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December 11, 2020

VIA ELECTRONIC MAIL

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1426 - East Windsor Solar One, LLC Petition for a Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, and associated electrical interconnection.

Dear Ms. Bachman:

I am writing on behalf of my client, East Windsor Solar One, LLC, in connection with the above-referenced Petition. I am writing this letter in response to the Town of East Windsor's ("the Town") request for a public hearing in this matter. This Petition was filed on August 10, 2020, and, as is explained in greater detail below, had significant public involvement from the Town for the last six months. Despite six months of public input for this project, the Town now requests that the Siting Council hold a public hearing with respect to this Petition. For the reasons set forth below, East Windsor Solar One respectfully requests that the Town's motion be denied.

In the Town's December 1, 2020 request, "the Town acknowledges that the applicant has made good faith efforts to reach out to all abutting property owners," but the Town is concerned that certain potential owners in a new subdivision may not be aware of the Project. While the Petitioner appreciates the Town's characterization of its efforts, East Windsor Solar One believes that it has gone beyond what is statutorily required to notify everyone, including those potential new owners, of the existence of this project.

As indicated in Exhibit A (attached hereto), East Windsor Solar One began its outreach efforts two months before it ever filed the Petition. On June 11, 2020, East Windsor sent out information regarding the project not only to abutting property owners, but to other neighbors as

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well as to the Town itself. Copies of the information that was sent out in that June mailing are included in Exhibit A. The Petitioner also launched a website for the project that day.

On June 23, 2020, East Windsor Solar One attended a meeting of the Town's Planning and Zoning Commission, and a copy of the meeting's minutes are included as Exhibit B, attached hereto. The discussion of the project begins on page 19 of those minutes. In addition, a copy of the slide deck used by the Petitioner for that presentation is included as Exhibit C, which is also included with this letter. As indicated on the first page of Exhibit A, the Planning and Zoning Commission meeting went well, with "no questions/comments received from public participants." Only the Town's commissioners had questions for the project, and those questions were fairly positive in nature. As Chairman Ouellette noted on page 22 of Exhibit B, the presentation was a "good look at the project," and he wished the Petitioner "well in pursuing this project to completion." There was no indication that further information would be needed by the Town.

After that meeting, but before the Petition was filed with the Council, East Windsor Solar One provided the area's abutters with notice of the project on August 5, 2020. As the Council is aware, such notification is required by the Council's regulations, and the notification was documented in Appendix A of the Petition itself. The Town was made aware of all of these efforts during a November 24, 2020 meeting between the project and Town officials and the follow-up e-mail communication that is found in the first two pages of Exhibit A.

At no time has the Petitioner been informed by the Town that the Town has any environmental concerns, nor are such concerns listed in the Town's December 1st letter. Thus, East Windsor Solar One is hard-pressed to understand what having a public hearing at this late date will accomplish. Obviously, environmental concerns are what the Council focuses on during a petition, as is required by section 16-50k(a) of the General Statutes:

the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling ... of any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of the Department of Energy and Environmental Protection, (ii) the council does not find a substantial adverse environmental effect, and (iii) [for certain solar photovoltaic facilities, the project will not materially affect prime farmland and/or core forest.]

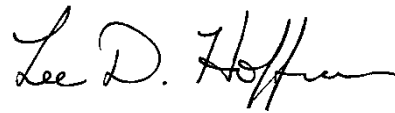
The Town's letter to the Council makes no mention of environmental issues and does not suggest that such issues would be the subject for the Siting Council's public hearing. Given the extensive public outreach that has already been extended in this matter, along with a lack of

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negative public comment, East Windsor Solar One respectfully submits that the Town's request be denied. If such a meeting were needed, it could have been requested some time ago.

Should you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been made to all parties on the Petition's Service List as of this date as well as to First Selectmen Jason Bowsza.

Sincerely,

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a large, stylized "L" and "H".

Lee D. Hoffman

Enclosures

Exhibit A

From: Bryan Fitzgerald <bfitzgerald@verogy.com>
Sent: Friday, November 27, 2020 11:23 AM
To: Jason Bowsza <jbowsza@eastwindsorct.com>; rstanley@eastwindsorct.com
Cc: Kyle Perry <kperry@verogy.com>
Subject: East Windsor Solar One - 11/24 Meeting Follow Up

Good Morning Jason & Rand, I hope you had a nice Thanksgiving.

Thanks again for taking the time to meet with Kyle and I on Tuesday afternoon to discuss our project, review certain aspects of the design, and discuss cost for building permit fee calculation. Please reach out with any additional questions or if you would like to discuss in greater detail.

Kyle and I will be uploading digital versions of the Permit Set Plans that you already have a hard copy of. We will also get a copy over to Chief Austin (I realized I do not have Chief Austin's email address. We will call him directly to provide digital and hard copies if needed).

We will also reach out to Len Norton directly to provide him copies of our Permit Set Plans, and discuss our planned driveway access originating from East Road to enter the parcel.

Also, we touched briefly on public outreach and neighbor engagement in our discussion. Below is a summary of our outreach to-date and most importantly, outreach leading up to our Petition Filing with the CSC.

1. Launch of Public Outreach Campaign: June 11th, 2020
 - a. Mailing of letters containing the following information to direct and proximate parcel neighbors as well as the Town of East Windsor and Ellington (Letters were delivered on Verogy letter head and included direct contact information for the developer)
 - i. Introductory Letter (sample letter we mailed to First Selectman Bowsza's office is attached for reference)
 - ii. Project Fact Sheet (attached for reference)
 - iii. Project FAQ document (attached for reference)
2. Launching of project website: verogy.com/east-windsor-solar-one/ : June 11th, 2020
 - a. This website will provide project updates and include the material distributed in the letters
 - b. The website will also serve as another way for stakeholders, neighbors, or anyone for that matter to send a message that goes directly to the developers email inbox
 - c. This website is updated periodically to display new information that is relevant at the time, for example when first published live, the update box displayed our meeting on the calendar with East Windsor Planning and Zoning
3. Planning and Zoning Presentation: June 23rd, 2020
 - a. East Windsor Solar One presentation to Planning and Zoning Commission
 - b. No questions / comments received from public participants, only Commission Members
4. Official Notices delivered via certified Mail to all abutting property owners, plus local and state officials: August 5th, 2020 (Letters delivered on Pullman & Comely letter head from Attorney Hoffman)
5. Connecticut Siting Council Petition Filed: August 10th, 2020

In summary, we notified neighbors two months prior to our application filing with the Siting Council, participated in a Town organized Planning and Zoning Meeting where we received no public comment and only questions from P&Z Commission members.

Link to the Siting Council Petition Filing: [https://portal.ct.gov/CSC/3 Petitions/Petition-Nos-1421-1430/Petition-No-1426-East-Windsor-Solar-One](https://portal.ct.gov/CSC/3%20Petitions/Petition-Nos-1421-1430/Petition-No-1426-East-Windsor-Solar-One)

Thanks again, please let me know if you need any additional information or would like to discuss any aspect of this email in greater detail.

Bryan Fitzgerald
Director of Development
Verogy | 150 Trumbull Street, 4th Floor
Hartford, CT 06103
M: 203.257.3375





East Windsor Solar One Project FAQ Sheet

Solar Photovoltaic

How does a solar photovoltaic (PV) system work?

Solar panels absorb the sun's energy and convert it into DC electricity. The DC electricity is converted to AC electricity through inverters, which is then delivered to the local utility's infrastructure.

How much energy will the solar array generate?

East Windsor Solar One will generate 9,517 MWh/year. This is enough renewable energy to power 1,139 homes for an entire year and offset 6,729 tons of carbon dioxide.

Local Benefits

What are the local benefits of having solar generation?

In general, energy production takes place at power plants, which can be located a significant distance from where the electricity is used. Local energy production such as East Windsor Solar One will help strengthen the electricity grid in East Windsor through more reliable, advanced infrastructure. Additionally, solar generation is a renewable energy, which delivers locally produced power with zero emissions.

What are the municipal benefits?

Once operational, the Town of East Windsor will receive annual tax revenues from Verogy for an estimated 20 years. Additionally, there will be no burdens placed on municipal infrastructure or demands on Town of East Windsor services.

Construction & Operation

How long will construction take?

Following all state and local approvals, construction will take approximately six months.

How will the solar array be maintained?

Maintenance visits by Verogy staff will take place onsite every one to two months. Once the solar array is operational, Verogy will monitor energy production remotely.

What is the lifespan of this solar array?

East Windsor Solar One has an overall lifespan of 35 years.

What will happen to the array at the end of its lifespan?

At the end of its lifespan, East Windsor Solar One will be decommissioned and removed from the property. Once cleared, the land will be restored to its original condition.

Location & Site Selection

Why was this location chosen?

The site was selected due to its minimal impact to both neighboring property owners and the environmental conditions of the area. The project is located on land that is pre-cleared and not located on core forest, helping to minimize tree clearing. The array itself will not impact any wetlands and appropriate setbacks from neighboring properties have been incorporated into the project's site design. Additionally, the site is located in close proximity to the electrical grid, further limiting construction or operational impacts.

Are there any dangers living near a solar array?

There are no known dangers or adverse effects of living near a solar array.

Will the project create glare or other visual impacts?

Solar panels are designed to absorb light in order to maximize their efficiency and generally reflect about 2% of sunlight. The panels that will be used at East Windsor Solar One are about 10 feet tall; due to the existing vegetation and topography of the site, there will be limited views of the project. Additionally, Verogy will identify areas in the neighborhood that may experience visual impacts and use vegetative screening and other techniques to limit these impacts.

East Windsor Solar One and the Environment

What will happen to the existing land, forest, and trees on the property currently?

This project was designed with the least possible impact on the existing environment of the property with no planned tree trimming taking place during construction.

What measures will be taken to protect wildlife that visit or live on the property?

A full survey of the land will be conducted as part of the approval process. Verogy will be working with environmental professionals to conduct numerous studies on the property, including:

- **Natural Diversity Database:** Identify the endangered, threatened and special concern species and significant natural communities on or nearby the property
- **USFWS:** Consultation in regard to Section 7 and 10 of the Endangered Species Act
- **Soil:** Identify the types of soil and their uses
- **Wetlands:** Identify any existing wetland areas in order to avoid impact

Verogy takes its commitment to sustainability and the environment very seriously. We will continue to work with our environmental engineers and other stakeholders to ensure that East Windsor Solar One's impacts are as limited as possible.

Approval Process

What is the approval process for East Windsor Solar One?

In order to begin construction, Verogy requires approval from the Connecticut State Siting Council, who has jurisdiction over projects like East Windsor Solar One. We will also be working closely with municipal departments in East Windsor.

Residents with questions about the approval process can contact Verogy's Director of Development, Bryan Fitzgerald at development@verogy.com or (203) 257-3375.

Contact Us

Verogy is committed to keeping members of the East Windsor community informed about our projects. Please feel free to contact us with questions or concerns.

Project Contact:
Bryan Fitzgerald
Director of Development
development@verogy.com
(203) 257-3375

About Verogy

Verogy is a Hartford-based solar developer focused on commercial, industrial and small utility scale projects. Built on 50+ years of combined industry experience, the professionals at Verogy have developed, financed and constructed hundreds of solar projects across the United States.

For more information, visit www.verogy.com/east-windsor-solar-one/

PROJECT DESCRIPTION

- East Windsor Solar One is a solar project located at 341 East Road in East Windsor
- The **4.975** MW ac system will generate enough electricity to power **1,154** average homes for a year
- The project site is designed to have minimal environmental impacts with no disruption to wetlands or core forest



BENEFITS TO EAST WINDSOR

- Increasing new annual municipal tax revenues with no additional burden on town services
- Infrastructure upgrades that improve the reliability of East Windsor's electrical grid
- Reduction in energy demand during peak usage will decrease energy costs for ratepayers statewide
- Strengthened renewable energy resources that produce electricity locally with zero pollution
- The creation of **24** construction jobs and **2** new full-time jobs in the region



ACHIEVING THE **100% ZERO CARBON TARGET BY 2040** & ENVIRONMENTAL BENEFITS

- As a Class I Renewable Energy Source, Burlington Solar One will help support the goals set forth in Governor Lamont's September 2019 Executive Order No. 3 → **100% zero carbon target for the electricity sector by 2040**
- Once operational, the project will offset the equivalent of **6,729** metric tons of CO2 annually, the same amount as **111,262** tree seedlings grown for 10 years or **16,696,686** miles driven by an average passenger vehicle.
- When completed, the project will use an estimated 30 acres out of a total 73 acres, leaving 59% of the parcel undeveloped and available for other uses, including agricultural production.

APPROVAL PROCESS

Verogy requires approval from the Connecticut State Siting Council, who has jurisdiction over projects like East Windsor Solar One. We will also be working closely with municipal departments in East Windsor throughout the development of this project. East Windsor Solar One will also obtain a Construction General / SWPCP Permit from CT DEEP.

ESTIMATED PROJECT CALENDAR

AUGUST 2019: Design phase completed
FEBRUARY 2020: Interconnection approvals from Eversource
JUNE 2020: Completion of environmental studies
JULY 2020: Application submitted to Connecticut Siting Council
OCTOBER 2020: Connecticut Siting Council decision issued
NOVEMBER 2020: Construction groundbreaking
APRIL 2021: Project completion



Solar Energy 101

- 1. Solar Panels**
Collect energy from the sun
- 2. Inverters**
Converts DC Electricity to AC Electricity
- 3. Utility Infrastructure**
Electricity is delivered to the circuit that connects to the substation
- 4. Delivery to Consumers**
Power is delivered to residential and business consumers through the local grid.

CONTACT US

Verogy is committed to keeping members of the East Windsor community informed about our projects. Residents with questions about the project or its approval process can contact Verogy's Director of Development, Bryan Fitzgerald at development@verogy.com or (203) 257-3375.

Project Contact:

Bryan Fitzgerald
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For more information, visit www.verogy.com/east-windsor-solar-one/



Bryan Fitzgerald
development@verogy.com
(203) 257-3375
150 Trumbull St., Fl 4
Hartford, CT 06103
Verogy.com

June 8th, 2020

First Selectman's Office
11 Rye Street
Broad Brook, CT06016
Attn: First Selectman Bowsza

Re: East Windsor Solar One

First Selectman Bowsza:

I am reaching out to inform you that Verogy intends on submitting a 4.975 megawatt solar energy array to the Connecticut Siting Council for approvals on or about July 15th, 2020. The proposed East Windsor Solar One project would be located on 30 acres of a 73-acre parcel in East Windsor. The proposed project parcel does not border any East Windsor Town owned property. We appreciate your willingness to accommodate a project presentation to the Planning and zoning commission on June 23rd.

The proposed project, East Windsor Solar One, is located on the property at 341 East Road, East Windsor. The project's design calls for a 4.975 megawatt system located on approximately 30 of the parcel's 73 acres. Once completed, East Windsor Solar One is projected to generate enough energy to power 1,154 homes for a year, while generating zero pollution or carbon emissions each year. 100% of East Windsor Solar One's electrical production will be sold to Connecticut utility companies. Additionally, East Windsor Solar One will be an economic contributor to the town of East Windsor by generating new property tax revenues and creating new jobs in the region.

We had hoped to have the opportunity to meet with area residents in person to share information about East Windsor Solar One, however the recent rise of COVID-19 in the state prevents us from being able to do so at this time. While we cannot meet face to face, we wanted to introduce our company, share the enclosed fact sheet, and let you know that our website – www.verogy.com/east-windsor-solar-one is now live. The website, which we will update with the latest project information, has detailed background and images of our proposal; it also includes a form where visitors can share their thoughts with us. We hope you will take a moment to visit our website and let us know if you have any comments or questions through the Contact Us section at the bottom of the page. We are looking forward to investing in East Windsor and appreciate the feedback of community members and town officials as we finalize our proposed project.

The Verogy team looks forward to connecting with neighbors and stakeholders as we work to develop East Windsor Solar One. If you have any questions, please feel free to get in touch.

Sincerely,
Bryan Fitzgerald
Director of Development
[Verogy](http://Verogy.com) | 150 Trumbull Street, 4th Floor
Hartford, CT 06103
203.257.3375

Exhibit B

TOWN OF EAST WINDSOR PLANNING AND ZONING COMMISSION

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

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

MEETING MINUTES

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

Chairman Ouellette called the June 23, 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.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Dick Sullivan, and Jim Thurz.
Alternate Members: Anne Gobin, Frank Gowdy, and Marti Zhigailo.

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

Also present was Town Planner Flores-Marzan, and Operations Manager Joe Sauerhoufer.

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

Public: Josh Bergendahl, Noreen Farmer.

ESTABLISHMENT OF QUORUM:

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

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

LEGAL NOTICE: None.

ADDED AGENDA ITEMS:

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

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

PUBLIC PARTICIPATION:

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

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

APPROVAL OF MINUTES/June 9, 2020 – Regular Meeting

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

Sullivan moved/Kowalski seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

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

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

Chairman Ouellette read the description of this Agenda item.

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

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

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

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

Kowalski moved/Sullivan seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

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

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Chairman Ouellette read the description of this Agenda item.

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

Chairman Ouellette queried the Commissioners for questions, or comments.

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

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

Referenced Plans:

1. Improvement Location Survey – Existing Conditions Plan prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 1 of 3, Scale 1" = 20' dated 3/11/2020.
2. Improvement Location Survey – Site Plan prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 2 of 3, Scale 1" = 20' dated 3/11/2020.
3. Landscaping Plan, Erosion and Sediment Control and Construction Details prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 3 of 3, Scale 1" = 20' dated 3/11/2020.
4. Floor Plan and Elevations prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet A-101, Scale 1" = 20' dated 3/11/2020.
5. Exterior Photometric Plan prepared for LaBrecque Autocraft LLC. by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 1 of 1, Scale 1" = 20' dated 5/21/2020.

Conditions which must be met prior to signing of mylars:

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

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

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

Conditions which must be met prior to certificates of compliance:

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

General Conditions:

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

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

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

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

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

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

15. All landscaping shall be maintained.

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

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

Sullivan moved/Thurz seconded/DISCUSSION: None.

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

NEW BUSINESS/A. PZ 2020-10 – Applicant: The Silverman Group – 12 South Main Street - :Site Plan Modification for an 62,000 square feet increase to a warehouse/distribution facility for two (2) 123,120 square foot buildings. Property

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

Chairman Ouellette read the description of this item of business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Sullivan:

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

Commissioner Kowalski:

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

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

Commissioner Thurz:

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

Commissioner Gobin: suggested that without knowing what the tenants will be it abuts condominiums and with the location of the access drive with the potential for traffic 24/7 there could be lights for the residents across the street. Discussion occurred regarding clarification of the identify of the property across from the access drive.

Commissioner Zhigailo:

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

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

Commissioner Gobin:

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

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

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

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

Commissioner Moore: indicated he had no comments or questions.

Chairman Ouellette:

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

Commissioner Sullivan:

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

Commissioner Kowalski:

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

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

Commissioner Thurz:

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

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

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

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

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

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

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

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

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

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

Referenced Plans:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Details, prepared for SL 12 South Main Street LLC/The Silverman Group, 195 Morristown Road, Baskin Ridge, NJ 07920 by J.R. Russo & Associates, LLC, 1 Shoham

Road, East Windsor, CT 06088, www.jrrusso.com, (860) 623-0569, Sheet C-8.2 dated 6/6/2020, Scale 1"=60'.

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

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

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

Conditions which must be met prior to signing of mylars:

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

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

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

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.

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

General Conditions:

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

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

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

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

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

15. All landscaping shall be maintained.

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

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

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

Additional Condition:

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

Kowalski moved/Thurz seconded/DISCUSSION: None.

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

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

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

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

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

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

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

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

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

Chairman Ouellette opened discussion to the Commissioners.

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

Commissioner Kowalski:

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

Commissioner Thurz:

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

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

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

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

Commissioner Zhigailo:

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

Commissioner Moore:

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

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

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

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

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

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

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

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

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

Chairman Ouellette read the description of this item of business.

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

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

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

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

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

Chairman Ouellette queried the Commissioners for comments/questions.

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

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

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

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

Commissioner Thurz and Commissioner Gowdy were ok with the request.

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

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

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

Chairman Ouellette questioned if Commissioner Zhigailo had any questions?

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

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

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

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

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

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

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

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

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

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

Commissioner Kowalski referenced condition #32 of the original approval motion, noting the language reflects that the Commission require proper bonding. Commissioner Kowalski suggested he reads that to mean someone should be recalculating the bond to verify that there is an adequate bond to cover the uncompleted work. Mr. Sauerhoefer questioned if the bond had been reduced; Mr. Coon didn't know. Mr. Sauerhoefer indicated he personally felt that what was in place should cover it if the developer stayed within the same footprint; he suggested the red flag is as time goes on the cost goes up and that's where we ended up with the project on Depot Street. Mr. Sauerhoefer didn't see any reason not to renew the extension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sullivan moved/Kowalski seconded/DISCUSSION: None.

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

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

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

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

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

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

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

Mrs. Hahn anticipates updating the Commission further in July.

BUSINESS MEETING/A. Site Visits:

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

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

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

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

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

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

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

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

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

BUSINESS MEETING/B. General Zoning Issues:

No discussion this evening.

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

Nothing pending for signatures.

ADJOURNMENT:

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

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

Respectfully submitted,


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

ATTACHMENTS:

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



Bryan Fitzgerald
bfitzgerald@verogy.com
(203) 257-3375
150 Trumbull St., Fl 4
Hartford, CT 06103
www.verogy.com

June 16, 2020

Town of East Windsor
Planning and Zoning Commission
11 Rye Street
Broad Brook, CT 06016
Attn: Rubén Flores-Marzán, AICP

Re: East Windsor Solar One, Planning and Zoning Commission Informational Meeting

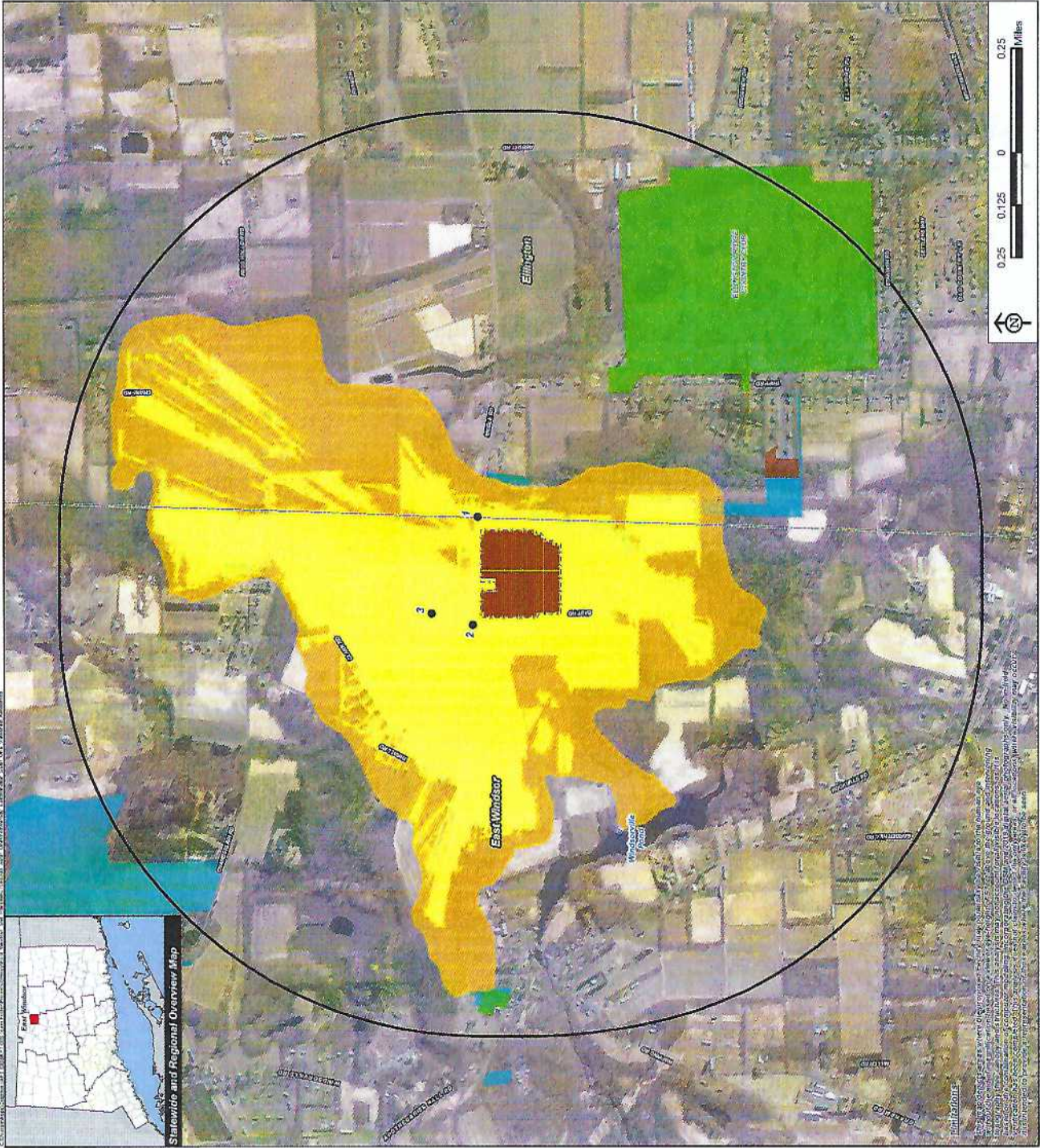
Dear Mr. Flores-Marzán,

East Windsor Solar One is a proposed 4.9 Megawatt (MW) solar photovoltaic energy system to be located at 341 East Road in East Windsor, Connecticut. The public information session with the Town of East Windsor Planning and Zoning Commission is in advance of our application to the Connecticut Siting Council, which has exclusive jurisdiction over the approval of this project. Once operational the project will produce 9,516 Megawatt-Hours (MWh) of renewable energy annually, which is the equivalent of offsetting 6,729 Metric Tons of CO2 Emissions, or powering over 1,100 homes each year. East Windsor Solar One will seek approval from the Connecticut Siting Council and will apply for a stormwater general permit for construction activities with the Connecticut Department of Energy and Environmental Protection (DEEP).

Should you have any questions in advance of the scheduled session with the Planning and Zoning Commission, please do not hesitate to reach out to me. Please visit <https://www.verogy.com/east-windsor-solar-one/> for project updates and relevant project information.

Sincerely,

Bryan Fitzgerald
Director of Development
[Verogy](http://www.verogy.com) | 150 Trumbull Street, 4th Floor
Hartford, CT 06103
(203) 257-3375



Viewshed Analysis Map

Proposed Solar Facility
 East Windsor Solar One
 341 East Road
 East Windsor, Connecticut

Proposed solar panels to be mounted on approximately 10' AGL support structures. Forest canopy height and topographic contours are derived from LIDAR data. Study area encompasses a 1-mile radius and indicates 2,522 acres. Base Map Source: 2019 Aerial Photograph (CTECO)
 Map Date: June 2020

- Legend**
- Site
 - Study Area (1-Mile Radius)
 - Proposed Photovoltaic Fence
 - Predicted Year-Round Visibility (285 Acres)
 - Areas of Potential Seasonal Visibility (361 Acres)
 - Municipal Boundary
 - Photographic Locations (Taken on May 12, 2020)
 - Total
 - Scenic Highway
 - DEEP Boat Launches
 - Municipal and Private Open Space Property
 - State Forest/Park
 - Protected Open Space Property
 - Federal
 - Land Trust
 - Municipal
 - Private
 - State

Data Sources:

Electrical Geography/Background Data:
 A digital surface model (DSM) was created from the State of Connecticut 2016 LIDAR LAS data points. The terrain LIDAR LAS was combined with the point feature as the landscape (both as a feature or by of feature). The terrain LIDAR LAS was used to calculate the viewshed from the proposed solar facility. The "view-shed" viewshed values were filtered to reflect proposed conditions where vegetation clearing associated with the proposed solar facility would occur.

Scenic Resources: CT DOT State Scenic Highways (SSHs), Municipal Scenic Routes (compiled by AP7)

Dedicated Open Space & Recreation Areas:
 Connecticut Department of Energy and Environmental Protection (DEEP); DEEP Property (May 2007); Federal Open Space (1997); Municipal and Private Open Space (1997); DEEP Boat Launches (1994); Connecticut Forest & Parks Association; Connecticut Walk Routes East & West

Other:
 CT DOT Scenic Signs (based on Department of Transportation data)

Notes:
 *Not all the graphics listed above appear on the Viewshed Map. Only those features within the scale of the graphic are shown.

East Windsor Solar One, LLC





EXISTING

PHOTO

1

LOCATION

MIDDLE ROAD

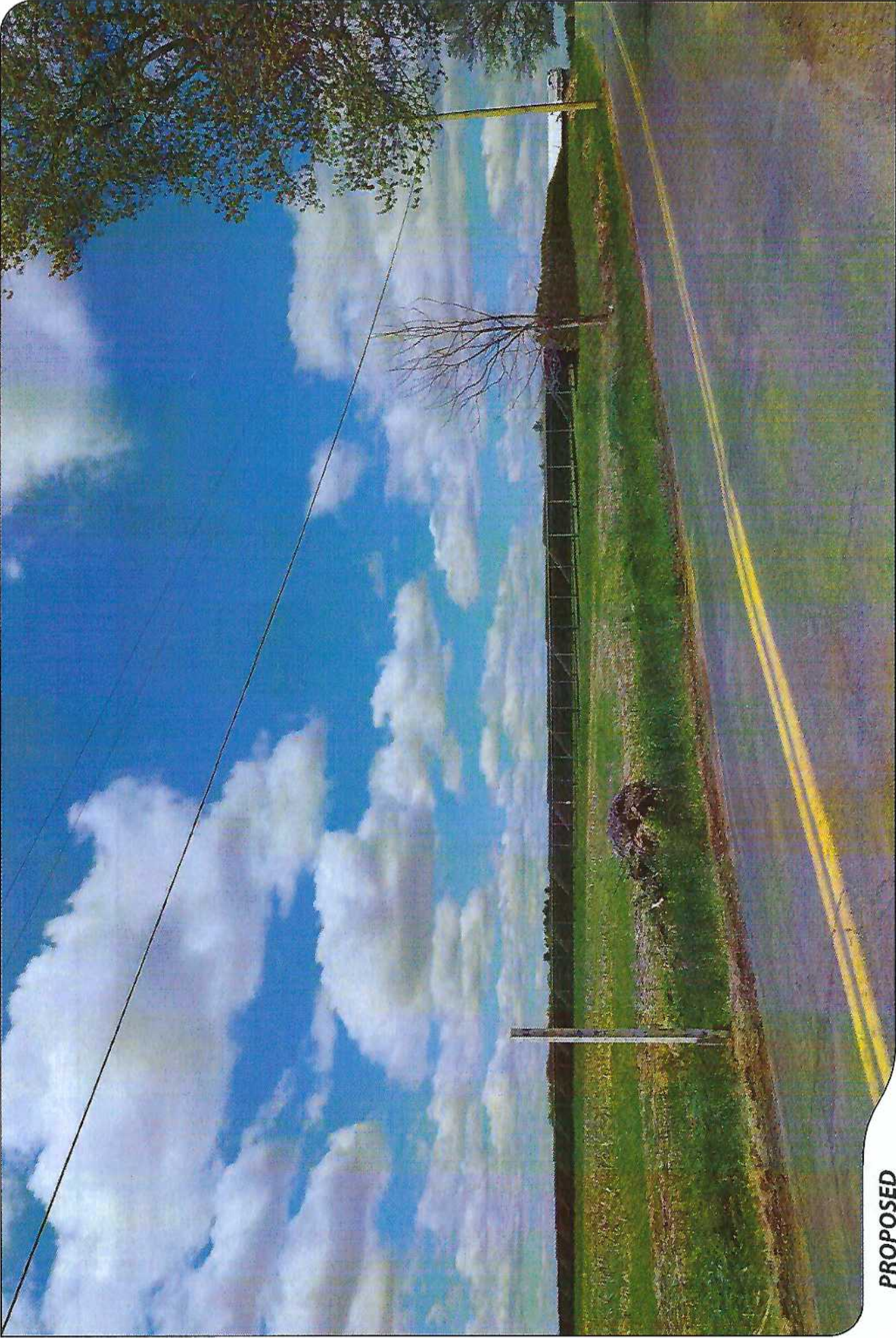
ORIENTATION

DISTANCE TO SITE

+/- 130 FEET



East Windsor Solar One, LLC



PROPOSED

PHOTO

1

LOCATION

MIDDLE ROAD

ORIENTATION

DISTANCE TO SITE

+/- 130 FEET



ALL-POINTS
TECHNOLOGY CORPORATION

East Windsor Solar One, LLC



EXISTING

PHOTO
2

LOCATION
MIDDLE ROAD AT EAST ROAD

ORIENTATION
SOUTHEAST

DISTANCE TO SITE
+/- 140 FEET



East Windsor Solar One, LLC



PROPOSED

PHOTO
2

LOCATION
MIDDLE ROAD AT EAST ROAD

ORIENTATION
SOUTHEAST

DISTANCE TO SITE
+/- 140 FEET

Note: Utility Poles to be added to sims once interconnection route is finalized.



East Windsor Solar One, LLC



PHOTOGRAPHED ON 5/12/2020

EXISTING

PHOTO
3

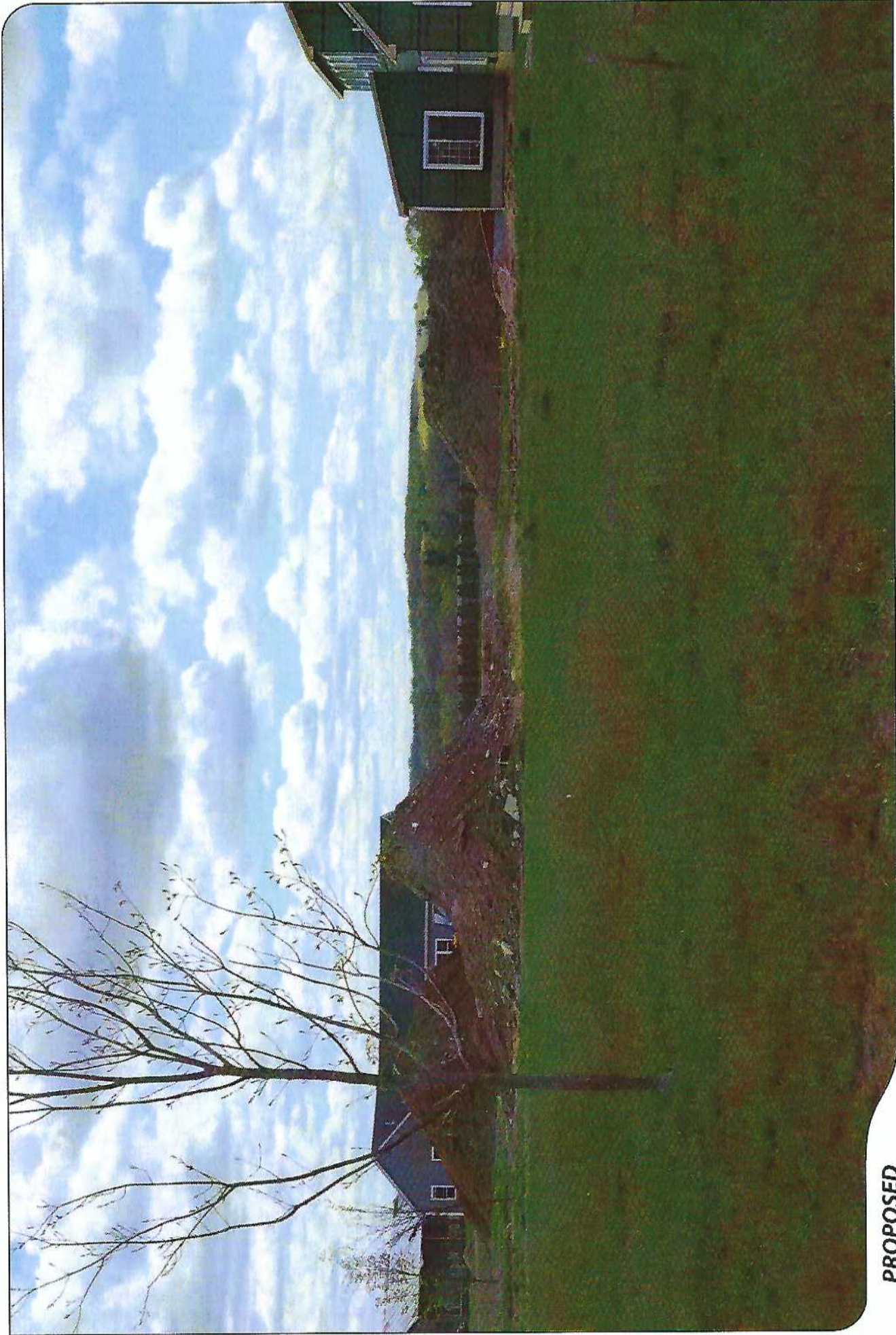
LOCATION
JESSIE LANE

ORIENTATION
SOUTH

DISTANCE TO SITE
+/- 0.11 MILE



East Windsor Solar One, LLC



PROPOSED

PHOTO
3

LOCATION
JESSIE LANE

ORIENTATION
SOUTH

DISTANCE TO SITE
+/- 0.11 MILE



East Windsor Solar One, LLC

Exhibit C



East Windsor Solar One, LLC

341 East Road, East Windsor CT
41.890267, -72.518596

Planning and Zoning Commission Meeting

June 23rd, 2020

TABLE OF CONTENTS

- I. Verogy – Our Company
- II. East Windsor Solar One
 - i. Project Specifications
 - ii. Site Plan & Renderings
 - iii. Project Characteristics
 - iv. Public Outreach Campaign
 - v. Carbon Emissions Analysis
 - vi. Timeline & Schedule

Attendees:

William Herchel, Verogy
Steven DeNino, Verogy
Bryan Fitzgerald, Verogy

**Brad Parsons, PE, All Points
Technology Corporation**

**Patrick McGloin, Gaffney
Bennett Public Relations**

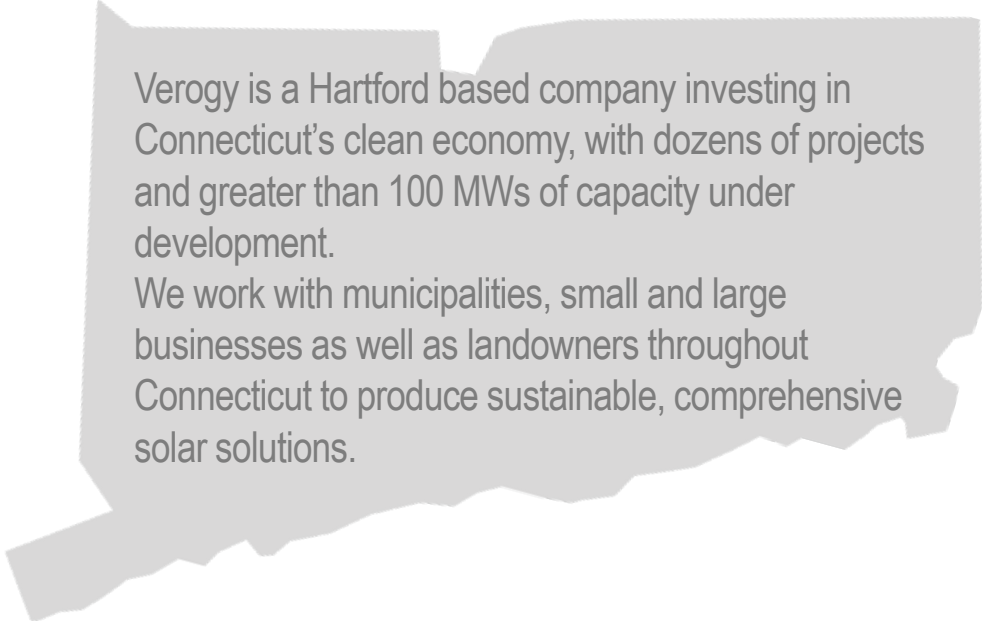


A vertically-integrated solar developer, delivers comprehensive solutions for commercial and utility-scale solar energy projects throughout the United States.

COMPANY PROFILE

Established:	2017
Staff:	6 co-founders, 15 team members
Industry Experience:	50+ years combined

Please visit verogy.com/east-windsor-solar-one for more information or to submit questions



PROJECT PROFILE

- 341 East Road, East Windsor, CT
 - 41.890267, -72.518596
- Project Capacity
 - 4.9 MWac / 7.5 MWdc
 - 19,526 Solar Modules (Solar Panels)
 - Driven post, fixed tilt racking, string level inverters
 - Electricity production is remotely monitored, and the system can be de-energized remotely
- Total parcel acreage: 79 acres
 - Project acreage inside the fence: 23.7 acres
 - Project acreage outside the fence: 5.9 acres
 - Total acreage: 29.1 acres
- Site Selection
 - Gradual slopes 1% - 2% slopes – designed to CT DEEP Standards
 - No clearing of forest habitat
 - Proximity to electrical infrastructure required for interconnecting the facility to the Eversource distribution network

PUBLIC NEED

- East Windsor Solar One supports Connecticut's energy policies as set forth in CGS § 16a-35k,
 - Including the goal to “develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent.”
 - The Project will provide clean, renewable, solar-powered electricity and assist the State in meeting its legislatively mandated obligations under the Renewable Portfolio Standard: **40% Class I by 2030**
- 100% Renewable Energy Generation with zero emissions
 - **~9,516** Megawatt Hours of Class I renewable Energy per year without any air emissions, including greenhouse gas emissions
 - Equivalent offset of **6,729** Metric Tons of CO2 Emissions annually
 - Equivalent to powering **1,139** average homes annually
 - The Project will generate most of its power at peak times, when the demand for electricity is greatest

GROUND MOUNT SOLAR PROJECT CHARACTERISTICS

- Key Characteristics
 - Simple Construction, minor site work, no proposed tree removal
 - See design on following slides
 - Quiet neighbor, minimal onsite activity post construction
 - No emissions or odors
 - Effectively silent, inverter fans produce ambient hum
 - No requirement of town services needed
 - No traffic
 - No water consumption
 - No fuel consumption
 - Economic benefit to the Town of East Windsor
 - Property Tax Benefits
 - Tax Stabilization Agreement to be negotiated
- Environmental
 - Environmental Assessment completed for East Windsor Solar One determined that the project would not have an undue adverse environmental impact



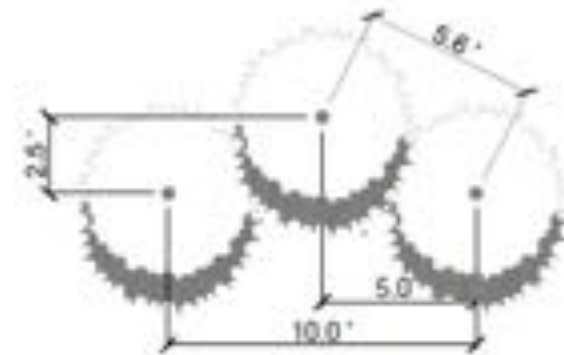
SITE PLAN

Site Plan

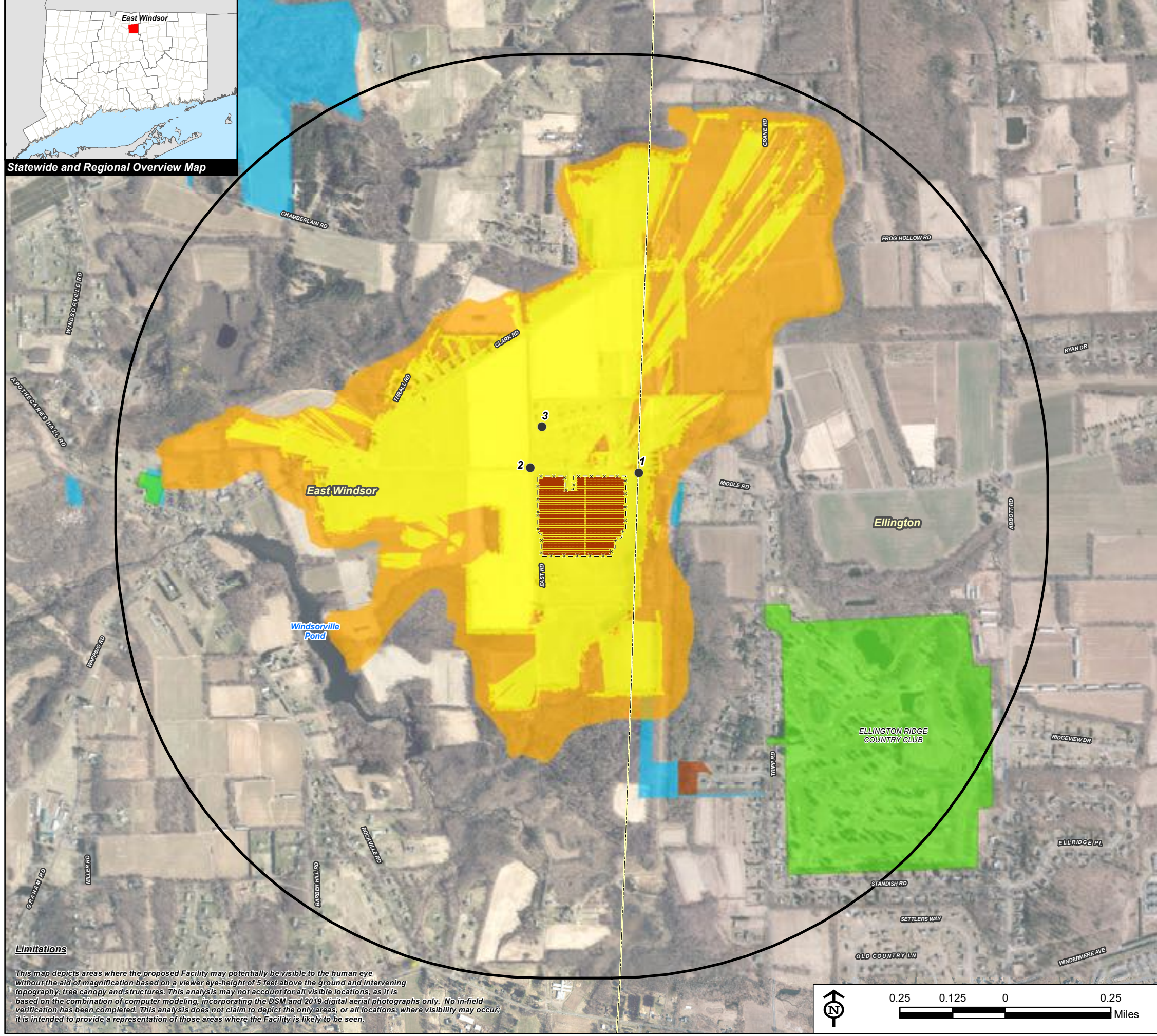
Visual Rendering

LANDSCAPING PROTOCOL

This protocol will be followed along the northern fence line where landscaping is necessary to improve the aesthetics and site lines of neighbors

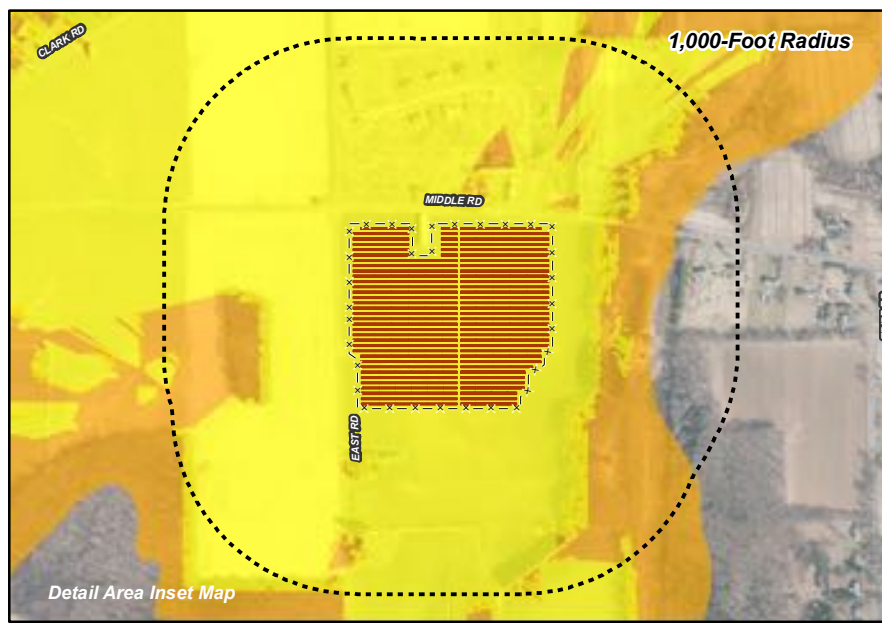


8 SCREENING TREE SPACING (TYP.)
Scale: NTS



Statewide and Regional Overview Map

Limitations
 This map depicts areas where the proposed Facility may potentially be visible to the human eye without the aid of magnification based on a viewer eye-height of 5 feet above the ground and intervening topography, tree canopy and structures. This analysis may not account for all visible locations, as it is based on the combination of computer modeling, incorporating the DSM and 2019 digital aerial photographs only. No in-field verification has been completed. This analysis does not claim to depict the only areas, or all locations, where visibility may occur; it is intended to provide a representation of those areas where the Facility is likely to be seen.



Viewshed Analysis Map
 Proposed Solar Facility
 East Windsor Solar One
 341 East Road
 East Windsor, Connecticut

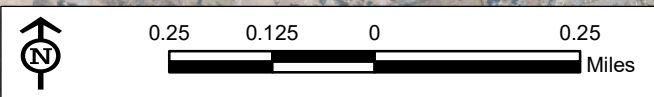
Proposed solar panels to be mounted on approximate 10' AGL support structures. Forest canopy height and topographic contours are derived from LIDAR data. Study area encompasses a 1-mile radius and includes 2,522 acres. Base Map Source: 2019 Aerial Photograph (CTECO) Map Date: June 2020

- Legend**
- Site
 - Study Area (1-Mile Radius)
 - Proposed Perimeter Fence
 - Proposed Solar Panel
 - Predicted Year-Round Visibility (369 Acres)
 - Areas of Potential Seasonal Visibility (361 Acres)
 - Municipal Boundary
 - Photographic Locations (Taken on May 12, 2020)
 - Trail
 - Scenic Highway
 - DEEP Boat Launches
 - Municipal and Private Open Space Property
 - State Forest/Park
 - Protected Open Space Property**
 - Federal
 - Land Trust
 - Municipal
 - Private
 - State

Data Sources:
Physical Geography / Background Data
 A digital surface model (DSM) was created from the State of Connecticut 2016 LIDAR LAS data points. The first return LIDAR LAS values, associated with the highest feature in the landscape (such as a treetop or top of building), were used to capture the natural and built features on the Earth's surface beyond the approximate limits of clearing associated with the proposed solar facility. The "bare-earth" return values were utilized to reflect proposed conditions where vegetative clearing associated with the proposed solar facility would occur.
 Municipal Open Space, State Recreation Areas, Trails, County Recreation Areas, and Town Boundary data obtained from CT DEEP. Scenic Roads: CTDOT State Scenic Highways (2015); Municipal Scenic Roads (compiled by APT)

Dedicated Open Space & Recreation Areas
 Connecticut Department of Energy and Environmental Protection (DEEP): DEEP Property (May 2007); Federal Open Space (1997); Municipal and Private Open Space (1997); DEEP Boat Launches (1994)
 Connecticut Forest & Parks Association, Connecticut Walk Books East & West

Other
 CTDOT Scenic Strips (based on Department of Transportation data)
Notes
 **Not all the sources listed above appear on the Viewshed Maps. Only those features within the scale of the graphic are shown.





PHOTOGRAPHED ON 5/17/2020

EXISTING

PHOTO

1

LOCATION
MIDDLE ROAD

ORIENTATION

DISTANCE TO SITE

+/- 130 FEET



PROPOSED

PHOTO

1

LOCATION
MIDDLE ROAD

ORIENTATION

DISTANCE TO SITE

+/- 130 FEET



PHOTOGRAPHED ON 5/17/2020

EXISTING

PHOTO

2

LOCATION

MIDDLE ROAD AT EAST ROAD

ORIENTATION

SOUTHEAST

DISTANCE TO SITE

+/- 140 FEET



East Windsor Solar One, LLC



PROPOSED

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE
2	MIDDLE ROAD AT EAST ROAD	SOUTHEAST	+/- 140 FEET

Note: Utility Poles to be added to sims once interconnection route is finalized.



East Windsor Solar One, LLC



PHOTOGRAPHED ON 5/17/2020

EXISTING

PHOTO

3

LOCATION

JESSIE LANE

ORIENTATION

SOUTH

DISTANCE TO SITE

+/- 0.11 MILE



East Windsor Solar One, LLC



PROPOSED

PHOTO

3

LOCATION

JESSIE LANE

ORIENTATION

SOUTH

DISTANCE TO SITE

+/- 0.11 MILE

Verogy has enacted a comprehensive community outreach program

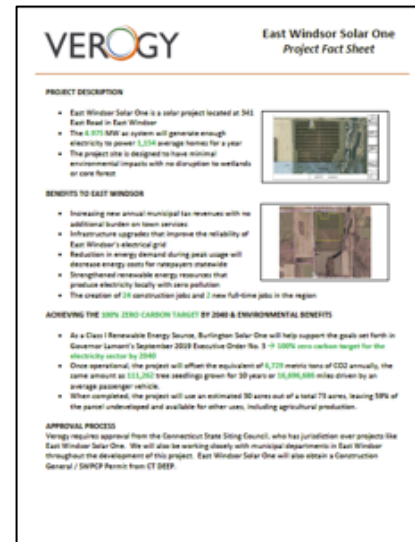
- Since June 9th interested parties have been able to access the most up to date information on the project's webpage: www.verogy.com/east-windsor-solar-one/

Abutter Letter



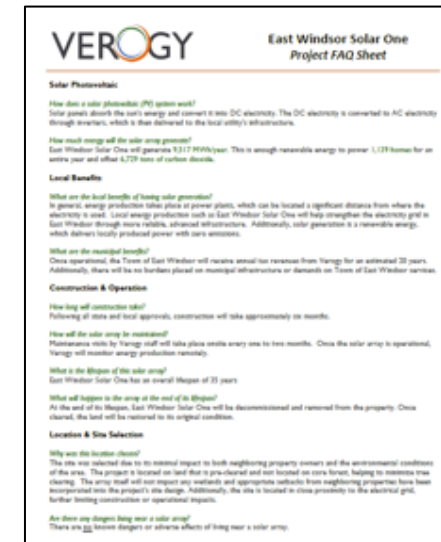
May 20th, 2020
Letter received from CT
DEEP – No Material Impact
to Core Forest

Fact Sheet



June 9th, 2020
Meeting held with CT
Department of Agriculture

FAQ / Q&A Sheet



June 23rd, 2020
Presentation to East
Windsor Planning and
Zoning Commission

June 2nd, 2020
Project update: Zoom
meeting with Town
Officials

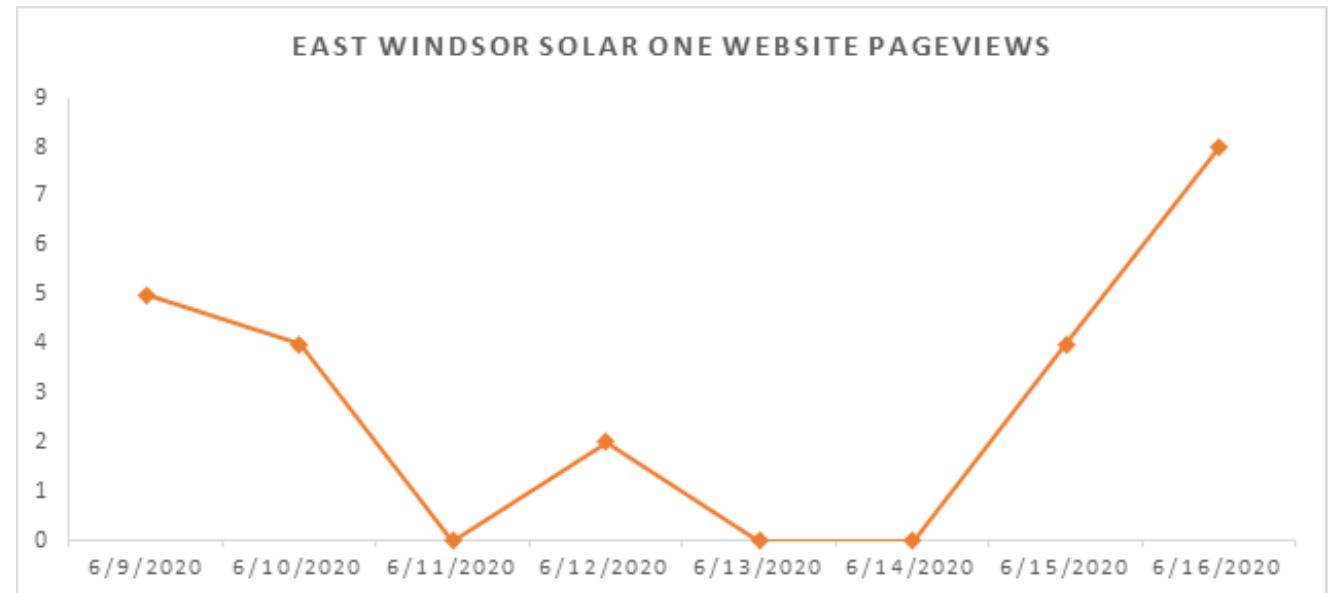
June 9th, 2020
Introductory letters and project
materials sent to neighbors and
webpages published

December 2019
Official CSC pre-petition filing
meeting with Town Officials

PUBLIC OUTREACH

The screenshot shows the Verogy website for the East Windsor Solar One project. The page includes the Verogy logo, navigation links for Solar Solutions, Industries, Solar News, About, and Contact Us. The main heading is "East Windsor Solar One". Below this, there is a welcome message and a map of the project location. Key statistics are listed: 341 East Road, East Windsor; 4.975 MWac total system capacity; and 9,517 mWh/Year annual production. A section titled "Project Information" contains links to a fact sheet and a presentation. A "Contact Us" section at the bottom invites visitors to reach out with questions or concerns.

The project's webpage, www.verogy.com/east-windsor-solar-one provides the most up to date project information and hosts a contact form if interested stakeholders would like to submit any feedback or questions.



The amount of clean energy the project will generate each year compared to conventional utilities would be equivalent to **6,729 metric tons of CO2** or:

CO2 emissions from:



16,696,686 miles

driven by an average passenger vehicle



1,139 homes

electricity use for a year

Carbon sequestered by:



111,262 trees

grown for 10 years

Greenhouse gas emissions avoided by:



757,147 gallons

of gasoline consumed



2,289 tons

recycled instead of landfilled

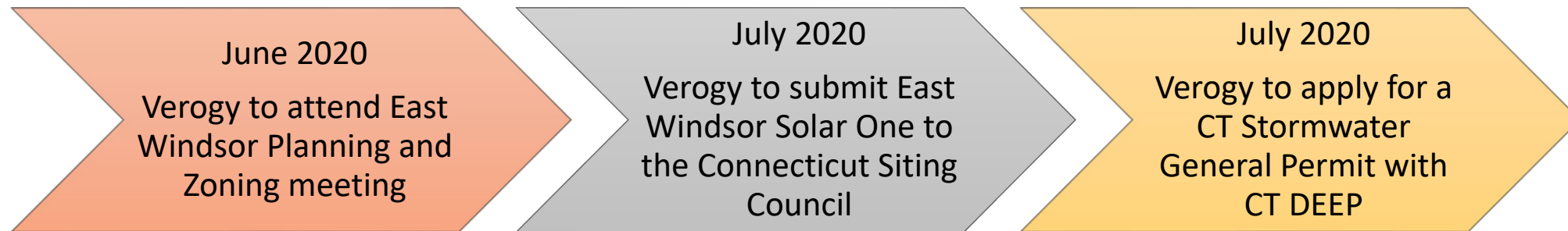


8,787 acres

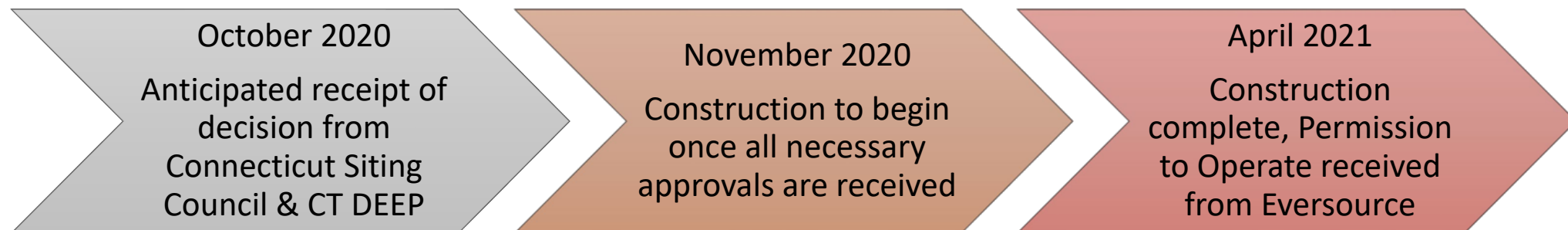
of U.S. forest

*The greenhouse gas equivalencies were calculated using the [EPA Greenhouse Gas Equivalencies Calculator](#)

SUBMISSION TO CONNECTICUT SITING COUNCIL, CT DEEP & MUNICIPAL OUTREACH



ANTICIPATED RECEIPT OF APPROVALS & CONSTRUCTION



QUESTIONS

Please visit verogy.com/east-windsor-solar-one for more information
Or to get in touch: development@verogy.com



VEROGY

VCP, LLC d / b / a Verogy

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