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June 23, 2020 as posted under Revision II Agenda

Meeting ID: 332 683 3563

Executive Order of First Selectman Bowsza

due to Coronavirus pandemic

******Minutes are not official until approved at a subsequent meeting******

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Dick Sullivan, and Jim Thurz.

ABSENT: All Regular and Alternate Members signed in to the Meeting.

GUESTS/SPEAKERS: First Selectman Bowsza hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Eric Peterson, of Gardner and Peterson, representing LaBrecque Autocraft; Tim Coon, of J. R. Russo & Associates, representing The Silverman Group, and also West River Farms; Dan Lacz, Vice President Development and Construction, The Silverman Group; Verogy Team/East Windsor Solar One, LLC: Bryan Fitzgerald, Director of Development; William Herchel; Steve DeNino, Kyle Perry, Brad Parsons, of All Points Technology Corp; Patrick McGloin, Gaffney Bennett Public Relations; Terri Hahn, LADA, Land Planners.

ESTABLISHMENT OF QUORUM:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

2

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

A quorum was established as five Regular Members and two Alternate Members were present at the Call to Order. Alternate Member Zhigailo joined the Commission shortly.

Chairman Ouellette indicated that on one of iterations of the Agenda it had been noted that the Broad Brook Meadows Subdivision Application would be heard this evening. That will not be the case, as the Applicant has requested that the Public Hearing would be opened on July 14, 2020.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS:

Chairman Ouellette acknowledged receipt of the following New Applications to be received:

- 1) **Application #PZ 2020-11 – West River Farms – 329, 332, 339, and 341 Scantic Road.** Request a 5-year extension of existing Special Use Permit and time to complete subdivision improvements. MFDD Zone. Map 3, Block 34, Lots 60, 62, and 62A.
- 2) **Application #PZ 2020-12 – ACI Auto Group – 206 South Main Street.** Request for a Modification of approved Site Plan for 9,360 square foot building for used car sales and auto repair. Property owned by 206 South Main St, EW, LLC. B-2 Zone. Map 22, Block 5, Lot 81.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

First Selectman Bowsza requested to advise the Commission he and staff members have been working on a template for a Developer's Agreement, which would be executed between the Town and project developers. The document is presently being reviewed by the Town Attorney; he would like to bring the document to the Commission's next meeting for discussion.

APPROVAL OF MINUTES/June 9, 2020 – Regular Meeting

MOTION: To APPROVE the Minutes of Regular Meeting #1782 dated June 9, 2020 as written.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

3

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

**VOTE by show of hands: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore
(No one opposed/No Abstentions)**

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of new applications under **ADDED AGENDA ITEMS.**

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD
ACCEPTANCE/A. Steve Mosher – Sunset Valley Farms, LLC – 55 and 57 Kreyssig
Road** – Request for release of bond, as-built submittal:

Chairman Ouellette read the description of this Agenda item.

Commissioner Gowdy indicated he lives up the road from this project. The area has been planted in corn and landscaped; he felt it looks great.

Mr. Coon, of J. R. Russo & Associates, representing Mr. Mosher, cited Town Engineer Norton had written a memo on June 16th indicating he had no problems with release of the bond. Mr. Sauerhoefer concurred; he felt Town Engineer Norton had made a site visit as well and was comfortable with the release of the Erosion Control Bond.

Chairman Ouellette noted the Treasurer's Department had indicated \$5100 was being held for Sunset Valley Farms. He indicated he had no problem with the release of the bond; he felt this is a low risk project. Commissioners Gowdy, Kowalski, Moore and Thurz agreed to the release of the bond.

**MOTION: To APPROVE THE RELEASE of the Erosion Control Bond in the
amount of \$5,100 held in the name of Steve Mosher, Sunset Valley
Farms, LLC.**

Kowalski moved/Sullivan seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore
(No one opposed/No Abstentions)**

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

OLD BUSINESS/A. LaBrecque Autocraft, LLC (PZ-2020-05) – Site Plan Review for construction of a new commercial building for automotive repair at 63 Newberry Road. Map 093, Block 17, Lot 024. Zone District: M-1:

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

4

Chairman Ouellette read the description of this Agenda item.

Eric Peterson, of Gardner and Peterson, joined the Commission via teleconference. Mr. Peterson indicated he had nothing new to add to this discussion; he recalled the Commission was waiting for a staff memo from Town Planner Flores-Marzan, which has now been written. Mr. Peterson indicated he had received a copy of the potential approval motion; he has no problem with the motion as presented.

Chairman Ouellette queried the Commissioners for questions, or comments.

Commissioner Sullivan indicated he felt everything had been answered at the previous meeting. Commissioners Gowdy, Moore, Kowalski, and Thurz concurred.

MOTION TO APPROVE the Application of LaBrecque Autocraft, LLC, requesting Site Plan Review Approval to develop a new 9,600 square feet commercial building for automotive repair services to be located at 63 Newberry Road, East Windsor, CT 06088. Map 093, Block 17, Lot 024 in an M-1 Zone.

Referenced Plans:

1. Improvement Location Survey – Existing Conditions Plan prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 1 of 3, Scale 1" = 20' dated 3/11/2020.

2. Improvement Location Survey – Site Plan prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 2 of 3, Scale 1" = 20' dated 3/11/2020.

3. Landscaping Plan, Erosion and Sediment Control and Construction Details prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 3 of 3, Scale 1" = 20' dated 3/11/2020.

4. Floor Plan and Elevations prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet A-101, Scale 1" = 20' dated 3/11/2020.

5. Exterior Photometric Plan prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 1 of 1, Scale 1" = 20' dated 5/21/2020.

Conditions which must be met prior to signing of mylars:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

5

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

Conditions which must be met prior to the issuance of any permits:

4. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration **during the construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.
6. A zoning permit as issued by the Town Planner shall be obtained by the applicant prior to the commencement of any site work.

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

6

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

10. In accordance with Ch 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and complete all improvements within five years of the date of approval, otherwise the approval shall become null and void, unless an extension is granted by the Commission.

11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval

15. All landscaping shall be maintained.

16. Applicant must abide by conditions of approval as determined by Michael Caronna, MPH, RS, Sanitarian, North Central District Health Department. Copy of such approval sits with the hardcopy files of this site plan review application at the East Windsor Planning & Development Department office in Town Hall.

17. Applicant must abide by the conditions of approval as determined by Erwin A. Enderle III, WPCF Superintendent, concerning the Sanitary Sewer Connection requested by the applicant and granted by the WPCA. Copy of such approval sits with the hardcopy files of this site plan review application at the East Windsor Planning & Development Department office in Town Hall.

Sullivan moved/Thurz seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore
(No one opposed/No Abstentions)**

NEW BUSINESS/A. PZ 2020-10 – Applicant: The Silverman Group – 12 South Main Street - :Site Plan Modification for an 62,000 square feet increase to a

warehouse/distribution facility for two (2) 123,120 square foot buildings. Property

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

7

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

located at 12 South Main Street, Map 081, Block 11, Lot 082, and Map 061, Block 11, Lots 3A1, 06A, and 010, in the B-1 and M-1 zoning districts:

Chairman Ouellette read the description of this item of business.

Joining the Commission for discussion was Tim Coon, of J. R. Russo & Associates, and Dan Lacz, Vice President Development and Construction, The Silverman Group.

Mr. Coon described the parcel located at 12 South Main Street as containing 22.2 acres which are comprised of 4 parcels extending from South Main Street, up Wagner Lane, and out to South Water Street. The parcel is zoned M-1 and B-1, and contains 4 tobacco barns and has been in an agricultural use. The parcel is accessed by a paved drive off South Main Street.

Mr. Coon recalled that in February, 2019 the Commission previously approved a development for Sardilli Produce and Dairy which included the construction of a 202,000 square foot produce warehouse and manufacturing facility, and a 7,500 square foot maintenance building with 4 fueling dispensers for their fleet of trucks. That application included 25 loading docks, 45 tractor trailer spaces, 20 box truck spaces, and 372 auto parking spaces.

Mr. Coon indicated that Sardilli will no longer be coming to this location, and the Silverman Group wishes to use the site. The Site Plan is being modified for a warehouse distribution facility containing 2 buildings totaling 246,240 square feet, which is an increase of 36,000 square feet of building area. It will have 80 loading docks located between the 2 buildings, 33 additional tractor trailer spaces, 18 box truck spaces, and 302 parking spaces for employees and visitor parking, which is a reduction from the Sardilli proposal. They are eliminating the maintenance building and fuel stations. The changes result in an increase in impervious coverage of 62,000 square, which is where the number came from listed on the agenda. Mr. Coon noted that number is still below the maximum for the zone. Mr. Coon indicated the onsite drainage system has been adjusted to accommodate the additional impervious area and new layout. They're still providing infiltration, as well as the required stormwater treatment prior to discharge.

Mr. Coon indicated they are maintaining the same traffic circulation pattern as the Sardilli proposal; the only entrance to the site is on South Main Street. Truck and employee/visitor access will then be split, sending the trucks to the south, and the employee/visitor parking to the north. There will be a separate exit-only driveway out to South Water Street.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

8

Mr. Coon reported the truck-only exit will continue on South Water Street and will be restricted to a left turn only.

Mr. Coon indicated they are maintaining the 50-foot buffer and landscape berm between the site and the residential properties to the west and north. Extensive Landscaping Plans were included in the packet; they are adding additional evergreens on the eastside of the property to screen some of the truck parking from South Main street even though they're set back some distance from the road.

Regarding site lighting, Mr. Coon noted they have submitted a Photometric Plan indicating the site lighting will be a combination of building-mounted fixtures, and pole mounted fixtures on 25-foot poles. The Photometric Plan demonstrates there will be no light spillage onto any adjacent property.

Mr. Coon indicated Bubaris Traffic Associates has submitted an updated traffic study, which indicates that the modified proposal generates less traffic than the previously approved Sardilli proposal, while maintaining the same traffic pattern and circulation. Mr. Coon indicated they're proposing the same improvements at the intersection of South Water Street and South Main Street; those improvements include a widening of South Water Street to provide an additional right turn lane as well as additional widening on South Main Street to accommodate the truck turning. Mr. Coon indicated the conclusion of the Burbaris report is that the project will not adversely impact the traffic operations on the surrounding roadway network.

Mr. Coon also noted that the Sardilli Site Plan had been reviewed by OSTA and DOT. Improvements were worked out with all parties and the Sardilli plan received approval last Summer. Should this project be approved they would have to return to OSTA and DOT for another review and administrative approval.

Mr. Coon indicated Town Engineer Norton has reviewed the Site Plan Modification, and his comments have been addressed.

Mr. Coon also noted the Fire Marshal provided an e-mail this morning indicating he has 2 requests related to fire protection:

- he would like access provided to an existing hydrant on Wagner Lane to the north of the property. Mr. Coon indicated they can provide a gated gravel access drive at the north end of the property at the berm near the barn.
- he would like an additional hydrant installed to the south of the building.

Chairman Ouellette queried the Commissioners for questions and/or comments.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

9

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

Commissioner Gowdy: felt the proposal was similar to the original proposal. He felt Fire Marshal Austin's comments regarding the fire hydrants were reasonable.

Commissioner Sullivan:

- ***Clarification of application data:*** Commissioner Sullivan referenced the Site Plan Application, which indicates an increase of 62,000 square feet, followed by the 15.2 acres in parenthesis; he questioned if that was a misprint? Mr. Coon agreed that was a misprint; the 62,000 is the increase; he suggested perhaps the 15.2 acres was a reference to the amount of impervious coverage increase?
- ***Site generated traffic timeline:*** Commissioner Sullivan questioned what would be the prime time for truck movement at this location? Dan Lacz, Vice President Development and Construction, at The Silverman Group, joined the discussion. He suggested that the truckers control their destinations; most of them go off-peak and operate 24/7, so there is a trend that mid-afternoon and early morning are when truckers typically go in and out to avoid peak traffic from people going to work 9 to 5. Typically, they see those numbers spread out versus car traffic, which is tied to a shift. Commissioner Sullivan indicated he's taking this to be a 24 hour a day operation. Mr. Lacz replied affirmatively, noting that while they don't have a tenant at this point, he would have to assume that some of the market would be 3 shift operations.

Commissioner Kowalski:

- ***Site Plan modification – barn:*** Commissioner Kowalski noted this plan eliminates the barn in front which Sardilli wanted to use as a training and conference area.
- ***Clarification of traffic study data:*** Commissioner Kowalski also noted they also wanted to have food on site to eliminate the need for the employees to leave the site, which kind of entered into their traffic study; do you intend to do the same or will you have people leaving the site for lunch breaks? Mr. Lacz indicated they have no plans for a cafeteria for this site. He felt one of the reasons Sardilli proposed that was they were a food distribution center and there were concerns for cross-contamination when people leave and then return to work. Commissioner Kowalski suggested they factored into their traffic study that there wouldn't be a lot of employee traffic; those numbers may be skewed a little. Mr. Lacz suggested that had been taken into account.
- ***Elimination of security building at truck exit location:*** Commissioner Kowalski noted the Sardilli proposal included a security building to prevent vehicle traffic from entering the truck traffic area; he didn't see any physical barriers to prevent co-mingling of traffic. Mr. Coon suggested security was a bigger issue for a food distribution facility; they propose to handle that with signage under this proposal.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION

10

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

- 389
- 390 • ***Snow storage area:*** Commissioner Kowalski noted the increase in impervious
- 391 coverage, recalling that the previous plan identified a snow accumulation area; he
- 392 felt they were leaving very little area on the property to pile snow under this plan.
- 393 Mr. Coon suggested they are leaving themselves an area to the north and along
- 394 the sides of the plowed areas, and the large area up front; they're trying to keep
- 395 from cutting into the buffer area. If snow removal becomes an issue, he suggested
- 396 it may have to be moved off site. Commissioner Kowalski felt anything that
- 397 could restrict drive aisles for emergency vehicles could be a problem.
- 398

399 **Commissioner Thurz:**

- 400 • ***Occupancy:*** Commissioner Thurz questioned if the proposal is designed for one,
- 401 or multiple, tenants? Mr. Coon suggested it could be one tenant, but the building
- 402 is set up for multiple tenants. Commissioner Thurz questioned that there could
- 403 be 6 different operations in the building? Mr. Coon indicated there is the
- 404 potential for 8 tenants – 4 in each building.
- 405 • ***Truck traffic timing:*** Commissioner Thurz indicated he agreed with
- 406 Commissioner Sullivan; there could be truck traffic 24/7. Mr. Coon suggested
- 407 the truck traffic would likely be off peak hours. Commissioner Thurz questioned
- 408 the truck exit location? Mr. Coon indicated trucks would exit on South Water
- 409 Street south of the site, with a left turn only so they go back to Route 5.
- 410 Commissioner Thurz questioned that there was a house across the street from the
- 411 exit? Mr. Coon concurred, noting it was the exit proposed for Sardilli.
- 412 Commissioner Thurz questioned if the people were advised of the plan? Mr.
- 413 Coon clarified that this is a Site Plan approval request; there is no requirement for
- 414 public notification.
- 415 • ***Dumpster location:*** Commissioner Thurz questioned where the dumpster is
- 416 located? Mr. Coon indicated there are 8 locations near the loading docks shown
- 417 on the Layout Plan. Mr. Lacz suggested most of the tenants usually have a trash
- 418 compactor connected to the building near the loading docks.
- 419

420 **Commissioner Gobin:** suggested that without knowing what the tenants will be it abuts

421 condominiums and with the location of the access drive with the potential for traffic 24/7

422 there could be lights for the residents across the street. Discussion occurred regarding

423 clarification of the identify of the property across from the access drive.

424

425 **Commissioner Zhigailo:**

- 426 • ***Reserve parking:*** Commissioner Zhigailo indicated she understood there could
- 427 be access 24/7, and there could be some loading time, she questioned where
- 428 excess trucks would be stacked. She noted that she didn't see any reserve
- 429 parking.
- 430

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION

11

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

- **Refrigerated trucks/noise generated:** Commissioner Zhigailo questioned if any of the trucks would be refrigerated as they would need to be running, which could produce noise which might be a disturbance for the closest neighbors. Mr. Coon indicated that in addition to the 80 loading docks there will be parking for 33 tractor trailer spaces and 18 box truck spaces at the south end of the building. Commissioner Zhigailo indicated she hoped this would be a booming business; she was curious how the coordination of trucks moving in and out and pausing to load would occur. Mr. Coon indicated he felt there is adequate parking.

Commissioner Gobin:

- **Concern for hazardous/explosive material abutting neighbors.** (See discussion under response to comments regarding refrigerated trucks/noise generated).
- **Refrigerated trucks/noise generated:** Speaking to Commissioner Zhigailo's comment of the idling trucks Commissioner Gobin questioned if there was some type of power source where the trucks could plug in and stay running? Mr. Coon suggested if there is the need for refrigerated trucks and they need a place to plug in would be something they could add if the need arises.

With regard to the **storage of hazardous materials**, Mr. Coon indicated he didn't feel it was to be that type of warehouse facility. He felt that depending on the tenant they would probably have a designated area for storage, and deal with treatment and waste appropriately as any tenant would. Commissioner Gobin suggested when thinking of a warehouse she thinks of a commodity, but it could be a chemical distribution operation. Commissioner Zhigailo indicated that if you store any type of pesticides or chemicals that has to be addressed through the Fire Marshal, and he has to be notified so if there was a fire they need to be aware of what's being stored there to protect firefighters and the community. Commissioner Zhigailo noted the storage of pesticides is regulated through the Department of Consumer Protection. Mr. Lacz concurred, noting they are going on spec and any user they have come in will have to go through code and fire review. They typically see a 5% office component and the balance rack-storage warehouse; he felt many of the tenants will be e-commerce companies, or the plumbing or electrical supplier rather than the heavy industrial user.

Chairman Ouellette questioned if Commissioner Gobin's question had been answered to her satisfaction? Commissioner Gobin suggested she would ask the applicant if the trucks would require refrigeration and would be idling for a long duration that they consider requiring APUs on the trucks or providing and requiring the use of shore power. She cited that the prior applicant owned the truck fleet so he had control over the idling, so it was a non-issue. Mr. Lacz indicated they build and self-manage their buildings so if there would be issues with the neighbors, they would be contacting them directly so authorities wouldn't be dealing with any nuisance items that come up. Commissioner

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

12

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

Gobin questioned if there's trucks banging in the middle of the night you can address it?
Mr. Lacz replied affirmatively, noting they have staff 24/7.

Commissioner Moore: indicated he had no comments or questions.

Chairman Ouellette:

- ***Ability to maneuver tractor trailers within the site:*** Chairman Ouellette suggested with the Sardilli proposal the type of delivery vehicle they considered was a single unit vehicle, he didn't recall the use of tractor trailers. He questioned the adequacy of the corner radii and the ability to maneuver around the building? Mr. Coon recalled that the Sardilli proposal also included tractor trailers, and he had considered maneuverability when proposing the design.
- ***Status of drainage easement:*** Chairman Ouellette referenced the easement, and the drainage easement; he questioned if that's been taken care of? Mr. Lacz indicated they have a drainage easement across the Farmer property to discharge ultimately to the river.
- ***Consideration of internal sidewalks:*** Chairman Ouellette questioned if they feel there's a need for sidewalks for employees that want to go out to lunch, although he indicated he didn't see any food establishments within walking distance of the proposed facility. Mr. Coon noted that without sidewalks on Route 5 getting them out to Route 5 is one thing, then do you want them trying to cross Route 5 or walking up and down Route 5 to get to areas where they might find food? Mr. Lacz suggested that from an ownership perspective their preference is not to have pedestrian traffic in an industrial warehouse situation as truckers are coming in and out, and most of their tenants choose to do breakrooms with microwaves and refrigerators, and most people don't have an hour lunch break. Mr. Lacz reiterated their preference from a safety perspective is not to have internal sidewalks.

Commissioner Sullivan:

- ***Clarification of on-site management:*** Commissioner Sullivan requested clarification that the Silverman Group will have people there on a daily basis? Mr. Lacz reported they're a private, family-based firm that operates in 18 different states; they manage 20 million square feet of commercial space and 4,000 apartments. The firm consists of approximately 150 to 160 people, and regionally they have local management in any market they operate in.

Commissioner Kowalski:

- ***Sidewalks:*** Commissioner Kowalski requested to return to the discussion of sidewalks. He referred to the inside perimeter of the site, noting that once an

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

13

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

employee parks their vehicle it appears there is one continuous drive aisle without any designations for employee crosswalks. He also didn't see any designations for handicapped parking spaces. Mr. Coon referenced the Layout Plan, noting handicapped spaces are designated and meet the requirements for the number of spaces related to the number of overall parking spaces. Mr. Coon suggested a sidewalk is shown the full length of the building adjacent to the parking lot so an employee needs to cross the aisle to get to the sidewalk. Commissioner Kowalski indicated he had been reviewing the Site Plan.

Commissioner Thurz:

- ***Queuing adequacy on South Water Street:*** Commissioner Thurz cited concerns for back up of truck traffic on South Water Street. He noted with eight different operations how can we guarantee that there won't be a back-up of trucks coming out of there onto South Water Street and getting stuck at the light? Commissioner Thurz suggested only 5 to 7 tractor trailers could queue up at the light at one time. Mr. Coon suggested when they did the traffic study for Sardilli it included numbers for the stacking lane, and the length of the widening required at the intersection; he suggested those numbers would apply for this operation. Commissioner Thurz suggested Sardilli controlled their own destiny; they were only one tenant and he felt they were staggering their trucks; this has the potential for eight different tenants leaving at the same time. Mr. Coon recalled the Sardilli situation differently, he felt most of their trucks left in the early morning and came back throughout the day. He cited this proposal will go back to OSTA where these concerns can be addressed as well. Commissioner Thurz noted he travels that road every day and it backs up all the time, even without 18 wheeled vehicles; the area is very busy, especially at peak times. Mr. Coon recalled Mr. Lacz had indicated they don't anticipate significant truck traffic at peak times.

Chairman Ouellette queried Town Planner Flores-Marzan for additional comments regarding this application.

Town Planner Flores-Marzan felt the application was complete and was a great fit for the Town. Mr. Coon and the consultant have worked diligently in addressing the issues; the site is available; it has the proper zoning. He thanked the applicant for thinking of East Windsor. From a planning perspective, this is a shoo-in; this is a good thing for the Town. He would recommend the applicant go for it.

Chairman Ouellette queried the Commissioners for additional comments. Commissioner Kowalski questioned firming up the additional conditions regarding the Fire Marshal's recommendations. Mr. Coon indicated the Fire Marshal had emailed recommendations for access to the existing hydrant on Wagner Lane and an additional hydrant on the south side of the building; Mr. Coon indicated they were agreeable to the recommendations.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

14

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

Chairman Ouellette requested the date of the memo as the Commission had not been provided a copy; Mr. Coon indicated it was an e-mail from Rich Austin sent at 11:19 a.m.

today (June 23rd) to Town Planner Flores-Marzan, himself, and Town Engineer Norton. Mr. Coon read the following e-mail from Richard Austin, District Fire Marshal:

- Has some concerns for the 15-foot turn radius onto South Water Street, but he didn't feel it was a real issue.
- Main concern is the lack of water access. The most useful hydrant is located on Wagner Lane, but the Fire Department will need an access road from Wagner Lane to the buildings.
- He would also like to see another hydrant on the south end of the buildings. There are hydrants on east side of South main street but unfortunately all traffic would need to be shut down.

Discussion followed regarding composition of additional condition #18. Mr. Sauerhoefer indicated Town Engineer Norton had received the e-mail today.

The record should show that Town Planner Flores-Marzan was out of the office today and was not aware of the e-mail.

MOTION TO APPROVE PZ-2020-10 – Application of The Silverman Group requesting Site Plan Modification for the development of two (2) 123,100 square foot buildings for a warehouse/distribution facility and an increase of 62,000 square feet (~~15.2 acres~~) of new impervious surface. Subject property located at 12 South Main Street, Map 081, Block 11, Lot 082, and Map 071, Block 11, Lots 3AI, 06A and 010, in the B-1 and M-1 zoning district.

Referenced Plans:

1. Cover Sheet, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-1.0 dated 6/6/2020, Scale 1"=60'.

2. Boundary Survey, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-2.0 dated 6/6/2020, Scale 1"=60'.

3. Existing Conditions Demo Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo &

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

15

**Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-3.0 dated 6/6/2020, Scale 1"=60'.

4. Overall Layout Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-4.0 dated 6/6/2020, Scale 1"=60'.

5. Overall Layout Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-4.0 dated 6/6/2020, Scale 1"=60'.

6. Layout Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-4.1 dated 6/6/2020, Scale 1"=60'.

7. Layout Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-4.2 dated 6/6/2020, Scale 1"=60'.

8. Layout Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-4.3 dated 6/6/2020, Scale 1"=60'.

9. Grading Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-5.1 dated 6/6/2020, Scale 1"=60'.

10. Grading Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-5.2 dated 6/6/2020, Scale 1"=60'.

11. Grading Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-5.3 dated 6/6/2020, Scale 1"=60'.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

16

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

645
646 12. Utility Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195
647 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham
648 Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-6.1 dated
649 6/6/2020, Scale 1"=60'.

650
651 13. Utility Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195
652 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham
653 Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-6.2 dated
654 6/6/2020, Scale 1"=60'.

655
656 14. Utility Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195
657 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham
658 Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-6.3 dated
659 6/6/2020, Scale 1"=60'.

660
661 15. Roadway Improvement Plan, prepared for SL 12 South Main Street LLC/The
662 Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo &
663 Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860)
664 623-0569, Sheet C-7.0 dated 6/6/2020, Scale 1"=60'.

665
666 16. Erosion & Sedimentation Control Notes & Details, prepared for SL 12 South Main
667 Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by
668 J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088,
669 www.jrrusso.com, (860) 623-0569, Sheet C-8.1 dated 6/6/2020, Scale 1"=60'.

670
671 17. Details, prepared for SL 12 South Main Street LLC/The Silverman Group, 195
672 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham
673 Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-8.2 dated
674 6/6/2020, Scale 1"=60'.

675
676
677 18. Details, prepared for SL 12 South Main Street LLC/The Silverman Group, 195
678 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham
679 Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-8.3 dated
680 6/6/2020, Scale 1"=60'.

681
682 19. Details, prepared for SL 12 South Main Street LLC/The Silverman Group, 195
683 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham
684 Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-8.4 dated
685 6/6/2020, Scale 1"=60'.

686
687

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

17

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

20. Landscape Plan, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet L-1.0 dated 6/6/2020, Scale 1"=60'.

Conditions which must be met prior to signing of mylars:

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.

2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.

3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

Conditions which must be met prior to the issuance of any permits:

4. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.

5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall

be determined by the Town Engineer. 6. A zoning permit as issued by the Town Planner shall be obtained by the applicant prior to the commencement of any site work.

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.

8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

18

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

10. In accordance with Ch 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings **within one year from the date of approval and complete all improvements within five years of the date of approval.** otherwise the approval shall become null and void, unless an extension is granted by the Commission.

11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval

15. All landscaping shall be maintained.

16. Applicant must abide by conditions of approval as determined by Michael Caronna, MPH, RS, Sanitarian, North Central District Health Department, concerning the continued use of the onsite septic system to serve the proposed use. Copy of such approval sits with the hardcopy files of this site plan review application at the East Windsor Planning & Development Department office in Town Hall.

17. Applicant must abide by the conditions of approval as determined by Erwin A. Enderle III, WPCF Superintendent, concerning the Sanitary Sewer Connection Waiver requested by the applicant and granted by the WPCA for a period of two (2) years from the date the application for a waiver is approved by the East Windsor Water Pollution Control Authority (WPCA). The sewer connection waiver request was approved on July 9th, 2019 by Mr. Enderle. Copy of such approval sits with the hardcopy files of this site

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

19

**Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

plan review application at the East Windsor Planning & Development Department office in Town Hall.

Additional Condition:

18. Additional hydrants will be added to the site to comply with the recommendations of the District Fire Marshal.

Kowalski moved/Thurz seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore
(No one opposed/No Abstentions)**

Chairman Ouellette thanked Mr. Lacz for considering East Windsor as Town Planner Flores-Marzan had indicated. Mr. Lacz replied - absolutely. He advised the Commission they have taken title to the property, and he released construction documents about 2 months ago. They are committed to going on spec, and hopefully, they'll be breaking ground later this year. Chairman Ouellette wished Mr. Lacz good luck on the project.

OTHER BUSINESS/A. Informal Discussion – 341 East Road – East Windsor Solar One – Presentation by Verogy of a proposed 4.975 megawatt solar array to be located on 30 acres of a 73 acre parcel. Property owned by Catholic Cemeteries Association. Nearest intersection East and Middle Road. Zone R-3; Map 050, Block 83, Lot 001.

Bryan Fitzgerald, Director of Development for Verogy, joined the Commission virtually. Mr. Fitzgerald introduced the following team members involved in the East Windsor Solar One project: William Herchel; Steve DeNino, Kyle Perry, Brad Parsons, of All Points Technology Corp, and Patrick McGloin, of Gaffney Bennett Public Relations.

Mr. Fitzgerald had provided the Planning Department with a copy of his PowerPoint presentation, which had been posted along with the Commission Agenda for tonight under the Commission webpage. First Selectman Bowsza shared his screen so Mr. Fitzgerald's presentation would be available to other parties joining this meeting virtually.

Mr. Fitzgerald's presentation is included with these minutes as **Attachment A**. As described in Mr. Fitzgerald's letter of introduction to First Selectman Bowsza – "The proposed project, East Windsor Solar One, is located on property at 341 East Road, East Windsor. The project's design calls for a 4.975 megawatt system located on approximately 30 of the parcel's 73 acres. Once completed, East Windsor Solar One is projected to generate enough energy to power 1,154 homes for a year, while generating zero pollution or carbon emissions each year. 100% of East Windsor Solar One's

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

20

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

electrical production will be sold to Connecticut utility companies. Additionally, East Windsor Solar One will be an economic contributor to the Town of East Windsor by generating new property tax revenues and creating new jobs in the region.”

Mr. Fitzgerald then reviewed his presentation, describing the information contained within the document. At the conclusion of his discussion Mr. Fitzgerald noted they are providing opportunities for public outreach via their website – Verog.com/east-windsor-solar-one/.

Mr. Fitzgerald reported they will be submitting an application to the Connecticut Siting Council in July. They anticipate beginning construction in November, 2020, with project completion and permission to operate in April, 2021.

Chairman Ouellette opened discussion to the Commissioners.

Commissioner Sullivan noted these projects are clean and neat; there are no expenses tied to East Windsor.

Commissioner Kowalski:

- ***Activities outside of fenced area:*** Commissioner Kowalski noted that a portion of the total property acreage will be located outside the fence line; what activities will occur on that acreage? Mr. Fitzgerald indicated no additional solar activity is proposed outside the fence line. Landscaping is proposed up to the fence line; a stormwater detention basin will be installed to the south which is a DEEP permit requirement. The remaining land will be farmed by the current farmer.
- ***Screening to the east of East Road:*** Commissioner Kowalski noted you’re not proposing any screening of the array because there is no development in that area presently. Would you consider screening if that land became developed? Mr. Fitzgerald agreed; the lack of screening was because there isn’t any development there currently. Both parcels across the street are currently being farmed. Mr. Fitzgerald indicated they would look into screening if the area became developed.

Commissioner Thurz:

- ***Process for tying into the power grid:*** Commissioner Thurz questioned how they will be tying into the existing power grid, as he believed there is only single phase, basic service on the street now. Mr. Fitzgerald reported they will be working with Eversource to extend the 3 phase to the east across Middle Road. The project has a distribution circuit that goes back to the Barber Hill substation to the southwest of the project area. They will be tying into the distribution circuit on Middle Road; it will be upgraded to 3 phase.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION

21

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

- **Building for switch gear:** Commissioner Thurz indicated he didn't see any building proposed on the plans for the switch gear. Mr. Fitzgerald indicated the switch gear is mounted on a pad; no building is being proposed. Commissioner Thurz questioned that the external equipment was weatherproofed? Mr. Fitzgerald replied affirmatively.

Commissioner Gowdy: indicated that Commissioners Kowalski and Thurz asked the questions he was considering. He felt everything seemed fine; this is a great project and is a good addition to the town.

Commissioner Gobin: felt this is a great project. We're all power consumers, and knowing there are more and more solar projects coming along with no emissions in the area is great. Commissioner Gobin indicated she's glad she found a site in East Windsor.

Commissioner Zhigailo:

- **Security:** Commissioner Zhigailo cited the problems with quads and dirt bikes on other properties, she questioned if there would be any cameras that could monitor the property offsite? Mr. Steve DeNino indicated their primary source of security will be the fence, and people will be visiting the site periodically. They could install cameras but they would be viewing the site remotely.

Commissioner Moore:

- **Peak period of use:** Commissioner Moore questioned if the peak time is the middle of the day? Mr. DeNino suggested it's early in the day and extends to 7:00 or 8:00 p.m., which is generally the end of the productivity for the array.
- **Local employment opportunities:** Commissioner Moore questioned if Verogy would be hiring people for the site? Mr. Fitzgerald reported there would be a project manager, and electricians to monitor the array.
- **Seed mix for the landscaping:** Commissioner Moore questioned if the seed mix is specified on the plans? Mr. Fitzgerald indicated there would be a specific seed mix for the interior area of the array. They are working with the current farmer regarding the agricultural activity on the remaining area.

Chairman Ouellette thanked Mr. Fitzgerald and the Verogy team for considering East Windsor. Chairman Ouellette indicated he had a couple of questions.

- **Project selection:** Chairman Ouellette noted that Mr. Fitzgerald had indicated why they chose East Windsor; he questioned how Verogy selects a site that meets your criteria? Do you reach out to the Town to ask if there are any sites that meet this criteria, or is there a development research team that looks for these candidate sites? Mr. Fitzgerald indicated a large part of what they do is to reach out to landowners across the State of Connecticut; they use mapping resources, local GIS systems, they look at other mapping systems through CT DEEP to

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

22

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

consider environmental criteria. Ultimately, they reach out to hundreds of landowners every year, and the ability to find the right parcel with a willing landowner within the right municipalities that you have a certain level of certainty around - that you can feel confident about a proposal that won't have any adverse environmental impact. And having a project where you feel confident working with the municipalities and being able to get that permit and that project in a position to receive acceptance, and having the interconnection viability with Eversource. With this project we have a good site, we've worked through the interconnection requirements, we're working through the development process with East Windsor and the State of Connecticut.

- ***Project life expectancy:*** Chairman Ouellette questioned the life expectancy of the project, was it 35 years? Mr. Fitzgerald concurred. Chairman Ouellette questioned under what conditions would you consider terminating that earlier? Mr. Fitzgerald requested his associate, Will Herchel, to assist with this information. Mr. Herchel indicated the term of this project is a 15 year term; the electricity isn't tied to a term so the revenue tied to the electricity goes on as long as those solar panels produce electricity, which is across that useful life. When you're dealing with a depreciated asset, after 25 or 20 years, it doesn't make sense to take it out if it's still productive. If it was no longer productive for some reason that's when you might think of removing it.
- ***Economic benefits to East Windsor:*** Chairman Ouellette suggested this question is posed either to Mr. Fitzgerald, or First Selectman Bowsza. Regarding the economic benefits to East Windsor, at what point would there be a discussion regarding property tax benefits, or tax stabilization agreements? Is that going on now, or do you wait until you have Siting Council approval? First Selectman Bowsza indicated they've had preliminary conversations with Verogy but he didn't feel they've gotten to the point where they've exchanged packages. He suggested his experience with these companies is that's something they like to have locked down before they go to the Siting Council.

Chairman Ouellette asked if Selectman Baker had any questions/comments? Selectman Baker thanked Chairman Ouellette for the opportunity to participate. He indicated he had no questions or comments at this time, although this was a good look at the project. Selectman Baker indicated he looks forward to hearing more about it.

Chairman Ouellette thanked Mr. Fitzgerald for informing the Commission, and for a great presentation; we wish you well in pursuing this project to completion. Mr. Fitzgerald thanked the Commission for their time.

OTHER BUSINESS/B. West River Farms – Request for 5-year extension of the Special Use Permit to allow a 69-lot PRD Subdivision in four (4) phases located at 329,

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

23

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

946

947 332, 339, and 341 Scantic Road. MFDD and A-1 Zones. Map 3, Block 34, Lots 60, 72,
948 and 62A:

949

950 Chairman Ouellette read the description of this item of business.

951

952 Tim Coon, of J. R. Russo and Associates, joined the Commission to discuss this
953 application.

954

955 Mr. Coon recalled that West River Farms is a 69-lot subdivision approved under a
956 Special Use Permit 5 years ago; the permit requires an extension. Mr. Coon indicated
957 that 8 lots in Phase I of a 4 Phase project have been completed. They are looking for
958 another 5-year permit.

959

960 Chairman Ouellette noted that this project had been approved via a Public Hearing
961 originally; he questioned Town Planner Flores-Marzan that there was no need for a
962 Public Hearing for the 5-year extension? Town Planner Flores-Marzan felt a Public
963 Hearing was not necessary as the parameters of the project are not changing. You are
964 just approving the time extension which he feels is allowed statutorily. Town Planner
965 Flores Marzan suggested this was not a project approved before 2011 so the provisions set
966 up by the Connecticut legislature to protect projects during the great recession wouldn't
967 apply to this project. This application is for the timeframe for the construction of the
968 project therefore they need the 5-year extension.

969

970 Chairman Ouellette indicated he personally wasn't opposed to the 5-year extension, but
971 he questioned the difference between the extension of this project vs. the timeline for an
972 extension for an excavation permit, which is handled via a Public Hearing? Town
973 Planner Flores-Marzan suggested the difference is based on the land use, the residential
974 use has a lesser impact while the other land use is more a more intense use and can be
975 environmentally harmful. He suggested the legislation doesn't get into that level of
976 depth in terms of one land use over the other. Town Planner Flores-Marzan queried Mr.
977 Coon for his interpretation.

978

979 Mr. Coon feels the excavation permit has specific language that says a renewal has to
980 come back to the Commission but the subdivision is a 5 year permit and the Statute says
981 when that 5 years is up the applicant has the right to come back for an extension. Mr.
982 Coon suggested there is no specific language in the subdivision regulations regarding a
983 requirement for a public hearing, unlike the excavation regulations.

984

985 Chairman Ouellette queried the Commissioners for comments/questions.

986

987 **Commissioner Sullivan:** Cited Town Engineer Norton didn't appear to have any
988 problems with this request, however his concern, regarding the 5 year extension, is we've

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

24

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

989
990 already had problems in town where developer A turns a project over to developer B and
991 developer B walk away. The Town has a bond but the homeowners are stuck with a
992 project that may not be completed. Commissioner Sullivan questioned if perhaps the
993 extension should be a shorter period of time to move things along? Town Planner Flores-
994 Marzan felt the legislature calls for a 5-year period, nothing shorter.

995
996 **Commissioner Thurz** felt the developer wants to build out as fast as he can; he felt it's
997 out of the developer's control.

998
999 **Commissioner Kowalski** didn't see any language requiring development of communal
1000 property that may have been promised to a purchaser, like a pool or some type of
1001 recreational facility be built within a certain timeframe. He could see those things as
1002 being a driving force for maintaining a timeline but he didn't see that with this project.

1003
1004 **Commissioner Thurz** and **Commissioner Gowdy** were ok with the request.

1005
1006 **Commissioner Gobin** suggested she's ok with the request, but questioned if the
1007 roadwork has been completed? Mr. Coon indicated Phase I is completed, phase ii has
1008 been boxed out and graveled, while the other phase hasn't been touched yet; it's being
1009 completed in phases. Commissioner Gobin questioned that completed means it has its
1010 final pavement installed?

1011
1012 Mr. Coon felt that Phase I has a binder course, he suggested that typically the final course
1013 goes on after the houses are completed so you don't disturb the final course during
1014 construction. Mr. Coon clarified that it is bonded for that final course. Commissioner
1015 Gobin questioned if Town Engineer Norton is comfortable that the bond being held is
1016 adequate? Mr. Coon felt that was the original bond, other than any releases that might
1017 have been made. Commissioner Gobin questioned if the cost of the road work goes up
1018 over time; she questioned the adequacy of the bond as time goes on if the work gets more
1019 expensive

1020
1021 First Selectman Bowsza indicated that his question relates to a concern they've had;
1022 Commissioner Gobin noted that was the reason for her question. First Selectman
1023 Bowsza questioned if Mr. Sauerhoefer may have some perspective on that issue. Mr.
1024 Sauerhoefer was temporarily unavailable.

1025
1026 Chairman Ouellette questioned if Commissioner Zhigailo had any questions?

1027
1028 **Commissioner Zhigailo** cited Commissioner Gobin's comments are the adequacy of the
1029 bond; as time goes on things get more expensive. Her concern was that the bonding gets
1030 tweaked as part of a condition of the extension.

1031

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

25

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

Commissioner Moore felt the shorter time period for the extension would be good but if the Commission can't do that then he's ok with the request.

Chairman Ouellette referenced Condition 6 of the original approval, which referenced the wells of the abutting property owners. He questioned Mr. Coon if that testing had been pursued, or if there had been any complaints from the neighbors? Chairman Ouellette noted that during the original approval there had been much discussion and concern for the groundwater from the abutting property owners; this condition #6 had been added as a concession to the abutters. Mr. Coon isn't aware of any complaints from the abutters regarding their wells.

Chairman Ouellette queried the Commissioners for additional comments or concerns; no one raised any questions.

Chairman Ouellette suggested that with all due respect to Town Planner Flores-Marzan he isn't convinced that this extension request doesn't require an additional Public Hearing based on his reading of the Statutes, but not being a land use professional he'll yield to staff.

Chairman Ouellette called for a motion of approval for an additional 5 year extension.

Commissioner Kowalski referenced Town Engineer Norton's memo (dated June 18, 2020) which indicates that the Commission should require proper bonding be in place prior to granting an extension. Commissioner Kowalski suggested proper bonding leads him to question what is proper bonding, or if someone should recalculate the amount of the bond? Commissioner Kowalski suggested it doesn't lead him to believe that Town Engineer Norton is inferring that the bonding is adequate.

Chairman Ouellette cited Conditions #14, #15, and #16 of the original approval motion, noting that they reference bonding. He questioned if the Commission approves the extension as it is they're going under the assumption that the existing bond in place is adequate should the developer walk away from this project.

Joe Sauerhoefer, of the DPW, joined the discussion at this point. Mr. Sauerhoefer suggested he didn't believe that the bond being retained covers the whole project; he felt they broke the bonding into phases as most developers do. Mr. Coon indicated the reason for breaking the bonding into phases is if you haven't started Phases 3 and 4 then you wouldn't have to complete those phase if someone walked away; it would be a restoration at that point in time. Mr. Sauerhoefer recalled a recent discovery regarding the Kingshire Subdivision. that project started off with one developer, a switch of developers was made during construction and bond got lost; the town is now on the hook for the cost of final paving for Napoleon and Dempsey roadwork. Mr. Sauerhoefer cited

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

26

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

1075

1076 that's the concern when the Commission is reviewing projects. Mr. Sauerhoefer
1077 questioned if the applicant's intent is to just renew their permit? Mr. Coon indicated they
1078 were seeking an extension. Mr. Sauerhoefer cited they do have some infrastructure in,
1079 they're not moving to another phase; he suggested he wouldn't be too concerned unless
1080 the developer decided to start another phase.

1081

1082 Commissioner Kowalski referenced condition #32 of the original approval motion, noting
1083 the language reflects that the Commission require proper bonding. Commissioner
1084 Kowalski suggested he reads that to mean someone should be recalculating the bond to
1085 verify that there is an adequate bond to cover the uncompleted work.

1086 Mr. Sauerhoefer questioned if the bond had been reduced; Mr. Coon didn't know. Mr.
1087 Sauerhoefer indicated he personally felt that what was in place should cover it if the
1088 developer stayed within the same footprint; he suggested the red flag is as time goes on
1089 the cost goes up and that's where we ended up with the project on Depot Street. Mr.
1090 Sauerhoefer didn't see any reason not to renew the extension.

1091

1092 Chairman Ouellette referenced Condition #15 related to bonding prior for additional
1093 phases; he felt the language suggests there is no bonding for additional phases. Reading
1094 from Condition #15 Chairman Ouellette suggested that language leads him to believe
1095 there is no bonding for anything beyond Phase I.

1096

1097 Chairman Ouellette suggested by granting approval the developer can complete Phase I
1098 and go on to Phase II but he doesn't see that there is bonding in place for infrastructure
1099 improvements for Phase II. Chairman Ouellette suggested the Commission is saying that
1100 there must be adequate bonding in place for that to occur. He questioned what's the
1101 trigger for that to happen – to insure that the bond is adequate? Commissioner Kowalski
1102 suggested the key word in this language is "adequate". Mr. Sauerhoefer suggested when
1103 the Commission requests a reduction in bonding it goes before the Town Engineer, who
1104 does a site visit; he doesn't feel the developer could start Phase II without posting that
1105 bond because they'll need site approval. All that will come before the Town Engineer
1106 and the Planning Department before they start doing anything in Phase II. He suggested
1107 that triggers something there. He referenced the new developers agreement, noting that
1108 Public Works and Engineer staff is 100% behind this even happening in any development
1109 again before any reducing of any bond again. We're right on top of it now. He suggested
1110 they'll need site inspection to begin the next phase; Engineering staff won't allow that
1111 work to begin until bonding is in place.

1112

1113 Mr. Coon suggested it's typical for a developer to not request a release of bond but to
1114 carry the bond over to the next phase. Mr. Sauerhoefer suggested one of the reasons they
1115 do it this way is to try to economically help the developer. This project was approved 5
1116 years ago; he feels on the Town side they are working very hard to protect the town going
1117 forward.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

27

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1118

1119 Selectman Baker requested to comment. With regard to rolling bonds over from Phase I
1120 to Phase II, Selectman Baker suggested if we've gotten in trouble in the past maybe we
1121 need to be sure everything is done in Phase I. If 15% of the work remains then we
1122 should increase the amount being rolled over to Phase II by 15% to be sure the remaining
1123 work in Phase I is completed.

1124

1125 Mr. Coon felt that was the way Condition #5 is written – that before going into another
1126 phase you need to make sure it's bonded, and the word "proper" is in there as well. He
1127 felt that would be the point to consider the bonding for the respective phases.

1128

1129 Chairman Ouellette polled the Commissioner for comments – with the information as
1130 presented tonight do you have enough information to vote tonight?

1131

1132 Commissioner Sullivan suggested because the Town has been burnt a couple of times he
1133 would like to see more history. This project has been 5 years going, 8 houses have been
1134 built. Did we, as a Town, have problems with that site within the 5 years? Did we need
1135 to get on the developer to do things that need to be done?

1136

1137 Commissioner Kowalski indicated he would like something more definitive from Town
1138 Engineer Norton that he feels the current bond is adequate for the work to be completed.

1139

1140 Commissioner Thurz indicated the Commission usually hears from the public; he'd like
1141 to know if we had any complaints, or anything going on the Commission doesn't know
1142 about?

1143

1144 Chairman Ouellette indicated that was his personal interpretation/opinion of the Statutes
1145 but he suggested Town Planner Flores-Marzan should know that better than him. He
1146 indicated for himself personally he doesn't have enough information to make an informed
1147 decision tonight. With regard to the bonding Chairman Ouellette requested Mr. Coon
1148 work with the Public Works Department to determine what the amount of the bond is,
1149 what's covered – where we go from here? He noted he wasn't seeing an unwillingness
1150 on the part of the Commission not to renew the project; Chairman Ouellette suggested the
1151 Commission needs more clarity on the details.

1152

1153 Mr. Coon indicated he'll work with the Town Planner Flores-Marzan and Town Engineer
1154 Norton regarding the amount of the bond, and regarding the process for rolling the bond
1155 over from Phase I to Phase II – if they re-evaluate the bond at that time or what the
1156 process is.

1157

1158 Commissioner Gowdy felt Mr. Sauerhoefer had a handle on the project but maybe getting
1159 clarity is a good idea. Commissioner Gowdy would like to see the project go on.

1160

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

28

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

ZOOM Teleconference

Meeting ID: 332 683 3563

MEETING MINUTES

Mr. Sauerhoefer suggested where they've run into problems is the reduction of bonds, not necessarily what we're holding. Throughout the years the developer comes in requesting reductions because they have the drainage in, or whatever, and then if the development changes hands and the developer sells his development rights and the Town knows nothing. Mr. Sauerhoefer suggested, to his knowledge, nothing has been reduced out there/West River Farms at all.

Chairman Ouellette agreed it would be beneficial for the Commission to have information on the bond history, what the bond was for the Erosion and Sedimentation Control or the infrastructure, and there's no evidence of any of that.

Commissioner Kowalski cited the permit has expired; he questioned if the Commission delayed approval for a couple of weeks would the developer be able to continue without detriment to the project? Chairman Ouellette indicated he hadn't heard any opposition to renewing the permit. We're not creating a hardship or an obstruction on the applicant; he's made his request, we're considering his request; we're asking for more clarity on the bonds. Chairman Ouellette noted he wasn't hearing any descension from the Commissioners regarding completing the project; he felt everyone wanted the project to continue.

MOTION: To CONTINUE the Application of West River Farms – Request for 5-year extension of the Special Use Permit to allow a 69-lot PRD Subdivision n four (4) phases located at 329, 332, 339, and 341 Scantic Road. MFDD and A-1 Zones. Map 3, Block 34, Lots 60, 72, and 62A until more information is available. Application continued to the Commission's next regularly scheduled meeting to be heard on July 14, 2020 at 6:30 p.m. via ZOOM.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore
(No one opposed/No Abstentions)**

Chairman Ouellette requested Mr. Coon to work with Town Planner Flores-Marzan, Town Engineer Norton and Mr. Sauerhoefer; he felt in the long run the clarification would be better for everyone. Mr. Sauerhoefer suggested something is needed to get a handle on the developer's agreement as they understand there may be problems out there.

OTHER BUSINESS/D. Continued discussion regarding Warehouse Point Stormwater Planning Study to include Terri Hahn of LADA, P.C., Land Planners:

Terri Hahn, of LADA, P.C. Land Planners joined the Commission for an update on the status of the Warehouse Point Stormwater Planning Study.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

29

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

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MEETING MINUTES

Mrs. Hahn shared her presentation with the Commission, noting the various stormwater ponding areas within the Warehouse Point area, and their affect on the flooding of South Water Street, and the areas surrounding the Blue Ditch. Mrs. Hahn suggested that at this point the Commission has reviewed various scenarios regarding the amount of impervious coverage allowable in the 6 ponding areas; the Commission must now consider the impact of those scenarios and make a decision on future development within

the Warehouse Point area. Regulations will be developed based on the allowable development.

After reviewing the 6 ponding areas Mrs. Hahn reviewed a draft of Proposed Zoning Map Discussion followed regarding the proposed future uses within the various areas. The consensus of the Commission was for Mrs. Hahn to continue with her proposals as discussed.

Mrs. Hahn anticipates updating the Commission further in July.

BUSINESS MEETING/A. Site Visits:

Mr. Sauerhoefer requested the Commission's advice on the following issues:

34 Harrington Road: Mr. Sauerhoefer reported he has received the requested letter from the resident, who insists he is doing nothing illegal. Mr. Sauerhoefer continues to work with the DMV but has made limited progress. Mr. Sauerhoefer suggested his initial letter was essentially a Cease & Desist letter; the burden of proof of illegal work on the vehicles is on the Town. Mr. Sauerhoefer noted the property owner has said he works on vehicles for the Police, ambulance workers, and firefighters and does that work as a good Samaritan

Discussion followed regarding Mr. Sauerhoefer's ability to enter the property to check ownership of vehicles. The consensus of the Commission was for Mr. Sauerhoefer to continue to work with the DMV. Chairman Ouellette questioned the Commission's ability to assess fines at this point; he suggested the situation should be reviewed with the Town Attorney.

Bridge Street: Mr. Sauerhoefer reported they continue to make progress with the blight issue on Bridge Street.

Pleasant Street: Mr. Sauerhoefer reported he has sent a Notice of Violation regarding the keeping of livestock but he is continuing to work with the family. They are making arrangements to rent property in Enfield to pasture the animals.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

30

Regular Meeting #1783 as posted under Revision II Agenda – June 23, 2020

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MEETING MINUTES

1246

1247 **131 North Road:** Mr. Sauerhoefer indicated he has sent a Notice of Violation to the
1248 homeowners but nothing has been done with the property; the condition of the property
1249 remains the same. Mr. Sauerhoefer suggested fines could be initiated in this case.

1250

1251 Mr. Sauerhoefer reported he has received 2 new complaints which he has just begun
1252 investigating.

1253

1254 First Selectman Bowsza advised the Commission the position for a Zoning Enforcement
1255 Officer has been advertised.

1256

1257 **CORRESPONDENCE/A. Eversource – 112 Prospect Hill Road –** Communication
1258 regarding intent to file petition with the Connecticut Siting Council to modify an existing
1259 wireless communications facility at its East Windsor Area Work Center building.

1260

1261 **BUSINESS MEETING/B. General Zoning Issues:**

1262

1263 No discussion this evening.

1264

1265 **BUSINESS MEETING/C. Signing of Mylars/Plans, Motions:**

1266

1267 Nothing pending for signatures.

1268

1269 **ADJOURNMENT:**

1270

1271 **MOTION: To ADJOURN this Meeting at 9:41 p.m.**

1272

1273 **Sullivan moved/Kowalski seconded/VOTE: In Favor: Unanimous**

1274

1275 Respectfully submitted,

1276

1277

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission

1278

1279 **ATTACHMENTS:**

1280

1281 A – East Windsor Solar One, LLC – Verogy, Hartford, CT.