

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

**REGULAR Meeting #1857
Tuesday, August 22, 2023**

***THIS MEETING IS BEING HELD IN-PERSON
In the John Daly, Jr. Meeting Room,
Town Hall, 11 Rye Street, Broad Brook, CT 06016***

AND

***VIA REMOTE ACCESS
via ZOOM Teleconference
Meeting ID: 714 897 1799***

DRAFT MEETING MINUTES

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

I. TIME AND PHYSICAL PLACE OF MEETING:

Chairman Kowalski called Regular Meeting #1857 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via teleconference as well

PRESENT: **Regular Members:** Anne Gobin, Michael Kowalski (Chairman), David Leason, Stacey Svoboda-McKenna, and Jim Thurz (Vice Chairman).

Alternate Members: Frank Gowdy.

ABSENT: No one; all Regular and Alternate Members present.

GUESTS/SPEAKERS present in-person: Director of Planning and Development/Planning Director Ruth Calabrese hosted the meeting. Also present in person were: Planning Consultant Michael D'Amato; Zoning Enforcement Officer Danielle Boudreau; Selectman Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; **Application PZ-2022-17 – Applicant:** Car-Mil Reality LLC/Frank Giordano, Frank Giordano **Public:** Keith Yagaloff.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

2

GUESTS/SPEAKERS present remotely identified as they sign in: Heidi,
Joshua Pacheco, Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members and one Alternate Member were present at the Call to Order.

III. ADDED AGENDA ITEMS: None

IV. LEGAL NOTICE: None

V. PUBLIC PARTICIPATION (FOR ITEMS NOT LISTED ON THE AGENDA):

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

Keith Yagaloff, 125 Depot Street: Mr. Yagaloff advised the Commission that he's a believer in solar power, and he has solar on his property today, which does well for he and his family. Mr. Yagaloff felt it's necessary to have solar in the country and the state. Mr. Yagaloff indicated he's part of the solar group in town which has been meeting for a few months, they've submitted a petition for the hearing for Thrall Road. They're part of a group in town that are developing concepts about solar energy.

Mr. Yagaloff indicated he wanted to discuss the term "agrivoltaics". He noted the term "solar farm" is still being used, which is a term he hates because it takes 2 awesome words – "solar" and "farm" – which are totally awesome words and combines them into, in East Windsor, hundreds of thousands of solar panels on approximately 1,000 acres of land. There's nothing solar about it other than the panels, and there's no farming involved, it's destroying the plants and organisms that grow in the soil and it's destroying what's above the soil, they're taking away habitat. The concept of "solar farms" is so negative to what he believes in regarding what we should be doing to protect our eco-system and protect the character of our towns and protect our farms and woods.

Mr. Yagaloff indicated he wanted to talk about "Gravel Pit Solar", he felt we have to look at that project as a problem. Agrivoltaics is like a public relations company coming up with words, but they didn't come up with "solar farms", they

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

3

came up with “agrivoltaics”. Mr. Yagaloff suggested they came up with two great words – “agriculture” and “voltaics”. Mr. Yagaloff reported he loves electricity, and fixing things, and all that good stuff about electricity. Mr. Yagaloff suggested that they’re combining them into new words that will deal with the problem of making communities against “industrial solar” on your farms and in your communities and amongst your homes. Mr. Yagaloff indicated he’s done a lot of research on “agrivoltaics”, it’s great for the Midwest and parts of the country that have hot climates. They actually elevate the solar panels above the land to grow crops under the panels and animals can go under there for cooling and they’re combining agriculture and solar. That’s tremendous, right? Mr. Yagaloff suggested that’s enormously expensive, it’s not going to happen in East Windsor for probably about 20 years. You have to build platforms to put the solar things up above towards the sky so you can put plants and animals and everything underneath it. Tobacco or corn isn’t going to grow under it, you have to have specific plants that are good for low-light conditions. Agrivoltaics. Mr. Yagaloff gave the Commission a document he put together. He suggested we need to watch out for exploitation. He noted that on East and Middle Road they put some sheep there to kill the grass and the plants. Mr. Yagaloff suggested that’s not “agrivoltaics”, that’s not agriculture. Putting sheep out there for six hours a day a couple of times a week is not how you would combine agriculture and “solar farms”. They’re using the sheep to destroy the grass to not pay for mowing under there, and the sheep will tear up the roots and there won’t be anything on the ground after about two years. Mr. Yagaloff reported he loves biology; he grew up loving life and natural organisms. This will destroy everything on the ground, you might as well put glyphosate on the ground to destroy the plants and put chemicals on everything. This will kill everything in the ground.

Mr. Yagaloff suggested we need to be careful about this term and the concept they’re trying to sell us.

Commissioner Gobin questioned that the item on the document Mr. Yagaloff provided the Commission was information from DEEP – Department of Energy and Environmental Protection – and the Department of Agriculture. Mr. Yagaloff indicated he copied some of their key comments for the Commission. Commissioner Gobin questioned if Mr. Yagaloff was going to comment to those agencies? Mr. Yagaloff replied affirmatively, noting they say straight out that placing agricultural land, and especially prime farmland, under the agrivoltaics concept should be avoided. They talk about putting it on farmland if the land has degraded values, gravel extraction or development or those types of areas, they do not support putting the “solar farms” on farmland. They are promoting “agrivoltaics”, Mr. Yagaloff indicated that’s the problem he has with the DEEP.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

4

Mr. Yagaloff felt it's almost like DEEP and some people have come up with a new concept to try to sell people that "agrivoltaics" is a good way to go to make this appropriate for a community. Mr. Yagaloff cautioned, don't forget, the word "agriculture" is in there, and DEEP is rolling out guidelines for this. Mr. Yagaloff indicated he had some comments to give the Commissioners. He also noted that your comments that you put together were thumbs up – tremendous. He indicated he appreciated it because you took a stand on preserving farmland and the rural character of East Windsor. Mr. Yagaloff indicated he's worried that DEEP is going to come up with regulations without input from stakeholders, which includes you and himself, where we have to be in tune with the fact that "agrivoltaics" is not suitable for East Windsor at this time, and they're not going to put the money into it, and we need to be cautious that they're not trying to sell the public that this is the next best thing after "solar farms". Mr. Yagaloff indicated he's coming before the Commission to raise a flag to be careful about what they're selling us, he feels this is a public relations thing that has come out to deal with communities that are anti-solar.

Mr. Yagaloff submitted a copy of his comments to Planning Director Calabrese, and noted he appreciated the opportunity to come before the Commission.

Chairman Kowalski offered the opportunity to comment to other in-person audience members, no one requested to speak. He then offered an opportunity to comment to the on-line participants; no one requested to be recognized.

VI. APPROVAL OF MINUTES:

A. July 25, 2023 – Regular Meeting PZC:

Chairman Kowalski noted the Commission's Minutes for it's Regular Meeting held on July 25, 2023 are available for approval, he queried the Commission for comments or revisions. Hearing no requests for any changes Chairman Kowalski called for a motion of approval.

MOTION: To APPROVE the Minutes of Planning and Zoning Commission Regular Meeting #1855 held on July 25, 2023, as presented.

Gobin moved/Leason seconded/DISCUSSION: None.

**VOTE: In Favor: Gobin/Kowalski/Leason/
Svoboda-McKenna/Thurz
(No one opposed/No Abstentions)**

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

5

VII. RECEIPT OF APPLICATIONS:

Chairman Kowalski acknowledged the receipt of the following new application:

- A. **PZ-2023-21 Site Plan Review – Construction of a self-storage facility 57,960 SF in 10 buildings to be constructed in 5 phases. Map 022, Block 23, Lot 001-01, Zone M-1. Applicant: James Stanton:**

Chairman Kowalski acknowledged the receipt of application #PZ-2023-21 for a Site Plan Review for the construction of a self-storage facility 57,960 square feet in 10 buildings to be constructed in 5 phases. Map 022, Block 23, Lot 001-01, Zone M-1. The applicant is James Stanton.

Chairman Kowalski noted the application will be heard at a future Commission meeting.

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:** None

- XI. OLD BUSINESS:**

- A. **PZ-2023-17 Text Amendment – proposed Text change to Zoning Regulations Section 502-Permitted Accessory Uses, Use Table B-1, B-2, M-1, HIZ, & TZ5 Zoning. Applicant: Car-Mil Realty LLC/Frank Giordano:**

Chairman Kowalski read the description of this Item of Business.

The applicant, Frank Giordano, of Car-Mil Realty was present in the audience but did not speak.

Chairman Kowalski noted the Commissioners have been provided a new draft of the proposed Text Amendment, with requested revisions indicated in red. He called for comments from the Commissioners.

Chairman Kowalski noted this Item of Business should be reflected under **OTHER BUSINESS** rather than **NEW BUSINESS**.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

7

A. Solar Public Comments Agrivoltaics:

Planning Director Calabrese advised the Commission that Commissioner Gobin had provided some informational that the State held informational meetings where it will take comments on a “shared clean energy fund” regarding renewable energy, and one of the comments they had on their presentation was should they give some sort of preference to proposals coming in on “agrivoltaics”. Planning Director Calabrese indicated she felt that was counter-intuitive, if the intention is to avoid using farmland they’ll mitigate it by taking 30% off the top of the bid to make it stack up better.

Planning Director Calabrese felt there should be some water quality studies done “pre and post”, and somewhere you have to weigh the cumulative impact to a community. Like any other environmental issue you’d be looking at the overall impact.

Chairman Kowalski indicated the issue that he has a difficult time with is how the Siting Council can approve these facilities without any real consideration of the existing zone. Chairman Kowalski suggested this is an “industrial activity”, no matter what you call it it’s a for-profit big business industrial activity, and it’s putting industrial activities into residential and farm/agricultural areas. He suggested the local zoning wouldn’t allow that, he questioned how the Siting Council can arbitrarily say the local zoning doesn’t matter?

Planning Director Calabrese cited there is language in the presentation material that addresses consideration for local zoning, she referenced section 1.3.5 on page 5 of 10 regarding local zoning consideration. Planning Director Calabrese suggested strengthening our local Zoning Regulations, and, as the Commission did with the self-storage facilities, maybe the Commission needs to create criteria for solar arrays.

Commissioner Thurz referenced the noise, noting comments on Facebook regarding the noise for abutting property owners. Commissioner Thurz suggested that if he lived next door to one of these facilities he wouldn’t be happy either. It may be tolerable during the day but he felt that during the night, when people are trying to sleep, it must be a constant amount of noise.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

8

Chairman Kowalski suggested there is no consideration for setbacks, screening, or noise abatement as would be required of an applicant bringing through a project for a similar industrial activity.

Commissioner Gobin felt the consideration for how a project will impact a community is a valid point. She suggested if the Town wants to see residential development continue all of the large properties will be taken up by solar, she suggested she doubted that the solar development will ever go away. Chairman Kowalski cited the impact on abutting property owners as well.

It was noted that First Selectman Bowsza has sent a letter to the Siting Council saying East Windsor has contributed its share of projects. Planning Director Calabrese reiterated the Siting Council's jurisdiction, she suggested the position the Town is taking is to acquire Intervenor status and First Selectman Bowsza will be testifying at the administrative portion of the hearing.

Chairman Kowalski questioned that even if the Commission revised the Zoning Regulations it would only apply for projects under 1 megawatt? Planning Director Calabrese suggested projects coming in under 1 megawatt would have to meet criteria developed by the Commission. Discussion continued; Commissioner Gobin felt that once the State has invested in the projects they'll never go away. Chairman Kowalski questioned if the Town could write a noise ordinance for continuous background noise that never goes away. Planning Consultant D'Amato noted that when considering the impact of previous sites once the State rules on a project the Town no longer has control of the actions.

Commissioner Gowdy suggested making the value of retaining the farmland larger so the farmer would consider keeping a parcel farmland. Commissioner Thurz cited the difficulty with the next generation wanting to continue farming. Planning Consultant D'Amato noted that several towns have purchased large parcels via a bond package and then creating a land trust to manage the parcels.

XIII. OTHER BUSINESS:

Chairman Kowalski suggested reviewing the proposal for Chicken Regulations next.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

9

A. ZEO Report:

See discussion below.

B. Chicken Regulations:

Zoning Enforcement Officer Boudreau joined the Commission.

She clarified that the proposed regulations address “chickens only” as people questioned if they could keep turkeys, pheasants, or peacocks. The proposal is for chickens for non-commercial farms, and would allow a person to keep one or two chickens to produce eggs for a family.

Zoning Enforcement Officer Boudreau indicated she reviewed regulations for surrounding towns, including Enfield, Ellington, Windsor Locks, and South Windsor. She noted Albert Grant, Chairman of the Agricultural Commission has been involved as well.

Zoning Enforcement Officer Boudreau referenced current Regulation Section 305.D, which includes chickens as well as other farm animals, requires that animal shelters and manure storage must be 150 feet from any abutting dwelling unit, or watercourse/wetlands, 100 feet from any side or rear property line, 60 feet from front property line and 75 feet from any well, which is a Health Department requirement and is non-negotiable.

Zoning Enforcement Officer Boudreau reiterated the intention is to write a new section, for “non-commercial” farms only”, which would allow a resident located in Agricultural/Residential Zones A1, A2, and A3 to have 5 hens on a ½ acre of “useable pasture”. Chairman Kowalski questioned if that requirement is for “open space” rather than total lot size; Zoning Enforcement Officer Boudreau replied in the affirmative. Zoning Enforcement Officer Boudreau continued that should a resident have more than 2 acres of pasture then they would be allowed to have 20 hens. Residential parcels located in a B-1 or B-2 and TZ5 would be subject to administrative review. The resident must provide a structure/enclosure which can not be greater than 200 square feet. Chairman Kowalski questioned if the requirement is for a structure/enclosure, rather than just a wire enclosure; Zoning Enforcement Officer Boudreau indicated she would review that requirement.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

10

Commissioner Thurz requested clarification that the resident could not have a rooster; Zoning Enforcement Officer Boudreau concurred, reiterating that this proposal is for “chickens only”.

Zoning Enforcement Officer Boudreau continued that the proposal would require the enclosure/structure to be 25 feet from any street line, 10 feet from any lot line, can not be higher than 10 feet, 25 feet from abutting dwelling, 150 feet from any wetlands/watercourse, and 75 feet from any well, hens must be contained by a fence or landscaping at least 4 feet in height, no hens can be kept in a residential structure, and owners are responsible for restraining all hens to their own property. No predator alarms are permitted. Zoning Enforcement Officer Boudreau indicated the regulations do not promote “free range” chickens.

Zoning Enforcement Officer Boudreau indicated they would like to see plot plans submitted to the Planning Office.

Commissioner Gobin suggested if someone raised chickens 25 feet from her property she would like to see a requirement for some type of screening, if the enclosure is chicken wire then she would have to look at that constantly. Commissioner Gobin also noted when people buy chicks from Tractor Supply they don’t know if they have chickens or roosters, which creates a noise issue. Commissioner Gowdy suggested if the resident is restricted to chickens only then you don’t purchase the chicks from Tractor Supply.

Commissioner Gowdy also questioned if the resident would have to plant bushes if the abutting neighbor had dogs? Commissioner Gowdy suggested originally the intent to keep chickens was for residents involved in 4-H projects, rather than to reduce the price of eggs. He also noted the issue of predators, which not only get into the pens but also then get into the garbage, residents who want to own chickens need to be aware of the issue. Commissioner Gowdy indicated he wasn’t advocating for predator alarms, he felt the proposed regulation was well written, but he felt everyone was forgetting the original intention was for youngsters who wanted to be involved in 4-H projects to be allowed to have chickens on residential properties. Commissioner Gowdy suggested the Building Official should inspect the construction of the enclosure, as 4 feet of wire wouldn’t be adequate and must be buried in the ground to keep predators from getting inside.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

11

Selectman Baker, speaking from the audience, recalled meetings when East Windsor became a right-to-farm town. Joan Nichols from the Farm Bureau attended the meetings, and this room was packed every evening. Selectman Baker indicated he supported the backyard chicken regulations but cautioned revising the right-to-farm regulations as a lot of consideration went into their development.

Zoning Enforcement Officer Boudreau indicated the Agricultural Commission is meeting this week, she'll review the Commission's comments with them and then return to this Commission with a revised draft.

C. Working Draft of the Warehouse Point District Regulations:

Planning Consultant D'Amato advised the Commission that the last time these regulations were discussed was in 2022. Staff is no longer proposing 3 zones but are rather proposing a draft map which includes a core area shown in green, while the orange/red area is a transition area, everything else is the existing underlying zoning as it stands today, which is not proposed to be changed. The core area is the area where it makes the most sense to encourage more intensely developed properties. As you move away from the core area the properties are mostly similar in size and don't have the potential for intense development so they are removing that third periphery zone. The draft regulations propose a "build to/setback" line within 250 feet so all buildings are developed along that same concept, while within the "core area" the build-to line is 15 feet to encourage pedestrian activity. Planning Director D'Amato noted J. R. Russo offered comments noting that soils in East Windsor don't support stormwater treatment so traditional low impact development techniques might be difficult. Planning Consultant D'Amato acknowledged the awareness of the Blue Ditch and flooding concerns, so they've added language which suggests "to the extent practicable" and are requiring a zero increase for 50% of the new area. Planning Director D'Amato indicated they're including language that single family detached dwellings will not become non-conforming which they've addressed by adding a note to the "use table".

Discussion continued regarding the process for moving these regulations forward.

A. ZEO Report:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1857 – Tuesday, August 22, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

12

Planning Director Calabrese reviewed the following:

- 140 South Main Street which has been filled, a wetlands scientist is reviewing the area to develop a restoration plan and determine what's in the fill. When their plan has been completed they'll appear before the Wetlands Commission and this Commission for approval.
- Previous review of activity at Skylark Airport found the owner had cleared an area for expansion, which they then had to restore.

Commissioner Gobin questioned where the property on Route 140/Kement's stands? Planning Director Calabrese reported they've finished their field sampling and J. R. Russo has created a sampling grid, the LEP is proposing to have a remediating plan to discuss in September.

XIV. CORRESPONDENCE:

A. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter:

Planning Director Calabrese reviewed various options for training with the Commission.

XV. BUSINESS MEETING:

A. Upcoming Land Use Commissioner Training Opportunities:

See discussion above regarding additional Commissioner training options.

XVI. EXECUTIVE SESSION: None:

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:42 p.m.

Gowdy moved/Leason seconded/DISCUSSION: None

**VOTE: In Favor: Gobin/Gowdy/Kowalski/Leason/
Svoboda-Kenna/Thurz**

(No one opposed/No abstentions)

Respectfully submitted,

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