

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

REGULAR Meeting #1807

July 27, 2021

In-person meeting

AND

Meeting also held via ZOOM Teleconference

Meeting ID: 995 1965 4063

MEETING MINUTES

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

I. TIME AND PLACE OF MEETING:

Chairman Ouellette called Regular Meeting #1807 of the East Windsor Planning and Zoning Commission dated July 27, 2021 to Order at 6:32 p.m. The Meeting is being held in-person in the Town Hall, 11 Rye Steet, Broad Brook, CT., and via teleconferene as well. .

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Anne Gobin, Frank Gowdy, Michael Kowalski, and Jim Thurz
 Alternate Members: There are presently three vacancies for Alternate members.

ABSENT: No one; all Regular Members present.

Also present was Planning Consultant Michael D'Amato.

GUESTS/SPEAKERS present in-person: Planning Consultant D'Amato hosted the meeting. Also present were: Marek Kement, representing SJK Properties; Tim Jacobs, of Jacobs Home Improvements, and Kathy Pippin. .

Public signed in remotely (as identified in the Meeting participation list):
Selectman Sarah Muska, Steve Kochis, of vhb, and Bonnie Potocki, of Greenskies Clean Energy, LLC – Mulnite 2; Brooke, CSC Intern, Elizabeth Bragg, Chris, Craig, Karen J, Katie, Noreen Farmer, Tony, 16 Eastwood Drive .

II. ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members were present in-person at the Call to Order. All members will participate in discussion and votes this evening.

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III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE: None

V. PUBLIC PARTICIPATION:

Chairman Ouellette queried the in-person audience, and the individuals signed in remotely, for comments regarding items/issues not posted on the Agenda.

Noreen Farmer, 247 South Water Street (remotely): Mrs. Farmer recalled the work Terri Hahn did on the Warehouse Point Study; she questioned if that work would come up on the agenda for another Commission in the future? Chairman Ouellette reported that work would return on the Planning and Zoning Commission's agenda to develop regulations related to the proposed recommendations. The work would continue to be managed through the Planning Department.

Chairman Ouellette queried the audience, both in-person and remote, for comments or questions; no one else requested to speak.

VI. APPROVAL OF MINUTES:

A. July 13, 2021:

Chairman Ouellette called for questions or comments related to the Minutes of the PZC Regular Meeting dated July 13, 2021; no one brought forth any revisions. Chairman Ouellette called for a motion of approval.

MOTION: To APPROVE the Minutes of Regular Meeting #1806 held July 13, 2021 as presented.

Gobin moved/Kowalski seconded/DISCUSSION: None.

**VOTE: In Favor: Gobin/Gowdy/Kowalski/Thurz
Opposed: No one
Abstained: Ouellette**

VII. RECEIPT OF APPLICATIONS:

Chairman Ouellette noted there were no new applications to be received this evening.

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VIII. PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS: None

X. NEW PUBLIC HEARINGS:

- A. PZ-2021-23, Special Use Permit, 69 Depot Street** for an accessory apartment, Map 098, Block 53, Lot 024. Zone R-2. Applicant: Jacob's Home Improvement, Owner: Brian & John Vincent Pica-Sneeden (postponed from July 13, 2021):

Chairman Ouellette queried the audience and the individuals signed in remotely if anyone was present to discuss this application. No one responded. Planning Consultant D'Amato stepped out of the meeting to call the applicant. Chairman Ouellette suggested moving this Public Hearing further along in the Agenda to give the applicant an opportunity to make his presentation.

MOTION: To MOVE the NEW PUBLIC HEARING for Application PZ-2021-23, Special Use Permit, 69 Depot Street for an accessory apartment, Map 098, Block 53, Lot 024. Zone R-2. Applicant: Jacob's Home Improvement, Owner: Brian & John Vincent Pica-Sneeden to the end of CORRESPONDENCE and the beginning of NEW BUSINESS.

Gobin moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Gobin/Gowdy/Kowalski/Ouellette/Thurz
(No one opposed/No Abstentions)

XI. OLD BUSINESS:

- A. P-2021-19. Text Amendment Application** to East Windsor Zoning Regulations Section 802.1 and 802.4 Multi Family Development District (MFDD). Applicant: SJK Properties LLC:

Chairman Ouellette read the description of this item of business. He noted action on this Text Amendment was postponed from the previous

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meeting; the Public Hearing has been closed and the Commission is getting close to the Statutory limit to make a decision. Chairman Ouellette questioned if the Commissioners had any comments or questions to discuss this evening?

Commissioner Gowdy:

- **Application decision:** Commissioner Gowdy recalled the Commission was waiting for Chairman Ouellette to participate in the meeting because of their concern for a split decision without the ability to resolve a tie vote.
- **Information presented:** Commissioner Gowdy also noted that the Commission heard many comments during the Public Hearing, which were all important information. Commissioner Gowdy suggested he must keep reminding himself when making his decision that this application is for a Text Amendment and is not a site-specific application which may have other considerations.

Commissioner Kowalski:

- **Lot size comparisons:** Commissioner Kowalski noted he had requested Planning Consultant D'Amato to provide him with information regarding the lot sizes for the various Residential Zones. He noted that the R-1 Zone requires a ½ acre lot, the R-2 Zone a ¾ acre lot, and the R-3 Zone was previously a 1-acre lot which was changed to 1.1 acre. Commissioner Kowalski suggested the language of the proposed Zone Change allows going to the 1.1 acre lot if certain circumstances are met. His understanding is that often the lot size is dependent on proximity to wells or aquifers, and the larger lot sizes are required to address those issues. In this case, with the requirement for city water and city sewer, it won't have any effect on the local aquifer. He felt the Commission was considering if there were certain circumstances that would require an R-3 Zone to have the same density as an R-2 Zone. Commissioner Kowalski indicated that the information provided by Planning Consultant D'Amato enabled him to put this into perspective for him that basically an R-3 Zone could have the same density as an R-2 Zone.

Commissioner Thurz indicated he had no comments this evening.

Commissioner Gobin:

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- **Multi-family development:** Commissioner Gobin suggested she had been trying to balance in her mind the density, and that there's water and sewer at this location, and the Plan of Conservation and Development (POCD) said we shouldn't consider multi-family homes in rural areas. But she never got the impression that anyone considered single-family homes with commonly owned grounds. Commissioner Gobin suggested that condo single family homes isn't really multi-family in her mind. To her multi-family is dwellings with common walls. Commissioner Gobin indicated she's come to terms with what she had previously considered a conflict.
- **Property maintenance:** Commissioner Gobin also suggested when you have an association maintaining a property you get better maintenance. She cited that in areas of single family lots often when the ownership changes it can diminish the maintenance, while living in a planned development with an association you often get better maintenance as a property ages.
- **Consideration of public input:** Commissioner Gobin also noted the Commission received very robust public comment, which the Commission appreciated, and will consider when they make their decision.

The Town Hall experienced a power surge at approximately 7:45 p.m., during which electrical service was lost for the large-screen tv which the Commission was using to communicate remotely. When power returned, the Commission was unable to use the large-screen tv to include the remote participants. Planning Consultant D'Amato was able to return access to the meeting, including remote participants, via his laptop. Chairman Ouellette advised the audience of the power outage, and noted discussion was continuing on **Item XVI – OLD BUSINESS** for Application PZ 2020-19 for the Text Amendment for SJK Properties, LLC.

Chairman Ouellette re-opened discussion to the Commission.

Commissioner Kowalski noted that when the application was received there was a list of criteria that enabled a property to qualify for this Text Amendment. Commissioner Kowalski noted that list of criteria isn't included in the Staff memo; he questioned how the Commission would know those criteria were included in the Text Amendment?

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Planning Consultant D’Amato suggested the proposal in his memo is the two proposed changes. If the Commission approves it you would be approving his language as submitted, which is part of the application. Commissioner Kowalski questioned where that was stated in the conditions? MDA noted the potential approval motion includes language that “This approval is granted subject to conformance with the submitted application, supporting materials and public hearing presentation...” ; he suggested the supporting document is what was submitted rather than a site plan that the Commission would be considering under another type of application.

Hearing no further requests to comment, Chairman Ouellette asked for a motion to approve or deny the Text Amendment Application.

MOTION TO APPROVE:

Application #PZ 2021-19: for Text Amendment Application, Section 802.4 Multi Family Development District. Applicant, SJK Properties, LLC.

This approval is granted subject to conformance with the submitted application, supporting materials and public hearing presentation (as may be modified by the Commission and this approval) and the following conditions/modifications.

Findings:

1. The Commission finds the application as presented qualifies as a “material change” as required by Section 900.7 of the Zoning Regulations.
2. The Commission finds that the proposed changes, including but not limited to the reduction in the overall density allowance are in keeping with the general goals and principles of the Plan of Conservation and Development and existing Multi-Family Development District Regulations.

Modifications:

1. proposed language for Section 802.4(c) (1) shall be modified to read, “The property to be rezoned is located within the R-3 Zone; and”
2. The proposed language for Section 802.4(b) (5) shall be modified to read, “[A, C, E, P] the site is not contiguous with another MFDD zoned parcel.

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Gobin moved/Gowdy seconded/DISCUSSION: None.

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

XII. NEW BUSINESS:

A. Presentation by Greenskies Clean Energy LLC for “Mulnite 2”:

Chairman Ouellette noted the next item on the Agenda was the presentation by Greenskies Clean Energy LLC for “Mulnite 2”. Joining the Commission remotely for the presentation were Steve Kochis, Professional Engineer with vhb, Senior Project Engineer and Project Manager for the Mulnite 2 Project, and Bonnie Potocki, Project Manager for Greenskies Clean Energy, LLC – Mulnite 2.

PLEASE NOTE: Mr. Kochis shared a Site Plan during the presentation, which would be available if reviewing the meeting video. No hardcopy presentation material was made available for attachment to the Minutes.

Mr. Kochis shared a Site Plan reflecting the location of the “Mulnite 2” solar project. He noted the site is bounded on the east by Barber Hill Road and Rockville Road, and on the west by Miller Road and Wapping Road. Mr. Kochis reported this is also the site of the “Mulnite” 5 megawatt solar project, which now has all of its land use approvals through the State and will go into construction shortly.

Mr. Kochis indicated the “Mulnite 2” solar project contemplates a 1 megawatt solar array to the north of the “Mulnite 1” solar project, and a 4 megawatt array to the south. The “Mulnite 1” site is bisected by the Eversource transition right-of-way. Mr. Kochis noted the site is considered prime farmland so they are working with the Department of Agriculture on dual uses of the property; they are considering sheep grazing or crop production within the solar arrays during the life of the project. There is no forestland habitat impact according to CTD maps; they are not proposing to take out any trees on the site for shading or access purposes. Mr. Kochis reported the A-2 Land Survey has been completed; they will be going to the Siting Council within the next couple of weeks with the project “specs” before the Commission today. The northern array, known as the Wapping Road parcel, is about a 1.3 megawatt dc project with a nameplate capacity of 1 megawatt ac; to the south – the Miller Road parcel - the project is a little over 5 megawatts dc

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which will be inverted down to 4 megawatts ac. There is an existing driveway down to Miller Road; the parcel is fully accessible from the farm fields to the north. They anticipate using 475 watt panels, installing about 13,400+ panels across the 2 arrays. The total of the surface is about 5 acres in the north, and about 20 acres in the south; that level of disturbance is triggering a CT DEEP Stormwater General Permit. Mr. Kochis reported access to the site as available from the farm fields off Wapping Road to the north, to the east from Rockville and Barber Hill Roads, and to the west from Miller Road. They are proposing to use existing farm roads rather than create any new curb cuts to provide access to the sites. There are no FEMA flood areas, and no aquifer protection areas on the site; groundwater classification is GA. The project exceeds the notice criteria for Bradley Airport 3 to 4 miles away to the northwest of the runway approach zone; they will be working with the FAA to get a “no determination resolution”. Regarding the NDB status, with the CT Wildlife Division, they have recently received a 2 year final determination; as long as they will be beginning construction within a couple of months they’ll be fine regarding that requirement. Mr. Kochis reported they completed a Phase IA SHPO regarding the archeological/cultural status; the report indicated that there could be moderate and high sensitivity for archeological findings. They will complete a Phase IB shovel test within a month or so as the site is currently impacted by a shade tobacco crop. A small patch of wetlands was delineated to the south which is higher than the farm fields. All the farm fields drain to the north and the west generally collecting within the transmission corridor, so no portions of the project will drain to a wetlands on the site; there are no vernal pools on the site. Mr. Kochis suggested the only visual impacts to the site are the residences along the southern array; with the vegetation and grades there is almost no visual impact around the northern array. Mr. Kochis reported Greenskies is working with the residents around the southern array, as well as Town Staff, regarding the visual impacts of the site.

Mr. Kochis indicated this concluded his overview of the project; he indicated he would take questions at this time.

Commissioner Thurz indicated he would like to hear from the abutting neighbors regarding the project, and have you contacted them already? Bonnie Potocki, Project Manager for Greenskies, indicated that they have done preliminary outreach and have contacted the neighbors regarding their concerns for proximity to the southern array; they have not received

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any comments regarding the northern/Wapping Road array. Ms. Potocki indicated she can't share those discussions with the neighbors who have reached out to them with the Commission.

Commissioner Thurz questioned how many neighbors are affected by this array? Ms. Potocki suggested that depends on the abutters; she can share that they were contacted by 3 abutters whom they are talking to.

Commissioner Thurz questioned if the neighbors were sent formal letters? Ms. Potocki indicated it's not a formal letter, the neighbors were sent outreach letters; there will be formal notice letters sent once Greenskies submits the petition. Ms. Potocki indicated they contacted those they perceived to be direct abutters and received feedback from 3 residents.

Chairman Ouellette questioned that the Public Hearing is part of the petition process? Ms. Potocki questioned if Chairman Ouellette was referring to the Public Hearing which is part of the Siting Council review; Chairman Ouellette replied affirmatively. Ms. Potocki indicated the Public Hearing can be requested by the Town but the deliberations occur with their petitions with the Siting Council.

Chairman Ouellette questioned the life expectancy of the project? Ms. Potocki suggested the leasing agreement is 20 years.

Commissioner Gobin indicated that her understanding is that the Town really has no jurisdiction, while the State does, because it's an energy project; she requested clarification of her interpretation. Ms. Potocki replied affirmatively. Commissioner Gobin suggested, as a resident, her concern is how much of the Town will be consumed by solar arrays; she noted East Windsor's agricultural history and appreciation for the open space and views we have. Ms. Potocki suggested the Siting Council does take into consideration resident's concerns; in terms of their task it's to look at a process with environmental impact, and they're looking at how this project is also going to meet renewal energy goals. Mr. Kochis suggested that the solar projects are for a lease period of 20 years; the solar panels will then be removed and the landowner can return the use of the property to farming. Commissioner Gobin suggested she understands and appreciates that but she suggested the character of the town has always been agricultural. Commissioner Gobin noted that Gravel Pit Solar wasn't really impacting the agricultural base of the town, but as the

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town gets more of these projects we lose our agricultural character. Ms. Potocki suggested it's Greenskies goal to locate these projects to continue this agricultural activity. She cited the solar grazing with sheep is being proposed for the "Miller array", and specialty growing is being proposed for the northern array on Wapping Road. Commissioner Gobin questioned what comprised specialty farming? Ms. Potocki suggested that it would be unique to solar. They would be working with farmers who might not be able to afford large plots of land; it would be small plots, or, perhaps new farmers, organic farmers, not the large commercial farms we might be more familiar with, such as when the Mulnite Farm was active with tobacco. Ms. Potocki suggested they are involved in ongoing discussion with the Department of Agriculture. Mr. Kochis assisted by noting the discussions involve placing crops between the panels; nothing completely out of the box.

Commissioner Gowdy suggested the landowner doesn't want to farm any longer; he's leasing his land or downsizing for whatever reason. Commissioner Gowdy suggested the Commission should be talking to the farmer rather than the solar companies.

Commissioner Kowalski questioned if there would be any screening proposed for the southern array? Mr. Kochis replied negatively, but noted discussions continue. Commissioner Kowalski questioned the distance from the property line? Mr. Kochis estimated between 130 to 140 feet.

Commissioner Thurz questioned that the whole area is fenced in? Mr. Kochis replied affirmatively, noting they must install a 7 foot high fence a certain distance from the panels; the fence must contain all the electrical infrastructure. Commissioner Thurz questioned if it included a building for the switch gear, or is that out in the open? Ms. Potocki indicated that would be on a pad; no building is proposed. Ms. Potocki reiterated they have not yet submitted to the Siting Council, and will be taking their feedback, so changes may be made to the plans for their review. Mr. Kochis noted Greenskies is also going through an inter-connection agreement with Eversource to determine the location of the interconnect ac output line, and the design of the equipment as it gets transferred to Eversource. He suggested those discussion were still ongoing.

Chairman Ouellette questioned if there was any direct benefit to the Town of East Windsor, other than the renewal energy the project will generate? Are there any benefits to the Town? Ms. Potocki suggested one

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of the funding mechanisms for the arrays for the 4 megawatt project is that it's a shared energy project run by Eversource. Ms. Potocki suggested residents could become a subscriber

Commissioner Gobin asked if the Town gets tax revenue for the value of the solar panels? Ms. Potocki indicated she wasn't in the position of addressing the taxation issue, as that wasn't part of the petition. She suggested it looks like the impact is an environmental issue rather than taxation. Ms. Potocki suggested that question could be addressed to the Siting Council; Greenskies isn't involved in the taxation for the petition.

Chairman Ouellette queried Planning Consultant D'Amato for questions; Planning Consultant D'Amato indicated he had no questions.

Chairman Ouellette thanked Mr. Kochis and Ms. Potocki for the presentation.

XIII. OTHER BUSINESS: None.

XIV. CORRESPONDENCE:

A. RT 5 Corridor Study Public Info Meeting:

Chairman Ouellette referenced the flyer announcing the remote meeting regarding an update on the Route 5 Corridor Study. He noted this is an on-going project managed through CRCOG; the public informational meeting has been scheduled for July 28th, at 6:00 p.m.

Chairman Ouellette noted he and Planning Consultant D'Amato have been involved in this study, which is reaching its conclusion.

Commissioner Gobin:

- **Lane expansion:** Commissioner Gobin questioned if the study recommends increasing lane capacity through East Windsor? Chairman Ouellette suggested that in some areas, considered "choke points", they are recommending lane expansion.
- **Resident communication:** Commissioner Gobin noted the residents living in Wolcott Landing, and Winton Road, have problems leaving their complex to head north; she questioned if the residents have been notified? Chairman Ouellette suggested that's been a problem for 20 years; he noted there has been significant public information provided.

B. Solar One Declaratory Ruling Notification:

Chairman Ouellette referenced a letter from Attorney Lee Hoffman, of Pullman & Comley representing East Windsor Solar One, LLC regarding their intent to file a Declaratory Ruling with the Siting Council regarding the “Solar One” project on Middle Road in East Windsor, and Tripp Road in Ellington.

Commissioner Gobin suggested that was the reason for her question regarding the “Mulnite 2” project; she questioned if the Town wants to weigh in during the Siting Council Hearings on these solar projects? Commissioner Thurz suggested currently solar projects are the new projects coming before the Commission, 10 years ago it was subdivisions.

Discussion continued regarding the process for approval of solar projects by various entities. While the towns are advised of the proposals as a courtesy the towns have no local jurisdictional authority regarding the projects.

Commissioner Kowalski questioned that the Town has no input into what zone these projects can be located? Planning Consultant D’Amato noted the Siting Council has jurisdiction for the various projects. As the earlier presenters noted in their presentation we/the Town can request a Public Hearing during the Siting Council review that allows the Town to become involved; he suggested he believed there’s a process where the Town can be a petitioner. Planning Consultant D’Amato indicated he believed that everyone realizes there is a saturation point, although he didn’t know if the Town and the State have the same perspective on the saturation point for projects. Planning Consultant D’Amato indicated he’ll discuss this with the First Selectman and report back to the commission. Commissioner Gobin hoped the towns have the ability to access property taxes on the projects. Planning Consultant D’Amato noted the projects cost the applicant so much up front, and the value diminishes over time. He noted some towns work out stabilization agreements with the solar companies.

C. Mulnite Farms Declaratory Ruling Notification:

Chairman Ouellette acknowledged a similar letter from Attorney Lee Hoffman, of Pullman & Comley representing Greenskies Clean Energy, LLC regarding the two projects discussed earlier on Miller Road and Wapping Road.

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X. NEW PUBLIC HEARINGS:

- A. PZ-2021-23, Special Use Permit, 69 Depot Street** for an accessory apartment, Map 098, Block 53, Lot 024. Zone R-2. Applicant: Jacob's Home Improvement, Owner: Brian & John Vincent Pica-Sneeden (postponed from July 13, 2021):

Tim Jacobs, of Jacobs Home Improvement, joined the Commission in-person. Mr. Jacobs shared a site plan with the Commission, noting the property owners want to build an accessory apartment for a family member. He also referenced a floor plan, noting there would be an entrance at the back of the property driveway, and a second entrance internally in the home. The accessory apartment would be one story, and contain a bedroom and a living area.

Commissioner Gowdy questioned if the property was served by public sewer? Mr. Jacobs replied affirmatively.

Commissioner Kowalski questioned if the accessory apartment would include a kitchen? Mr. Jacobs concurred.

Commissioner Gobin questioned if the property owners will continue to occupy the residence? Mr. Jacobs replied affirmatively, noting they live at the property currently.

Commissioner Kowalski questioned that the applicant could add an additional bedroom to the dwelling without coming through under the Special Use Permit Application, but because they are adding the kitchen they need to come through under this process? Planning Consultant D'Amato concurred, and noted there is a new State Statute taking effect shortly which requires that towns allow accessory apartments As-Of-Right. Chairman Ouellette questioned if the applicant could withdraw this application and wait for the new Statute to take affect? Planning Consultant D'Amato clarified that the Commission must rewrite the current regulations before enacting the new State requirements.

Commissioner Gobin questioned if there would be single electrical service? Mr. Jacobs replied yes.

Chairman Ouellette questioned that parking at the rear of the house was adequate? Mr. Jacobs replied affirmatively.

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Commissioner Gowdy questioned the minimum square footage for the apartment? Mr. Jacobs indicated they are proposing 600 square feet.

Chairman Ouellette queried the in-person audience, and the remote audience as well. No one requested to speak.

Chairman Ouellette called for a motion.

MOTION: To CLOSE THE PUBLIC HEARING on Application PZ-2021-23, Special Use Permit, 69 Depot Street for an accessory apartment, Map 098, Block 53, Lot 024. Zone R-2. Applicant: Jacob's Home Improvement, Owner: Brian & John Vincent Pica-Sneeden.

Gobin moved/Gowdy seconded/DISCUSSION: None.

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

**MOTION TO APPROVE:
Application #PZ 2021-23: Special Use Permit, 69 Depot Street for an accessory apartment per Section 407. Applicant: Jacob's Home Improvement, Owner: Brian & John Vincent Pica-Sneeden.**

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

Referenced Plans:

1. Proposed House Addition Plan: 69 Depot Street. Prepared for Brian and John Vincent Pica-Sneeden by Barresi Associates LLC. Dated June 9, 2021. Sheet 1 of 1.

Conditions:

1. Prior to the issuance of any permits, the owner/applicant shall:
 - a. Demonstrate that NCHD approval and/or WPCA as required has been obtained.
 - b. Provide a copy of the proposed floorplan to staff.
 - c. File a copy of the Certificate of Approval on the Land Records
2. The property shall remain owner occupied.
3. An internal connection between the accessory apartment and main home shall be maintained.

- Gobin moved/Gowdy seconded/DISCUSSION:** None.
VOTE: In Favor: Gobin/Gowdy/Kowalski/Ouellette/Thurz
 (No one opposed/No Abstentions)

Current Regulations comply. Commissioner Gobin questioned that sanitation requirements are associated with this home use. Planning Consultant D'Amato concurred; there are North Central Department Health District requirements but the use can be done

as long as a commercial kitchen is used. He noted the commercial kitchen could be rented from a church or organization as well.

- **Minimum Floor Area for Housing:**

Current Regulations limit floor area; Regulations to be revised.

- **Cannot require parking minimums beyond one space for a 1 bedroom unit, or 2 spaces for larger units:**

Current Regulations comply; towns can “opt-out” of requirement.

- **Shall not place a cap (in number or percentage) on multi-family units:**

Current Regulations comply.

- **Shall not cite a district’s “character” as approval/denial criteria:**

Revise current Regulations. Commissioner Gobin suggested that sometimes the size of the dwellings are part of a neighborhood’s character. Planning Consultant D’Amato suggested that size would be a design standard. Discussion followed regarding the recommendations made in the Warehouse Point Study as they relate to the village design concept.

- **Allow Accessory Dwelling Units As-of-Right:**

Revise Regulations, can no longer require a Public Hearing; town can “opt-out” of requirement.

- **Maximum floor area of Accessory Dwelling Units can be less of 30% or 1,000 square feet:**

Current Regulations in compliance.

- **Adopt an Affordable Housing Plan:**

Planning Consultant D’Amato reported the Board of Selectmen has authorized him to submit a Technical Assistance Grant, which he

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is submitting tomorrow. The Commission will begin review of an Affordable Housing Plan in the Winter of 2021.

▪ **Technical Review Fees:**

Planning Consultant D'Amato reported that some towns charge fees for engineering assistance as an example; East Windsor does not include review fees in application costs.

Planning Consultant D'Amato cited the recent approval of cannabis sales. He suggested the current status is if towns don't come up with an approach to cannabis sales they must be treated as retail sales. The current guidance is for towns to create a temporary moratorium so we don't have to deal with the applications and come up with a way to handle it. Commissioner Gobin questioned proximity to the High School. Planning Consultant D'Amato noted there are some separation distances in the new law, and a limit to the total number of businesses. The idea is that operators will come in and get their location locked in so when they get their State approval they have it. Planning Consultant D'Amato also noted a town would only be allowed one facility for a population of 25,000 people.

Planning Consultant D'Amato suggested consideration of cannabis sales will be coming before the Commission shortly.

B. Non-permanent Structures Discussion:

Planning Consultant D'Amato referenced his Staff memo dated July 20, 2021 which advised the Commission of the current situation for permitting additions such as propane tanks, air conditioning units, small generators and other non-mechanical units. Currently property owners must apply for Zoning Permits as well as Building Permits. Planning Consultant D'Amato is requesting the Commission consider allowing Staff approval of these mechanical units. Staff review would save the property owner the cost of the Zoning Permit fee, and speed up the review process.

Commissioner Thurz noted that often the Zoning Permit enables location review as many people have septic systems or leach fields which could become an issue. Planning Consultant D'Amato noted that in those instances the Planning Department would refer property owners to the North Central Department Health District as they can't sign off on issues

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related to septic systems. Planning Consultant D’Amato suggested if mechanical units are being considered to be placed in the rear perhaps they should be subject to Commission review, but requested the Commission consider Staff review of units proposed to be placed close to structures.

The consensus of the Commission concurred with Planning Consultant D’Amato’s recommendation as explained in his Staff memo dated July 20, 2021; no motion was made.

C. July ZEO Report:

Planning Consultant D’Amato presented Zoning Enforcement Calabrese’s current updated Zoning Enforcement Report. The Commission had no questions but had expressed interest in discussing items with ZEO Calabrese as they have often done in the past. Planning Consultant D’Amato noted a future meeting will be held to discuss a proposal for a Plan of Conservation and Development Implementation Committee meeting with additional advisory commissions; he suggested questions related to the ZEO Report status could be discussed at that time as well.

Chairman Ouellette advised the Commission tonight would be his last meeting serving on the PZC. He has taken the position of Executive Director of the State Traffic Office within DOT. To continue as a member of the PZC would be a conflict of interest as local applications are referred to DOT in the future. Chairman Ouellette reported he will submit his resignation before the next Commission Meeting. The Commission expressed congratulations for Chairman Ouellette but noted the affect of his loss to the Commission; Chairman Ouellette has served on the PZC for 25 years.

XVI. EXECUTIVE SESSION: None.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:05 p.m.

Gowdy moved/Kowalski seconded/DISCUSSION: None.
VOTE: In Favor: Unanimous
(No one opposed/No Abstentions)

Respectfully submitted,

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