

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

**REGULAR Meeting #1790  
November 10, 2020**

Meeting held via ZOOM Teleconference  
Meeting ID: 332 683 3563  
Town Hall closed to the Public by  
Executive Order of First Selectman Bowsza  
due to Coronavirus pandemic

***Minutes Heading: MEETING MINUTES***

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

Chairman Ouellette called Meeting #1790, the November 10, 2020 Regular Meeting of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

Commissioner Gobin advised the Commission she had stopped in to the Town Clerk today to be sworn in as a Regular Member of the Commission.

**PRESENT:**    **Regular Members:**    Joe Ouellette (Chairman), Anne Gobin, Michael Kowalski, and Jim Thurz.  
                  **Alternate Members:**    Frank Gowdy.

**ABSENT:**    Regular Member Tim Moore.

Also present was Interim Town Planner Michael D'Amato

**GUESTS/SPEAKERS:**    First Selectman Bowsza hosted the meeting. Also present were: Aaron Svedlow, North Light Energy; Jay Ussery, of J. R. Russo and Associates, LLC, representing the Silverman Group; Terri Hahn, of LADA Land Planners, LLC.

**Public:**    Selectman Muska, T. J. Donahue, Louis George, Austin Holden, Rachel Lang, Barbel Roder, Pat Webb, Phil, Carmen Vega

**ESTABLISHMENT OF QUORUM:**

Chairman Ouellette congratulated Commissioner Gobin to her promotion to the position of a Regular Member. He queried the audience regarding Commissioner Moore's inclusion via phone; as no one responded he concluded Commissioner Moore was not present. Chairman Ouellette indicated a quorum has been established as four Regular Members were present at the Call to Order. Following in accordance with the service

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rotation schedule Chairman Ouellette requested Alternate Member Gowdy to join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:** None.

**ADDED AGENDA ITEMS:**

Chairman Ouellette noted he will announce an item under **ITEM VI. RECEIPT OF NEW APPLICATIONS.**

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda.

**Pat Webb, South Water Street:** Ms. Webb questioned if the Commission has taken into consideration the traffic and safety concerns of the abutters and residents of South Water Street regarding the Silverman application? Chairman Ouellette noted the Commission couldn't take that discussion up at this time; the application will be discussed under Item **XI. OLD BUSINESS/A. The Silverman Group, Site Plan Modification.** Ms. Webb asked if she could ask questions at that time? Chairman Ouellette replied she could not; he would explain the reason when the Commission takes up that Item of Business.

**APPROVAL OF MINUTES/October 27, 2020:**

Chairman Ouellette called for a motion of approval of the Commission Meeting Minutes of October 27, 2020. Commissioner Gobin referenced a typo on line 318, page 8 – see below.

**MOTION:** To APPROVE the Minutes of Regular Meeting #1789 dated October 27, 2020, with the following AMENDMENT:  
Page 8, (**NEW BUSINESS/A. The Silverman Group Site Plan Modification...**), Line 318, "...site driveway which was made by the local traffic authority ~~by~~ **BUT** he queried Mr..."

Kowalski moved/Gowdy seconded/**DISCUSSION:** See amendment above.

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

**RECEIPT OF APPLICATIONS:**

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Chairman Ouellette acknowledged receipt of the following new applications:

- A. **WSG, LLC** - Special Use Permit Renewal (PZ-2020-16) for earth excavation at 140 Wapping Road, Map 017 Block 65 Lot 008-034, A-1/M-1 Zone (Deadline for decision: January 14, 2021).
- B. **Resubdivision Application (PZ-2020-17) – Christopher Donahue**, 26 Rye Street, for a 2- lot residential subdivision, Map 077, Block 40, Lot 001, Zone R-2. Public Hearing date: 11/24/2020 Legal ad dates: 11/12/2020 and 11/19/2020

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE**

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:**      None.

**NEW PUBLIC HEARINGS:**      None.

**NEW BUSINESS/A. Solar Project Update :**

Joining the Commission virtually was Aaron Svedlow, of North Light Energy, offering a presentation on Gravel Pit Solar. First Selectman Bowsza shared the screen so Mr. Svedlow could accompany his discussion with a slide presentation **(See Attachment A).**

Mr. Svedlow recalled for the Commission that this is a 120 megawatt solar project proposed for 485 acres of a total 726 acre parcel spanning properties south of Apothecaries Hall Road through to Plantation Road. He reviewed the benefits to the Town, which includes the curtailment, reduction and elimination of the majority of ATV use within the gravel pits as the pits are replaced with the area of the arrays.

Mr. Svedlow noted they have completed their field assessments, and are working with DEEP regarding assessment of the wildlife and plant species found at the site, they have completed their Geotech work, and are working with the Connecticut State Historic Preservation Office. They are also working with DEEP's Stormwater Management Division to utilize natural features at the site to manage runoff; they are close to submitting their Stormwater Management Application.

Mr. Svedlow indicated they are appearing before the Siting Council Thursday for an Evidentiary Hearing, followed by a public hearing. They hope to have approval from the Siting Council in January, 2021, and would begin civil construction in the Summer of

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2021, which would include closure of the gravel pits, grading, and seeding. They would complete construction in the Fall of 2022.

Mr. Svedlow suggested they will be a quiet neighbor, and will bring economic benefits as a taxpayer.

Mr. Svedlow opened discussion to the Commission.

Commissioner Gobin questioned if they would bid into the capacity market, and when would they know if the project is a go? Mr. Svedlow explained the various streams of revenue for solar markets – the sale of energy, the sale of renewable energy credits, and the sale of capacity. Mr. Svedlow indicated they have fully contracted for the energy and the renewable energy credits – the “recs”, and have qualified for the sale of forward capacity under FCA 15 so the forward capacity market occurs 3 years out. Mr. Svedlow indicated the forward capacity market isn’t a make or break for this project; it would be additional revenue for the project; decisions regarding participation would be made on an annual basis. It’s a go as much as it can be at this time.

Commissioner Thurz questioned how many acres will be cleared? Mr. Svedlow indicated they will clear on the margins of the fields, which totals about 90 acres at the edges of the woods. They won’t be grubbing; the stumps will be left in place. They cut/clear to prevent shading of the grids.

Commissioner Kowalski questioned when the gravel/mining operations will cease? Mr. Svedlow indicated they have an option to purchase the properties; they plan to exercise that option this Spring. He suggested ceasing the gravel operations could be as close as April or May. Commissioner Kowalski noted there is a renewal of a permit for the gravel operation pending, he questioned if that would be a moot point on something that may be stopping in a few months? Mr. Svedlow indicated they are not the current owner; he felt it was appropriate that the current owner continue their business as if they (North Light Energy) were not pursuing the project. Chairman Ouellette cited the Special Use Permit for the gravel operation goes with the land, not the owner. Commissioner Kowalski questioned if this would be a change of use? Chairman Ouellette felt they could run as a gravel operation if the excavation permit were still valid; it would just be a different owner. Commissioner Kowalski suggested part of the permit is to reclaim the land to close out the permit. Mr. Svedlow suggested that item is on their punchlist for discussion with the Town. Commissioner Gobin suggested Mr. Svedlow review the permits regarding what’s required to close out the phases as the last time the Commission discussed the permit there were several issues with many open phases. Commissioner Gobin also indicated she would encourage Mr. Svedlow to consider fencing the property after you take ownership so you don’t have the liability of the ATVs.

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Hearing no further requests for discussion Chairman Ouellette thanked Mr. Svedlow for the update, and wished him good luck with his appearance before the Siting Council.

**OLD BUSINESS/A. The Silverman Group Site Plan Modification** – Construction of a 150,000 SF and 50,000 SF future addition warehouse/distribution building at 12 South Main Street (B-1 zone; Map 071 Block 11, Lot 3AI and M-1 zone; Map 071, Block 11, Lot 010; Map 071 Block 11 Lot 6A; Map 081, Block 11, Lot 082) owned by SL 12 South Main Street, LLC. (Deadline for decision December 31, 2020).

Chairman Ouellette read the description of this item of business. He noted that letters have been sent to the members of the Commission and Town officials regarding this application. Chairman Ouellette clarified that when the Commission begins deliberating on the application the action is a proposed Site Plan Modification, which is an administrative process by this Board. It does not involve a Public Hearing in any way. The previous Site Plan is still valid until this Board approves something different. Chairman Ouellette indicated they've heard through comments that there are activities going on on the site; those are allowed. If the Applicant wants to continue to do that they can. If the Site Plan changes they're doing so at their own risk. If the Applicant choses to make changes to the Site Plan in response to the abutters concerns or comments they can do so, but whatever changes those are have to be approved by this Board. Chairman Ouellette wanted to be clear the Commission won't be entertaining comments of any kind from the public because this is a Site Plan Modification, not a Public Hearing. The previous report of record was properly filed with the Town; the due process was followed to the letter of the law and any comments tonight can only be heard from Town Staff, the Planning and Zoning Commission, the Applicant, or his team. Chairman Ouellette turned discussion over to the Silverman team.

Jay Ussery, of J. R. Russo & Associates, joined the meeting virtually, noting he is representing the applicant, the Silverman Group.

Mr. Russo noted Tim Coon, of J. R. Russo & Associates, appeared at the previous meeting and gave an overview of the project modification. Mr. Russo suggested Dan Lacz, of the Silverman Group, may be on the line as well.

Mr. Russo suggested that this Site Plan Modification represents a reduction in scope for what was being proposed originally, which was 2 buildings, many loading docks, and a greater number of parking spaces. This Site Plan Modification is for a single building containing approximately 150,000+/- square feet initial construction, and the potential for an additional 50,000+/- square foot building for expansion (for a total of 200,000 square feet of building), 141 parking spaces, and many less trailer parking spaces and loading docks.

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Mr. Russo noted the Commission has received comments from the Town Staff/Interim Town Planner D'Amato, Town Engineer Norton, and from the Police Department regarding traffic. Mr. Russo indicated comments had been outstanding from the Fire Marshal; he has now responded to Mr. Coon, suggesting 12 feet separation of dumpster locations from the building, and questioning what would compose the outside storage which has now been identified as composite decking material and wood trim.

Mr. Ussery noted the Silverman Group has contacted the neighbors, and their attorney. One of the items of discussion was the proposed berms, which have been increased from the original 4 feet to 8 feet at the request of the neighbors.

Chairman Ouellette opened discussion to the Commissioners.

Commissioner Gowdy felt the proposal is pretty straight-forward; Mr. Ussery has done a good job; Commissioner Gowdy had no questions.

Commissioner Gobin had no questions; she felt it was clear, however she requested of Mr. Ussery confirmation that her understanding of the modifications from the original proposal are: reduced building size, lower traffic counts, and all the traffic has been approved by the State Traffic Commission, and the traffic is less than was anticipated. Mr. Ussery concurred, noting the traffic counts are substantially less than before which can be seen by the number of parking spaces and loading docks. Mr. Ussery noted that the original approval from the State in terms of improvements at the intersection down at South Water Street and Route 5 is not changing; all of those improvements are going to be made regarding turning lanes and improvements to that intersection as well as improvements on Route 5 of adding a turning lane which came out of a recent meeting with the local Police Department. Mr. Ussery suggested in terms of the reduction in traffic it is significant, and the improvements go back to the original Sardilli approval. Commissioner Gobin indicated that was her recollection as well.

Commissioner Thurz recalled that at the last meeting they discussed putting in a sidewalk for the neighbors; he noted he did not see that in the conditions of approval. Interim Town Planner D'Amato suggested the sidewalk is on the plan, although it's a bit difficult to see. There is a sidewalk that runs along their frontage on that side of the road. It was not referenced in the conditions because it's on the plan. Chairman Ouellette noted the plans are referenced as part of the motion of approval, so it's captured in that mechanism. Interim Town Planner D'Amato noted he reviewed the location of the sidewalk with Town Engineer Norton as well.

Commissioner Kowalski noted previous discussion of the access on the north side of the property – the fact that it's gravel rather than being paved. He questioned if the Fire Marshal had commented on that being acceptable for the weight of the equipment that

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would have to be brought in? Mr. Ussery indicated the Fire Marshal had not commented on the access out onto Wagner Lane but had noted the turning radius for the trucks which required increasing the area near the islands for their aerial truck.

Chairman Ouellette questioned if Interim Town Planner D'Amato had any comments? Interim Town Planner D'Amato referenced his memo/motion of November 5, 2020.

Chairman Ouellette questioned if he had mischaracterized the process for the Site Plan Modification Application? Interim Town Planner D'Amato concurred with Chairman Ouellette's comments, noting the Board is acting in its administrative capacity for a Site Plan review. He noted that in East Windsor this use requires a Site Plan approval, not a Special Use Permit; the process may be different in other towns.

Mr. Ussery offered a clarification within the proposed approval motion, noting in the first comment under "Findings" the comment references only the 150,000+/- square foot building but makes no reference to a potential 50,000+/- square foot addition. Interim Town Planner D'Amato agreed, noting he had not included the 50,000+/- square foot addition because a Site Plan Application is only good for a certain amount of time; if it's not built in 10 years they can't build it. Chairman Ouellette cited the Commission's ability to make changes to the motion proposal; that information can be added as it's apparent Mr. Ussery wants to add the potential addition. Mr. Ussery cited they understand if the addition isn't built in that time they would have to return for permission, but the current intention is to build the 50,000 square foot addition.

Chairman Ouellette noted he had not yet seen any vertical construction occurring at the site, only reclamation of the site perhaps in preparation of construction of the berm or drainage work. He questioned Mr. Ussery if there is any difference in the earthwork from the previous application? Mr. Ussery noted the size of the berms have increased, while the amount of impervious coverage has decreased; they now have more topsoil to increase the berms. The drainage work is now oversized for this development, but it's already up and across the road. Mr. Ussery indicated they couldn't start construction until this application is approved; he felt they would move forward with construction based on these plans which reflect these proposed changes.

Commissioner Thurz questioned the plans for the processed material brought to the site? What are their plans for that area; will they just level it off? Mr. Ussery suggested that even though they are no longer proposing a second building the outside area will be paved, with processed material under that; the concrete pads for the buildings will have processed material under them, and some of the outside storage area as well. Commissioner Thurz questioned that they would fill the hole back in with topsoil? Mr.

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Ussery suggested there's probably a fair amount of export material on the property so there's plenty of material to do the grading and leveling.

Chairman Ouellette called for additional comments from the Commissioners; hearing no requests he called for a motion, including the request for the 50,000 square foot addition.

**MOTION TO APPROVE:**

Application #PZ 2020-15 "The Silverman Group" for Site Plan Modification per Section 900.3j in accordance with Section 900.3. Map 81, Block 011 Lot 002, known as 12 South Main St. Applicant: J.R. Russo + Associates LLC. Owner: SL 12 South Main St LLC. M-1 Zone.

This approval is granted subject to the conformance with referenced plans (as may be modified by the Commission and this approval) and the following conditions/modifications.

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**Referenced Plans**

1. "The Silverman Group" 12 South Main Street. Prepared for SL 12 South Main Street LLC (Owner) 195 Morristown Road, Baskin Ridge NJ (Owner). Plans by J.R. Russo & Assoc. Dated June 6, 2020. Revised Oct 20, 2020. Sheets C-1.0 to C-8.4, L-1.0 (inclusive) and Photometric Plan Sheet 1.

**Findings:**

1. The submitted site plan proposes modifications that the Commission finds to be less intense than the previously approved application, including the construction of a single 150,000SF building with 50,000SF future expansion and an overall reduction of impervious area by 150,000SF+/- and therefore, a modification is appropriate.
2. The proposed use is allowable in the M-1 Zoning district per Section 502.
3. The proposed Outdoor Storage is an allowable accessory use per Section 503.1c
4. The Administrative Zoning Permit (20-6Z) issued by Town Staff on August 25, 2020 in accordance with the previously approved site plan is hereby deemed null and void. A new Zoning Permit will be required.
5. The proposed modifications do not result in any changes to land located within a wetland, watercourse or upland review area, so a report from the East Windsor IWWA is not required prior to the issuance of this decision.



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**Conditions which must be met prior to signing mylars:**

1. A paper copy of the final approved plans with revisions shall be submitted to the Planning & Development Office for review and comment.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
4. The plans shall be revised to include the following:
  - i. Additional landscaping shall be provided within the parking lot islands, as required by Section 601.3(c).
  - ii. Loading areas shall be revised to include an 8" thick reinforced concrete pad for trailer supports as required by Section 601.6 (e)
  - iii. Turning radii shall be increased to 26ft on site to accommodate fire apparatus.
  - iv. The proposed dumpster location shall be relocated to be at least 12ft from the building.
  - v. A copy of this Certificate of Approval shall be incorporated.

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

1. One set of final mylars, with all necessary revisions shall be provided to the Planning and Development Office. A copy of this approval motion shall be incorporated.
2. A single, PDF copy of the final plans, with all necessary revisions shall be provided to the Planning and Development Office.
3. The applicant shall provide a copy of a revised application filed with the East Windsor Water Pollution Control Authority.
4. A landscape maintenance bond shall be provided in accordance with Section 600.3 (c) for the purposes of ensuring the installation and successful establishment of all on site landscaping, in particular the proposed vegetative screening along the East side of the property. The applicant's engineer shall submit an estimated cost of the landscaping, to be reviewed by the Town Planner and Town Engineer.

**Conditions which must be met prior to the issuance of a Certificate of Compliance:**

1. Final grading, stabilization and seeding shall be in place or adequate bond filed with the Town for the unfinished work.
2. One electronic PDF and paper copy of the final as-built survey

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showing structures, pins, driveways, final floor elevations and spot grades shall be submitted.

**General Conditions:**

1. The Erosion and Sedimentation Control Bond provided on July 23, 2020 to the Planning and Development Office and approved by the Town Engineer shall be applied to this project.
2. “White noise” backup alarms shall be installed on all resident vehicles (those to remain on site) including trucks or forklifts, used for the purposes of relocating materials within the outdoor storage yard unless otherwise prohibited by superseding safety requirements.
3. In accordance with Section 900.3(h) of the Zoning Regulations, the construction of any buildings associated with this approval shall commence within one year of this approval date and all improvements shall be completed within five years. Such approval shall otherwise be null and void unless an extension has been granted by the Commission.
4. This project shall be constructed and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
5. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
6. Additional erosion control measures may be required by Town staff if field conditions necessitate.
7. By acceptance of this approval and its 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.

**Gobin moved/Kowalski seconded/DISCUSSION: None.**

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

**OLD BUSINESS/B. Warehouse Point Planning Study to include Terri Hahn of LADA P.C. Land Planners:**

Terri Hahn, of LADA, LC, Land Planners, joined the Board.

Mrs. Hahn shared the screen, noting that tonight she is providing the Commission an updated draft of proposed Zoning Regulations for the Warehouse Point area. Discussion

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continued regarding the proposed regulations, the resident survey, and the implementation of a Public Hearing on the development potential for Warehouse Point Center.

**OTHER BUSINESS/A. Informal Discussion regarding a zone change at 87 South Main Street and a text amendment to allow auto body repair as an accessory use to a car dealership in the TZ5 Zone:**

Chairman Ouellette read the description of this item of business.

Jay Ussery, of J. R. Russo & Associates, indicated he would like to initiate discussion on behalf of a client. Mr. Ussery reported his client has a contract to purchase property on the south side of South Main Street south of Tromley Road. The property under consideration (87 South Main Street) was previously owned by the Putriment family and was the location of East Windsor Tool and Die some years ago. The property contains 12+/- acres. Referencing the parcel Mr. Ussery noted there is another small parcel (93 South Main Street) to the south which contains a small home. Mr. Ussery indicated his client is considering moving his existing used car dealership to this location, however, the property currently contains 3 zones – TZ5 fronting on South Main Street, R-3 to the east, and A-1 towards the rear. Mr. Ussery suggested the TZ5 Zone had been created as a transitional zone to allow residential properties to convert to commercial uses. The R-3 Zone abuts the residential zone on Tromley Road, while the A-1 Zone towards the rear requires 1 acre lots. Mr. Ussery indicated that commercial usage of this larger parcel for the dealership would require 150 foot buffers to be created between the commercial zones and the commercial use, which would reduce the amount of useable land for the dealership.

Mr. Ussery suggested they are considering coming before the Commission with a Zone Change Application to change the entire parcel to TZ5 to allow construction of a 10,000+/- square foot building for the used car dealership, with vehicle storage in the rear, and parking for employees as well.

Mr. Ussery noted there is also the motel which abuts the rear of 87 South Main Street, Stanton Equipment with 2 residential homes to the rear is located to the south of the motel, the next parcel is owned by Chapman which has a Wetlands approval for 400+/- residential units, which might require another buffer as well.

Mr. Ussery also noted his client currently sells used vehicles for which he contracts out the body work; his client would like to have the ability to do light auto body work – only for vehicles they sell - at this new location. Mr. Ussery indicated auto body work is not currently allowed in the TZ5 Zone. Would the Commission consider allowing auto

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body work as an accessory use to auto sales at the same location under the Permitted Use Table?

Commissioner Gobin suggested auto body work is highly regulated under National standards regarding air pollution because of the toxic components in the paint; she isn't comfortable not knowing more about the proposal. Commissioner Gobin noted the proximity of the High School, and the residential properties abutting the parcel being considered. She questioned if the applicant is aware of the regulations? Mr. Ussery felt his client was aware; the use would only be for vehicles being sold by his client. He suggested his client is investigating the option; he may find it more cost effective to continue sending the work out. Mr. Ussery felt the Commission had approved other auto body uses. Commissioner Gobin felt the inclusion of the auto body work was high risk.

Commissioner Gowdy questioned if vehicles would be displayed in front along Route 5? Mr. Ussery indicated there would be a display area in front of the building. He suggested it's no different than ACI Auto further down Route 5; the ACI building is about 9,000 square feet while this proposal is a 10,000 square foot building. Commissioner Gowdy indicated he felt the applicant should be allowed to do what's permitted if he meets the requirements, but his personal opinion is there are enough cars on display along Route 5 now. Mr. Ussery cited he understands those concerns, but East Windsor is the location of the largest independent auto auction. It's understandable that these resellers will also locate nearby. Mr. Ussery cited his client is one of the best dealerships in town; he's been in business 20 years. Mr. Ussery felt if he had his own property he would be proud of it.

Commissioner Thurz questioned if the Commission approved the Zone Change how many other properties located along the Route 5 corridor would that affect? Mr. Ussery reiterated the intention of the TZ5 Zone; he suggested it incorporates many of the properties along Route 5 and was adopted – perhaps in the 1980s - to promote changing the zones/uses from residential to commercial to make an orderly development along Route 5 while allowing the residential uses to continue as well. Mr. Ussery suggested this parcel could become single family residential, or multi-family – as the Chapman property.

Commissioner Thurz indicated he didn't think this proposed use was bad, especially with the buffer areas. Commissioner Thurz also wasn't concerned about the paint booth. He noted he's wired so many; they're highly regulated.

Commissioner Kowalski questioned the blue line on the GIS site location map? Mr. Ussery indicated that was the line indicating the TZ5 area. Commissioner Kowalski suggested that wouldn't leave much room for vehicle display. Mr. Ussery indicated they would lose 300 feet of useable area – 150 foot buffer on the north side and a 150 foot

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buffer on the south side of the parcel – which would limit the display area. Commissioner Kowalski suggested the parcel to the north doesn't have a 150 foot buffer; Mr. Ussery concurred, noting it pre-dates zoning requirements and is non-conforming with regard to setbacks. He felt the homes on 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Street may have been built in the 1940s as well. Discussion continued regarding prior uses of the various parcels. Mr. Ussery noted one of the parcels was the original Southern Auction site; the gas tanks were right off of Route 5. He felt that may have been built in the 1920s or 1930s.

Chairman Ouellette noted the current study of the Route 5 corridor which includes information regarding what's envisioned for future land use development along the Route 5 corridor. Mr. Ussery indicated he was familiar with that study although he was still reviewing it; he suggested they also need to review this proposal as it relates to the Plan of Conservation and Development and what was considered for this area, and the land to the east.

Chairman Ouellette questioned if the parcel had public utilities? Mr. Ussery replied affirmatively.

Chairman Ouellette asked Interim Town Planner D'Amato for comments. Interim Town Planner D'Amato suggested adding the auto body use as an accessory use to the primary use will help control the scope of the use. He'll also review the Route 5 study.

Commissioner Gowdy cited concern with the proposed Zone Change, noting it goes with the land, not the owner. What if the owner doesn't want to be a used car dealership any longer, or wants to sell the property? Interim Town Planner D'Amato concurred, the Zone Change goes with the land and stays that way forever; the approval remains.

Chairman Ouellette questioned the process for this proposal; would the Text Amendment be proposed first and then the Zone Change? Mr. Ussery suggested that's still under discussion; Commissioner Gowdy has made a good point – what else could go there? He cited Commissioner Gobin has made a good point also, although this client is proposing the auto body work for his own use only.

Interim Town Planner D'Amato considered looking at this as a floating zone tied to specific uses; the floating zone would land on a specific parcel.

Commissioner Thurz noted this parcel has been for sale for some time. With COVID impacting everyone's lives used car sales are going through the roof; he didn't see this as a bad use for this parcel.

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Commissioner Gobin suggested her issue isn't the car dealership, it's opening the regulatory burden of the painting and making sure it's done in compliance because of the proximity of the residential properties.

Interim Town Planner D'Amato felt the problem with the TZ5 Zone is that not all the properties under that zone have access to Route 5; he suggested the way the zone was created makes it a barrier to development. Chairman Ouellette suggested other professionals have mentioned how unworkable the TZ5 Zone is at times.

Mr. Ussery thanked the Commission for their time. He'll bring these comments to his client.

**OTHER BUSINESS/B. Approval of 2021 Meeting Dates:**

Chairman Ouellette noted that historically the Commission had taken off the second meeting in August; the schedule currently provided to the Commission includes a second meeting in August. He suggested he wasn't opposed to including the second meeting in August, as it can be cancelled if necessary; he questioned if the previous schedule had been traditional or reflected the bylaws? Commissioner Kowalski noted it's not a requirement of the bylaws; Commissioners Gowdy and Thurz felt it had been traditionally deleted as members weren't available due to vacations.

Chairman Ouellette suggested approving the 2021 Meeting schedule as proposed as any meeting can be cancelled as necessary.

**MOTION: To Adopt the Planning and Zoning Commission 2021 Meeting dates as provided in the meeting packet.**

**Gobin moved/Kowalski seconded/DISCUSSION: None.**

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

**OTHER BUSINESS/C. Monthly ZEO Report:**

Interim Town Planner D'Amato suggested Zoning Enforcement Official (ZEO) Calabrese has prepared a report for the Commission's review. He cited they're working on the format, trying to be mindful of the information they're sharing related to the violations. The consensus of the Commissioners favored the format presented.

Commissioner Thurz requested to comment about the status of 34 Harrington Road. Commissioner Thurz reported he drives by that property frequently, including Saturday and Sunday. He reported that on Saturday the property owner had a commercial painting

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truck on the lift, and on Sunday he had a commercial contractor's truck on the lift as well. Commissioner Thurz suggested the homeowner continues to do business; he's just bringing the vehicles in at a different time when staff isn't in Town.

Chairman Ouellette questioned if Commissioner Thurz could provide photos? Interim Town Planner D'Amato suggested if the ZEO can't personally verify the situation they can't take action; he suggested Commissioner Thurz submit the photos to the Planning Office.

Commissioner Thurz also reported vehicles for sale are parked on the grass all along Route 5.

Chairman Ouellette requested Interim Town Planner offer his comments related to political signage. Interim Town Planner D'Amato noted he had provided the Board of Selectmen a memo regarding management of political signs, which identified 3 court cases which have had an impact on the regulation of political signage. He suggested if the signage isn't adversarial it can't be regulated regarding the time limit for posting such signs. Interim Town Planner D'Amato suggested the current sign regulations for the PZC are not consistent with State law; this will be a topic for the Commission's discussion in the future.

**CORRESPONDENCE:**     None.

**BUSINESS MEETING/A. General Zoning Issues:**

Commissioner Kowalski requested an update on MMCT. First Selectman Bowsza reported their lobbyist reached out to schedule a meeting with the Tribal leadership, East Windsor, and the Legislature in the near future. First Selectman Bowsza indicated he would attend on behalf of the Town. It's not clear how serious they currently are on the East Windsor project.

**BUSINESS MEETING/(7) Signing of Mylars/Plans, Motions:**

Nothing reported.

**ADJOURNMENT:**

**MOTION:**    To ADJOURN this Meeting at 8:51 p.m.

**Gowdy moved/Thurz seconded/VOTE: In Favor: Unanimous**

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Respectfully submitted,



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

**ATTACHMENT:** Aaron Svedlow presentation – Gravel Pit Solar



# Refresher

## The Basics:

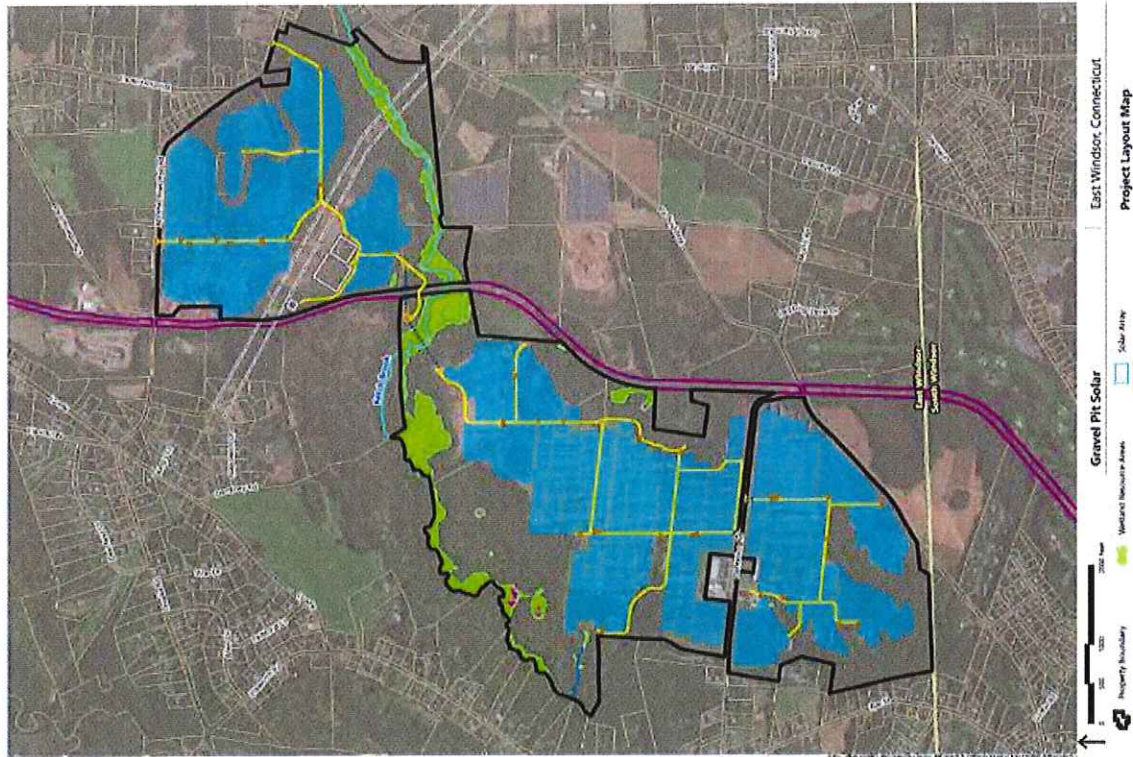
- 120 MW – enough clean energy to power over 12,000 homes
- Utilizing approximately 485 acres of the 726-acre project site
- Permanent closure of two sand and gravel pits
- Economic benefits to the town

## Simple Construction:

- Minor grading outside of gravel pit areas
- Typical light construction equipment

## Quite Neighbor:

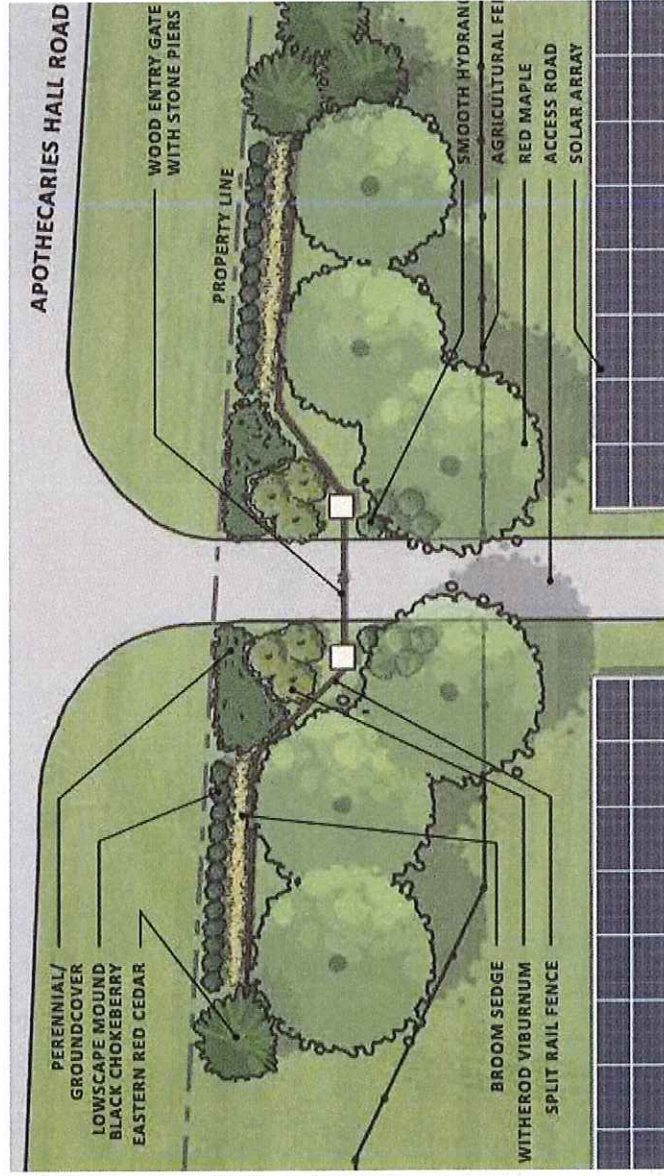
- Limited traffic, sound, and maintenance after construction
- No town services needed





# Project Update

- All field assessments completed
- Consultation with CT SHPO and CT DEEP Wildlife Div. ongoing
- CT SC Evidentiary Hearing and Public Hearing scheduled for Nov. 12, 2020
- *Filing CT DEEP Stormwater Application mid-Nov 2020*





# Schedule

## Looking forward

### Winter – Spring 2021

- CT SC approval (as early as 1/27/21)

### Summer 2021

- Start civil construction
- Grading in gravel mines
- Seeding

### Winter – Fall 2022

- Array and interconnection construction
- Completion of construction late 2022
- Punchlist items completed in early 2023

### Beyond 2022

- Quite neighbor and taxpayer





## Questions?

Aaron Svedlow  
[aaron@northlightsolar.com](mailto:aaron@northlightsolar.com)

