



TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JUNE 24, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members F. Michael Francis, Robert Sandberg, Jr. and Sean Kelly, and Alternate Jon Moser

MEMBERS ABSENT: Chairman Arlo Hoffman, Regular Member Ricci Hirth and Alternate Keith Durao

STAFF PRESENT: Lisa Houlihan, Town Planner and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Vice Chairman Bill Hogan called the meeting to order at 7:00 PM.

II. PUBLIC COMMENTS: (On non-agenda items) - None

III. PUBLIC HEARING(S):

1. Z201911 - Clifford & Suzanne Rice, owner/Pioneer Builders of Ellington, Inc., applicant, request for Special Permit for a detached garage (30'X60') for more than 3 cars at 203 Abbott Road, APN 078-008-0000, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:01 PM

SEATED: Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members F. Michael Francis, Robert Sandberg, Jr. and Sean Kelly, and Alternate Jon Moser

Plans reviewed: Improvement Location Survey Subsurface Disposal Design prepared for Pioneer Builders of Ellington, 203 Abbott Road, Ellington, Connecticut, APN: 078-008-0000, prepared by Gardner & Peterson Associates, 178 Hartford Turnpike, Tolland, Connecticut - Sheet 1 of 2, Scale: 1"=20, Date: 3-25-2019, and Sheet 2 of 2, Scale: As Shown, Date: 3-25-2019.

Garage Revised, May 2019, Front & Left Side Elevations & Roof Plan Layout, Scale: ¼"-1'.0" and as noted, Drawing No. 201903-D001; Rear & Right Side Elevations & Roof Plan Layout, Scale: ¼"-1'.0", Drawing No. 201903-D002; Garage Floor Plan and Second Floor Plan, Scale: ¼"-1'.0", Drawing No. 201903-D003; Foundation Plan and Section, Scale: ¼"-1'.0", Drawing No. 201903-D004; and, Garage Wall Bracing Schedule, Details & Notes, Scale: 1/8"-1'.0" and as noted, Drawing No. 201903-D005 prepared by Architectural Edge, LLC, 5 Autumn Drive, Enfield, Connecticut, 06082.

Mr. Tom Savage, Pioneer Builders of Ellington, Inc., 59 Middle Road, Ellington, CT, was present to represent the application. He stated the owners previously received approval to construct a single family home with a 30'X40' detached garage, but would like to increase the size of the detached garage to a 30'X60' to store personal equipment and items. Vice Chairman Hogan asked if the house has been built, Mr. Savage explained the foundation has been poured and framing will begin soon. Mr. Savage will install a waterline to the detached garage, but it will not be connected at this time. The garage will have electricity. Commissioner Sandberg asked if there was going to be any commercial business

conducted within the garage. Mr. Savage said there will not be any type of home occupation. Commissioner Strom asked if there are any plans for an accessory apartment on the second story. Mr. Savage explained how the garage will be constructed and only be utilized for storage of personal items and vehicles.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201911 - Clifford & Suzanne Rice, owner/Pioneer Builders of Ellington, Inc., applicant, request for Special Permit for a detached garage (30'X60') for more than 3 cars at 203 Abbott Road, APN 078-008-0000, in a RAR (Rural Agricultural Residential) Zone.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE WITH A CONDITION Z201911 - Clifford & Suzanne Rice, owner/Pioneer Builders of Ellington, Inc., applicant, request for Special Permit for a detached garage (30'X60') for more than 3 cars at 203 Abbott Road, APN 078-008-0000, in a RAR (Rural Agricultural Residential) Zone.

CONDITION:

- Detached structure shall not be used to conduct business or as a residence.
2. Z201913 - James Smyth, owner/applicant, request for Special Permit for a detached garage (48'X28') for more than 3 cars at 113 Ellington Avenue, APN 038-002-0000, in a R (Residential) Zone.

TIME: 7:06 PM

SEATED: Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members F. Michael Francis, Robert Sandberg, Jr. and Sean Kelly, and Alternate Jon Moser

Plans reviewed:

Record Drawing prepared for Dr. James Smyth, 113 Ellington Ave., Ellington, Connecticut prepared by Tarbell, Heintz & Assoc., Inc.; 290 Roberts Street, Suite 200, East Hartford, CT (860) 528-1810; Scale: 1"=40'; Sheet 1 of 1; Date: 8/31/98, Revised date 9/18/98.

Dr. James Smyth, 113 Ellington Avenue, Ellington, CT, was present to represent the application. Dr. Smyth explained the garage will be used to store his truck, lawn and snow equipment, and tools. Vice Chairman Hogan stated the proposed garage is twelve feet from the property line and asked what is on the neighboring parcel. Dr. Smyth stated there is a cow fence and trees and showed Vice Chairman Hogan the location of the neighboring house located near the road. Commissioner Sandberg asked if the overhang will encroach on the ten foot side yard setback, noting the plan shows it twelve feet from the side yard. Commissioner Sandberg suggested the garage be moved a couple of feet further from the side yard to avoid encroachment and the need for an A-2 survey. In response to Ms. Houlihan, Town Planner, Dr. Smyth stated that property pins for the side yard are present. Ms. Houlihan suggested he use the pins to properly place the shed from side yard.

MOVED (STROM) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201913 - James Smyth, owner/applicant, request for Special Permit for a detached garage (48'X28') for more than 3 cars at 113 Ellington Avenue, APN 038-002-0000, in a R (Residential) Zone.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE WITH A CONDITION Z201913 - James Smyth, owner/applicant, request for

Special Permit for a detached garage (48'X28') for more than 3 cars at 113 Ellington Avenue, APN 038-002-0000, in a R (Residential) Zone.

CONDITION:

- Detached structure shall not be used to conduct business or as a residence.

BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER TO ADDRESS ITEM #1 OF NEW BUSINESS.

V. NEW BUSINESS:

1. S201802 - JoAnn Luginbuhl, owner/Nutmeg Construction, applicant, request for final approval for Crestwood V, subdivision of property at Ellsworth Lane and Brooks Crossing Ext., APN 118-003-0000, in a RAR (Rural Agricultural/Residential) Zone. (Conditional approval granted 9/24/2018; Extension deadline 6/26/2019)

JoAnn and Scott Luginbuhl were present to represent the application. Ms. Houlihan stated the owner was granted conditional approval of the subdivision in September 2018. They have exhausted all extensions and are ready for final approval. The applicants are working with the Town Engineer to determine a bond amount, and easements and deeds are being drafted. The owner will revisit the commission next month for approval of the bond amount.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO GRANT FINAL APPROVAL WITH CONDITION FOR S201802 - JoAnn Luginbuhl, owner/Nutmeg Construction, applicant, request for final approval for Crestwood V, subdivision of property at Ellsworth Lane and Brooks Crossing Ext., APN 118-003-0000, in a RAR (Rural Agricultural/Residential) Zone.

CONDITION:

- The applicant shall work with the Town Engineer to provide a bond amount for completion of public improvements for consideration by the Commission.

BY CONSENSUS, THE COMMISSION WENT BACK TO THE ORIGINAL AGENDA ORDER.

III. PUBLIC HEARING(S) CONTINUED:

3. Z201912 - Proposed amendments to Section 6.3 Signs of the Ellington Zoning Regulations to increase number of days for temporary signs, exempt governmental election/referendum signs from the number of days allowed for temporary signs, allow limited offsite temporary signs, permit open flags, modify standards for the base of detached permanent signs and other minor changes.

TIME: 7:19 PM

SEATED: Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members F. Michael Francis, Robert Sandberg, Jr. and Sean Kelly, and Alternate Jon Moser

Vice Chairman Hogan suggested the commission review and discuss each change item by item. The commission reviewed the document and approved the draft amendments dated May 29, 2019 with changes to Section 6.3.3.3, Section 6.3.8.C.9, Section 6.3.8.C.10, and Section 6.3.10.3.

The commission debated the proposed change in the number of days allowed for temporary signs from 150 days, as approved in 2018, to 230 days. Discussion centered on what is an

appropriate number of days for temporary signs that balances the purpose of temporary signs and considers the needs of local businesses. They discussed setting the number of days as 180 or 190 days.

Vice Chairman Hogan felt existing regulations for detached signs regarding size and uniformity lend to the proliferation of temporary signs, and suggested the commission evaluate detached sign regulations. Commissioner Sandberg stated that small businesses rely on temporary signs to help them advertise even when they have a detached sign. They discussed positive changes with placement of temporary signs since the 2018 regulation amendment and active enforcement by the Zoning Officer. They noted the extensive amount of time spent on this topic. The commission members agreed to revisit the temporary sign section again in a year.

No one from the public was in the audience.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201912 - Proposed amendments to Section 6.3 Signs of the Ellington Zoning Regulations to increase number of days for temporary signs, exempt governmental election/referendum signs from the number of days allowed for temporary signs, allow limited offsite temporary signs, permit open flags, modify standards for the base of detached permanent signs and other minor changes.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATIONS Z201912 - Proposed amendments to Section 6.3 Signs of the Ellington Zoning Regulations to increase number of days for temporary signs, exempt governmental election/referendum signs from the number of days allowed for temporary signs, allow limited offsite temporary signs, permit open flags, modify standards for the base of detached permanent signs and other minor changes.

MODIFICATIONS:

- Section 6.3.3.3 add “feet” after square;
- Section 6.3.8.C.9 delete “on the property where the sign is located”;
- Section 6.3.8.C.10 was replaced with “Political signs pertaining to an upcoming governmental election/referendum shall not count towards the maximum cumulative calendar days per year and the number of temporary signs permitted on a premises at any one time”;
- Section 6.3.10.3 add “tear drop flags”.

EFFECTIVE DATE: JULY 1, 2019.

DISCUSSION: The commission will revisit the temporary sign section in a year.

4. Z201805-2019 - Proposed amendment to Section 7.1 Accessory Apartments of the Ellington Zoning Regulations to set limit of two-bedrooms.

TIME: 8:13 PM

SEATED: Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members F. Michael Francis, Robert Sandberg, Jr. and Sean Kelly, and Alternate Jon Moser

Ms. Houlihan explained the April 2018 changes to accessory apartment regulations inadvertently deleted the two bedroom limit. The commission agreed the 2018 change intended to set a two bedroom limit.

MOVED (KELLY) SECONDED (STROM) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201805-2019 - Proposed amendment to Section 7.1 Accessory Apartments of the Ellington Zoning Regulations to set limit of two-bedrooms.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z201805-2019 - Proposed amendment to Section 7.1 Accessory Apartments of the Ellington Zoning Regulations to set limit of two-bedrooms. **EFFECTIVE DATE: JULY 1, 2019.**

IV. OLD BUSINESS: None

V. NEW BUSINESS:

2. S201804 - Request for one ninety (90) day extension for filing of mylars for Fly Boys Ink, LLC, owner/applicant, a two lot subdivision at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone. (Current deadline 07/07/2019; Extension deadline 10/15/2019)

Commissioner Sandberg recused himself from this application.

BY CONSENSUS, THE COMMISSION GRANTED A NINETY (90) DAY EXTENSION FOR FILING OF MYLARS for Fly Boys Ink, LLC, owner/applicant, a two lot subdivision at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone. (Current deadline 07/07/2019; Extension deadline 10/15/2019)

3. Pursuant to Connecticut General Statutes §8-23, request for referral of the draft updates to the Ellington Plan of Conservation and Development to the Board of Selectmen and Capitol Region Council of Governments.

Vice Chairman Hogan stated this request is an administrative action and statute requires the commission to send notice to the Board of Selectmen and Capitol Region Council of Governments sixty-five days prior to the public hearing for the adoption of the 2019 updates.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO REFER the 2019 draft updates to the Ellington Plan of Conservation and Development to the Board of Selectmen and Capitol Region Council of Governments for review and comment, pursuant to Connecticut General Statutes §8-23.

4. Discuss scheduling a public hearing for the adoption of the Plan of Conservation and Development for a special meeting in September - tentative date: 9/30/19.

Ms. Houlihan suggested a special meeting be held on September 30, 2019, for the public hearing for the adoption of the 2019 updates. Donald Poland and Steve Kushner, Goman & York, will present the draft updates. The commission agreed to the special meeting date.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO SCHEDULE A PUBLIC HEARING FOR THE ADOPTION OF THE 2019 UPDATES TO THE ELLINGTON PLAN OF CONSERVATION AND DEVELOPMENT TO A SPECIAL

MEETING ON SEPTEMBER 30, 2019, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

5. S201902 – Curt & Jena Luginbuhl owner/applicant, request for a two lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, ADD TO THE AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JULY 22, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S201902 – Curt & Jena Luginbuhl owner/applicant, request for a two lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) Zone.

6. Z201914 – DeML Enterprises, LLC, owner/applicant, request for a Special Permit modification to remove 2007 condition of approval and allow screened outside storage and request for Site Plan approval for Phase 2 construction of building and related site improvements located at 72 Windermere Avenue, APN 018-026-0000, in an IP (Industrial Park) Zone.

BY CONSENSUS, ADD TO THE AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JULY 22, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201914 – DeML Enterprises, LLC, owner/applicant, request for a Special Permit modification to remove 2007 condition of approval and allow screened outside storage and request for Site Plan approval for Phase 2 construction of building and related site improvements located at 72 Windermere Avenue, APN 018-026-0000, in an IP (Industrial Park) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the May 20, 2019 Regular Meeting Minutes
MOVED (SANDBERG) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO APPROVE MAY 20, 2019 REGULAR MEETING MINUTES AS WRITTEN.
2. Correspondence:
 - a. Letter from residents of Stein Road opposing extension of sanitary sewers.
 - b. Oakridge Times: May 20, 2019.
 - c. Right to Farm Ordinance: Public Hearing and Town Meeting to discuss and vote, July 8, 2019, 7:00 PM, Ellington Town Hall, 55 Main Street, Ellington, CT.
 - d. Letter from Federal Communications Commission, dated May 29, 2019, Notice of Collocation for AT&T Mobility at Ellington Congregational Church, 72 Main Street, Ellington, CT.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:28 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk