by Haskell ("Haskell Plans") and there are several sections of these plans that do not comply with prior special permits. Please see sheets 2c-221 and 2c-222 of the Haskell Plans which show the proposed auto parking lot expansion encroaching in the area designated in the 2010 Special Permit. Cross Section A-A Auto North on sheet 2c-222 indicates more than a 16-foot cut in the existing grade adjacent to Upper Maple Street as well as the removal of the forested area. The preservation of this buffer was an essential part of the decision-making process for the issuance of special permits in 2010, 2011 and 2012 to construct buildings that exceed the maximum height.

There are other critical flaws with this application, and I hope to have an opportunity to review the remainder of the material over the weekend. Specifically, there are concerns about increased traffic, noise, and odors related to the addition of a new manufacturing line. We have expressed these concerns to the representatives of Frito Lay over the past several months. Some information was submitted with the application in August however, the majority of the relevant information i.e., new reports and revised plans, were only made available this week.

Prior expansions of this magnitude were sent out for peer reviews by engineering consulting firms that specialize in the areas of traffic, noise and air quality. The current planning department staff is doing their best to keep up with the workload, but the highly technical nature and scope of this application requires experts in these fields. I respectfully request that the P&Z continue this meeting until there is adequate time to review this information.

Sincerely,


Karen Johnson, AICP

Please see additional signature page for other residents of Upper Maple Street

Copy To: Anne-Marie Aubrey, Director of Planning & Development
Mary Calorio, Town Manager

EXHIBIT A

FRITO LAY EXPANSION CHRONOLOGY

Permit #	Date	SF Expansion	Application for:	Conditions
			Estimated original size of Frito	Not verified by record plans
91-533	6/26/78	250,000?	Warehouse/manufacturing	Odor study required
95-617	9/25/91	67,000	Above ground tanks	
95-625	5/10/95		Warehouse/manufacturing	
95-633	7/10/95	176,000	Aquifer Protection	
97-589	8/14/95		Office	
02-801	9/8/97	12,826	Chemical and water storage tanks	
	7/8/02		Co-Gen plant	
	6/30/08		Zone change Commercial to Industrial	115,121 and 125 Attawaugan Rd
10-105	3/15/10		Aquifer Protection	Forest management plan
10-913	4/19/10	127,000	70' warehouse	Maintain buffer of existing tree line
10-974	4/19/10		57' starch dryer	Minimize visual impact of starch dryer along western boundary
11-985	2/22/11		57' co-gen stack	Stack not to be seen from north side of Alexander's Lake
11-1013	12/20/11		Misc Expansion	Employee parking
12-1039	11/19/12	87,102		Forest Management Plan consistent with 2010 special permit
12-1041	12/17/12	11,500	Warehouse and 20K diesel	
		481,326	Total expansion area from 1991 to 2012	
		88,663	Current application	
Application #21-1273	Submitted 8/10/21		Total represented in current application	
		Total to be 803,333		

**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION**

Monday, March 15, 2010

Regular Meeting

7:00 PM

---Town Meeting Room, Second Floor
Killingly Town Hall
172 Main St., Danielson

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC HEARINGS

A. Zone Change Applications

1. Zone (Map) Change Application #10-165 of Haskell Corporation for Section 900 to change 115, 121 and 125 Attawaugan Crossing Road (Frito Lay, Inc. owner) from General Commercial Zone to Industrial Zone; 2.6+/- acres

B. Special Permits

1. Special Permit #10-974 of Haskell Corporation for Section 450.3.1 for 70' height warehouse facility; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone
2. Special Permit #10-973 of Haskell Corporation for Section 580 – Aquifer Protection for ~127,000 total sf office, warehouse and manufacturing additions; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone
3. Special Permit #10-975 of Kristine DeLutrie for Sections 420.2.2d – change in use to fast food restaurant and 580 – Aquifer Protection ; 1085 North Main Street (Killingly Investments, LLC owner); 1.65 +/- acres; General Commercial Zone

C. Site Plan Reviews

D. Subdivisions

1. Re-Subdivision Application #10-457 of Albert and Phyllis Charbonneau for two lots; 43 Upper Downs Drive; 5.373 acres; Rural Development Zone

Hearings' segment closes

Meeting Business will continue

IV. CITIZENS' PARTICIPATION - Citizen comments regarding items not subject to public hearing may be made at this time.

V. UNFINISHED BUSINESS

A. Zone Change Applications

1. Zone (Map) Change Application #10-165 of Haskell Corporation for Section 900 to change 115, 121 and 125 Attawaugan Crossing Road (Frito Lay, Inc. owner) from General Commercial Zone to Industrial Zone; 2.6+/- acres

parcels currently have a ROW access strip which they would like change into the main truck entrance to the facility. This would remove all truck traffic from Upper Maple Street. He next reviewed the general commercial zone area and industrial zone area and pointed out that this would not create any spot zoning; however it would make it contiguous with each zone by the addition of these parcels to the industrial zone, as well as the removal of the parcels from the general commercial zone. This would make this area safer regarding the traffic flow on Upper Maple Street and avoidance of traffic over the railroad tracks. This area is also located within the State growth area and is consistent with the State Plan of Conservation and Development.

Virge Lorents asked if the ROW is the parcel that is of interest, what necessitates this for all three parcels to become industrial. Mr. Chambers said there would be widening of the entrance. They would need a right radius of 50'. All of the truck traffic will take a right hand turn out of the facility towards I-395. This area will also be used as the lay-down area for construction. Virge Lorents next asked about tree conservation for this area. Mr. Chambers reviewed this area further regarding this matter.

Mark Tillinghast of the Economic Development Commission, read a letter from the EDC, dated February 3, 2010, into the record. The EDC recommends this project with a vote of four members in favor and the Chairman abstaining.

Judy Rovero of Laurel Point Road asked if the trucks will be sharing the same road as the asphalt trucks. Mr. Chambers stated yes.

Ed Grandelski of Upper Maple Street feels that this proposal is a good idea. It will get traffic off of Upper Maple Street and will help out with the safety of the railroad tracks. He is in favor of this application.

Terry Chambers next reviewed the criteria of Section 902 with the commission. The applicant is not claiming any error in the existing regulations; they do feel that industrial land is needed in Killingly; there is a surplus of the general commercial zone in Killingly, especially in the NE corner and SE corner of Attawaugan Crossing; they are not creating any spot zoning; an easement could not be acquired as the property is for sale; it is a logical progression of industrial land.

Linda Walden reviewed the site walk that took place on Saturday, March 13, 2010 at 8:00 am. Due to the weather situation they were not able to review the proposed area for the map change. Mrs. Walden asked the Commissioners to state whether they individually reviewed this area on their own.

Virge Lorents, Sarah Nathans, Mark Horvath and Brian Card all drove by this area. Keith Thurlow and John Larkin stated they are familiar with this area.

MOTION by Virge Lorents to close public hearing of Zone (Map) Change Application of #10-165 of Haskell Corporation. Second by John Larkin. Motion carried.

B. Special Permits

1. Special Permit #10-974 of Haskell Corporation for Section 450.3.1 for 70' height warehouse facility; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone

Terrance Chambers, PE of KWP & Associates read section 450.3 and 450.3.1 regarding height, into the record. He stated that the Commission has the authority to allow a height increase. He next reviewed, through the use of a power-point presentation, a future high rise warehouse storage facility which would house an ASRS, automated storage retrieval system.

The special permit for height is not being sought for construction of this proposed building. View of the facility from Alexander Lake depicted the ASRS manufacturing building next to the current building.

Keith Thurlow verified with Terry Chambers that the actual building at the facility is 75' and this proposed building is 70'. Mr. Chambers concurred.

Karen Johnson of Upper Maple understands the need for Frito Lay to look into future expansion, however after she reviewed the file at the Town Hall regarding this application, she did not see anything regarding a buffer from Alexander Lake. She would ask that a permanent protected buffer be put on Upper Maple as part of a condition. Terry Chambers said he would accept this as a condition. He also stated that they have contracted with a licensed forester, however no plans have been presented.

Mark Tillinghast of the Economic Development Commission reiterated his statement regarding a letter dated February 3, 2010 and their approval of this application.

Linda Walden reviewed with the Commission and public in attendance that this area was viewed on Saturday, March 13, 2010 at the site walk.

Terry Chambers next reviewed Special Permit criteria 720.4. a. – this will be as far S/E from the lake as possible, the warehouse is to the North, there is no consideration to disturb any existing vegetation or buffer; b. – this will alter for the facility for the better; c. – proposed crowding as much of the expansion to the east away from the residential area is being proposed, consistent with surrounding land uses and highway proximity; d. – proximity public gatherings area n/a, there will be a dwelling buffering; e. – there will be avoidance of potential nuisance; f. – they feel they adhere to the Standards; g. – it adheres to the State PoCD and Town of Killingly PoCD as well.

Brian Card asked about the width of the tree buffer on the western side. Mr. Chambers said it is narrow in width and they plan to work on the reforestation of this area. The eastern shore of Lake Alexander should be increased. Mr. Chamber's said this will be discussed at next month's public hearing.

Ed Grandelski of Upper Maple feels this is an existing facility, there are no plans to go higher than they currently are at, they are a good employer, and they will need to keep up with technology. He feels this should be approved.

MOTION by Virge Lorents to close public hearing of Special Permit #10-974 of Haskell Corporation. Second by John Larkin. Motion carried.

2. Special Permit #10-973 of Haskell Corporation for Section 580 – Aquifer Protection for ~127,000 total sf office, warehouse and manufacturing additions; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone

Terry Chambers of KWP & Associates reviewed the current plans for the two planned additions. Storm drainage from the existing site flows from a 20" pipe through a disassociation device and discharges into the river. The new site will generate new storm flows and will be captured in two detention basin system, then to a remediation basin. The remediation basin is lined with a 30 mil. permeable barrier. There will also be a valve for immediate closure in the event of a spill. A sign, outlining the process in the event of a spill, will be posted near the valve. The detention basins have been designed to contain 100% for a 100 year storm. These basins are located to the north and south of the site. There is no additional direct discharge into the river.

Water treatment upgrades. At the March 17, 2010 meeting of the WPCA, Frito Lay will outline the upgrades that are proposed with the flow amounts. Revised plans will also be provided at the next public hearing.

Wetlands has not acted on this plan, however the applicant has received some suggestions which will be reviewed at their next monthly meeting.

Parking lot design will be addressed at the next public hearing.

Discussion regarding truck traffic flow, what materials are delivered via truck and rail. It was also reviewed how the 2002 signal reconstruction for lights at the railroad crossing will be put back into effect to allow for the phasing and timing of the signal lights and the presence of a detector.

Mr. Chambers next reviewed the noise which comes from the trucks. Originally they were proposing a sound barrier designed of solid pressure treated lumber with landscaping between the tracks and the sound barrier to eliminate any echoing from the tracks. However, they hired Brooks Acoustics Corp. to review this issue. The consultant felt by adding the sound barrier it would reflect the sound from the railway back to the residences. They are reviewing the sound barrier situation further.

Additional parking is being added, however this has been reduced from the original plans submitted by 16'. Lighting in this area is the same as the existing lighting on site, which is shoe box style and will cast the light downwards. Proposed loading docks will face to the east so lighting will not face the residential homes.

The proposed stacks will be lower than the existing stacks on-site. This is the same for the silos.

Keith Thurlow asked Mr. Chambers to speak to the Aquifer. SPCC – spill prevention countermeasure and containment plan have been provided to the Town of Killingly. Frito Lay relies entirely on the aquifer for their water. The only materials stored in the facility will be for cleaning use, which is stored securely. Frito Lay feels that it is essential for them to protect this area in order to prevent their water source. Vegetable oil is not hazardous, however it could be devastating if there is a spill. Hoods will be added to all catch basins near the vegetable silos.

Virge Lorents asked if all tractors/trailers, stored on the gravel area currently, will be on maintained on impervious surfaces. Terry Chambers said this area will need to be paved. The tractors also drain into the disassociation box.

Keith Thurlow asked about drainage and spills that could occur. Linda Walden asked about the 100 years remediation and if a spill occurs, is there a mechanism to prevent this and where will the spill go to next. Mr. Chambers said there is a valve which can be closed from the surface which will be posted by a sign. In the event of a spill, the valve is closed on the remediation basin. All new drainage structures will go through this system. The SPCC will be updated once the proposed construction is complete.

State Traffic Commission has jurisdiction over anything that abuts State highways. The plans have been submitted to the STCC. Bruce Chimento said the Traffic Authority has also received a copy of the plans.

Mark Tillinghast submitted the same recommendation from the EDC.

Karen Johnson of Upper Maple stated for the most part she is in favor of the proposal. She said Frito Lay is a good employer, helpful in the community. Paul Safin and Bob Fitzsimmons have been very responsive to residents' concerns. She appreciates the removal of truck traffic off of Upper Maple and the site plan to buffer the noise from area residences. However, the odor that is coming from the site has increased. She reviewed the history of this issue and the direct impact that has taken on this area. She has filed a complaint with the DEP in November after attempts to reach John Irwin, Regional President of Frito Lay. She copied the P&Z on the letter sent to Mr. Irwin in July of 2009, which they received in November. The DEP went to the site and has issued Frito Lay with a citation. Ms. Johnson said Frito Lay has been working with the DEP regarding this issue. She presented the Commission a copy of all correspondence regarding the odor.

John Irwin said that he will review the correspondence from Ms. Johnson and is taking full responsibility for this. He stated that it was not a willful attempt to ignore her. He also said in February of 2010 a new odor analysis has been filed. In April they are to meet with the DEP and they should have a copy of the report in May which they will present to the Commission and Town Planner.

Ms Johnson reviewed the Special Permit which was granted in 1991 with conditions that every three years an odor study is presented to the Town of Killingly. In 1995, this condition was lifted. She feels the air quality and water quality is an issue for the residents of the Alexander Lake and elsewhere. She has concerns that there is no mention of the cumulative impact of the odor with the existing manufacturing line and the increase of the new manufacturing lines. She is asking the Commission to have Frito Lay address this issue before a final decision, regarding the special

permit, is made. She also asked the Town to hire a consultant or have the Engineering Department review the proposed odor report.

Mr. Johnson would like the forested area to be permanently protected and no development allowed.

John Irwin reviewed, with a power point presentation, the February 3, 2010 meeting with area residents and their concerns regarding the odor. Frito Lay will be adding filters on the fryer stacks by the end of April 2010. They will be meeting with the DEP to resolve this issue. They have engaged a consultant to review this matter. Work is also taking place on improving the oil mist eliminators.

Ed Grandelski of Upper Maple feels this is a good project. They have been good neighbors. The odor is getting better, however they need to look further into this issue.

Bruce Chimento, Town of Killingly Engineer Department, has concerns with the calculations of the site and site drainage. He agrees with the calculations of the mitigation areas and the retention basins. The parking area is not in the site of the drainage areas. The mitigation area and the use of the 30 mill (PVC) does not let anything out. If there is a spill, the control, with the gates, works well. The driver should close the valve in the event of a spill.

Regarding the WPCA, Mr. Chimento said that two meetings, regarding the flow numbers, were held and they will be presented by Frito Lay. The Town has requested a few changes in relation to the new line being put in. There will be less flow than is currently produced. This plan will be presented to the WPCA Wednesday, March 17, 2010.

The sensors at the railroad tracks were removed during the most recent re-pavement project and will be replaced.

Mr. Chimento would like a copy of the odor report when it is available. He also asked to be included in the meeting with Frito Lay and the DEP in April.

Virge Lorents asked if it was realistic to ultimately have no odor. Karen Johnson reviewed the regulatory threshold of the odor which is 8. The threshold in 1991 was in the area of 150.

Keith Thurlow asked if the traffic flow will apply to the aquifer. Linda Walden said yes. She would also like to know how the lay-down area will be treated during construction. She has requested a warning layer to be put in the 30 mil. mitigation area. She said there will be more reports which will need to be reviewed before the April meeting.

Mr. Thurlow asked about turning lanes from the site. Mr. Chambers said there will be two left lane turns going into the facility and one right lane turn leaving the facility. He does not believe an additional turn is required as it will cause further delay. Mr. Thurlow also asked about the buffer between the asphalt plants. Mr. Chambers said they will have a 10' buffer.

Paul Safin of Frito Lay stated the number of the odor for dilution and threshold is 11.2 for chips and 62.1 for corn. They are looking at technology that exists to meet the threshold of the State which is 8.

MOTION by Brian Card to continue the public hearing of Special Permit #10-973 of Haskell Corporation to April 19, 2010. Second by Virge Lorents. Motion carried.

Meeting break from 9:10 pm to 9:18 pm

3. Special Permit #10-975 of Kristine DeLutrie for Sections 420.2.2d – change in use to fast food restaurant and 580 – Aquifer Protection ; 1085 North Main Street (Killingly Investments, LLC owner); 1.65 +/- acres; General Commercial Zone

MOTION by Virge Lorents to set the effective date of Zone (Map) Change Application #10-165 of Haskell Corporation for 12:01 am on April 6, 2010. Second by Brian Card. Motion carried.

B. Special Permits

1. Special Permit #10-974 of Haskell Corporation for Section 450.3.1 for 70' height warehouse facility; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone

MOTION by Virge Lorents to approve Special Permit Application #10-974 of Haskell Corporation for the following reasons: The height request will be necessary for the proposed use of the facility; the proposed height is lower than the existing building at the facility; it meets with the State PoCD plan and is buffered by the existing tree line. Second by John Larkin. John Larkin would like to add that the buffer will be of permanent nature and will not be disturbed. He made a motion to this affect. Further discussion ensued. Terry Chambers stated that he did not agree to a permanent buffer that would not be touched. Brian Card feels that there should be something stating that the buffer should be maintained. The Commission discussed this issue further. John Larkin feels that the footprint of the parking area is going to be altered and would like something addressed to this area. The Commission agreed to address this at the continued public hearing of Special Permit #10-973.

Amendment to the motion failed due to no second.

After Roll call was taken, the motion carried unanimously.

2. Special Permit #10-973 of Haskell Corporation for Section 580 – Aquifer Protection for ~127,000 total sf office, warehouse and manufacturing additions; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone

Continued to April 19, 2010.

3. Special Permit #10-975 of Kristine DeLutrie for Sections 420.2.2d – change in use to fast food restaurant and 580 – Aquifer Protection ; 1085 North Main Street (Killingly Investments, LLC owner); 1.65 +/- acres; General Commercial Zone

MOTION by Brian Card to approve Special Permit #10-975 of Christine DeLutrie for the following reasons: this will revitalize the existing area; adequate off street parking; an existing commercial use; no nuisances to this property. The following conditions will be applied to the application: hours of operation are 7:00 am to 11:00 pm; stop signs, entry signs and stop bars will be installed; grease trap “big dipper” to be installed per Town Engineer’s request; compliance with Fire Marshall’s entrance and exit of building; review of interior site traffic flow; landscaping by landlord and capacity of 50 patrons. Second by Virge Lorents. Motion to amend by John Larkin with the following condition to be added: signage to route traffic around the canopy currently in place, until such design of use is made applicant to work with staff on traffic flow. Second by Brian Card. Motion to amendment carried unanimously.

Original motion passes unanimously.

4. Special Permit Application #10-971 of Westview Healthcare Center for Section 580 – Aquifer Protection for a 2020 sf addition: 150 Ware Road (Westview Land Company, owner); 5.8 +/- acres; Rural Development Zone: **Scheduled for Monday, April 19, 2010.**
5. Special Permit Application #10-972 of M&R Trucking and Excavation LLC for a one year renewal of Special Permit #08-944 for Section 560.6 – commercial earth excavation and Section 580 – Aquifer Protection: 379 Green Hollow Road (Howard E. Sweet owner) with access from 387 Green Hollow Road (Alan and Marcia Turner owners); 4.7+/- acres; Rural Development Zone: **Scheduled for Monday, April 19, 2010.**

C. Site Plan Reviews

D. Subdivisions

1. Subdivision Application #09-453 of PSK Realty, LLC for 23-lot cluster subdivision; 75 Tucker District Road (John, Paul & Jo-anne Shekleton & Sally E. Winter owners); 56.735 acres; Rural Development Zone - **Withdrawn**



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, P.O. Box 6000, Danielson, CT 06239
Tel: 860-779-5311 Fax: 860-779-5381

April 22, 2010

CERTIFIED MAIL

Haskell Corporation
Attn. John Haesler
111 Riverside Avenue
Jacksonville, FL 32202

Dear Mr. Haesler:

At its April 19, 2010 regular meeting, the Killingly Planning & Zoning Commission approved your Special Permit #10-973 of Haskell Corporation for Section 580 – Aquifer Protection for ~127,000 total sf office, warehouse and manufacturing additions; 1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone:

The following conditions were applied to your approval:

- Based on testimony presented during the public hearings;
- Connwood Foresters, Inc. will work together with Linda Walden, Town Planner, regarding the Forest Management Plan and take into consideration the recommended plantings;
- Noise study follow up and implementation of the procedures will be given to the Planning & Zoning Department on a quarterly basis;
- Odor mitigation plan progress reports provided to the Planning & Zoning Department, until such time as they are satisfied with the NOB;
- Three year review of complaints regarding noise and odor study will be submitted to the Planning & Zoning;
- New technology regarding noise and odors, will be re-evaluated;
- Construction hours: Monday through Friday - 7:00 am to 6:00 pm; Saturday and Sunday - 8:00 am and completed by 3:00 pm, weekend work will be on an as needed basis.
- Light fixtures to be shoe box style with the bulb being flush to the fixture.

The decision legal notice was published in the Norwich Bulletin on April 22, 2010. The 15 day appeal period commenced on that date. The approval does not become official until a recording sheet is filed with the Town Clerk. This sheet can be filed at the completion of the 15 day appeal period (on or after May 10, 2010). If you wish, upon receipt of a \$53.00 check this office will file the recording sheet for you. **A Zoning Permit is necessary prior to the commencement of your project and will not be issued until the recording sheet has been filed and all necessary approvals obtained.**

Issuance of the special permit decision by the Planning and Zoning Commission does not abrogate the responsibility to obtain other approvals that may be necessary from other agencies at the local, state or federal level prior to commencing your project.

If you have any questions regarding this matter, please contact me at 860-779-5311, Monday through Friday, 8:30 AM to 4:30 PM. Voice mail is available after normal business hours.

Sincerely,

Linda E. Walden
Director of Planning & Development

LEW/kd

cc: KWP Associates
Paul Safin, Frito Lay
Robert Fitzsimmons, Frito Lay
John Irwin, Frito Lay
Roger Gandolf, Zoning Enforcement Officer/Planning Assistant (via email)
Joseph Pajak, Building Inspector (via email)
Ray Allen, Fire Marshal (via email)
Eric Rumsey, Planner I (via email)
Melissa Bonin, Assessor (via email)
Bruce Chimento, PE, Town Engineer (via email)

The Killingly Planning and Zoning Commission, in accordance with the provisions of Public Act Number 75-317, State of Connecticut, took the following action on February 22, 2011.

Approved with conditions Special Permit Application #11-985 of Frito-Lay, Inc. for Sections 450.3.1 – Height, 580.3 – Aquifer Protection and Article VII Special Permits for 57+/- feet height for starch dryer, 1886 Upper Maple Street; 61.2 acres; Industrial Zone

said action is hereby submitted to the Office of the Killingly Town Clerk for recording within the Killingly Land Records (and indexing within the grantor's index).

1. Description of premises:
1886 Upper Maple Street; 61.2 acres; Industrial Zone
2. Special Permit Application:
 - Sections 450.3.1 – Height,
 - 580.3 – Aquifer Protection and Article VII Special Permits for 57+/- feet height for starch dryer
3. Conditions of Approval:
 - During the upcoming reforestation plan site walk, ensure there is enough vegetation added to minimize the potential visual impact of the starch dryers along the western boundary.
4. Zoning by-law, ordinances or regulation which is varied, altered, or to which special permit is granted:
Section 450.3.1 and Section 580.3
5. Name(s) of Owner: Frito-Lay, Inc.
1886 Upper Maple St
Dayville, CT 06241

This information is certified by


Authorized Signature
Karen A. Clark

June 30, 2011
Date

Administrative Secretary
Position

RECEIVED FOR RECORD
06/30/2011 09:42:04AM
TOWN OF KILLINGLY, CT

Town Clerk Elizabeth M Wilson
BK# 01216 PG# 00375

The Killingly Planning and Zoning Commission, in accordance with the provisions of Public Act Number 75-317, State of Connecticut, took the following action on December 20, 2011.

Approved Special Permit Application #11-1013 of Frito Lay Inc. for a 57'+/- co-gen stack

said action is hereby submitted to the Office of the Killingly Town Clerk for recording within the Killingly Land Records (and indexing within the grantor's index).

1. Description of premises:

1886 Upper Maple Street; 81.5+/- acres; Industrial Zone

2. Special Permit Application:

- Sections 450.3.1 – Height
- 700-Special Permit
- 580-Aquifer Protection

3. Conditions of Approval:

Approved with exceptions: The height is consistent with what has been previously approved for the starch dryer system; it is less than the height of the adjacent silos; this stack should not be seen from the North Side of the Lake Alexander; It is required by environmental regulations.

4. Zoning by-law, ordinances or regulation which is varied, altered, or to which special permit is granted:

Sections 450.3.1 – Height, 700-Special Permit and 580-Aquifer Protection


5. Name(s) of Owner:

Frito Lay, Inc
Attn: Paul Safin
1886 Upper Maple St
Dayville, CT 06241

RECEIVED FOR RECORD
04/02/2012 02:43:08PM
TOWN OF KILLINGLY, CT

Town Clerk Elizabeth M Wilson
BK: 01232 PG: 00293

This information is certified by


Authorized Signature
Karen A. Clark

4/2/2012
Date

Administrative Secretary
Position

TOWN OF KILLINGLY

The Killingly Planning and Zoning Commission, in accordance with the provisions of Public Act Number 75-317, State of Connecticut, took the following action on November 19, 2012.

Approved with conditions Special Permit #12-1039 of Haskell Corporation

said action is hereby submitted to the Office of the Killingly Town Clerk for recording within the Killingly Land Records (and indexing within the grantor's index).

1. Description of premises:

1886 Upper Maple Street (Frito Lay, Inc. owner); 81.5+/- acres; Industrial Zone

2. Special Permit Application:

Sections 430.1a,b and 580.3 – Aquifer Protection for 87,102 +/- sf warehouse addition

3. Conditions of Approval:

- 1) Number of parking spaces be reconciled with staff
- 2) Stairway relocations for fire exits be worked out with staff
- 3) Hours of construction be confirmed acceptable based on 2010 conditions
- 4) Forest Management Plan update be submitted to the Town and be reviewed as necessary to be consistent with the 2010 approval.


4. Zoning by-law, ordinances or regulation which is varied, altered, or to which special permit is granted:

Sections 430.1a,b and 580.3 – Aquifer Protection

5. Name(s) of Owner:

Frito Lay, Inc
7701 Legacy Dr
Plano, TX 75024

This information is certified by


Authorized Signature
Karen A. Clark

5/8/2013
Date


Position

Receipt # 50417 Instr # 2013-01257



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05/08/2013 02:22:51 PM
1 Pages
SPECIAL PERMIT

Elizabeth M. Wilson, Town Clerk

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!

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: 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