



TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JANUARY 28, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Vice Chairman Bill Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

MEMBERS ABSENT: Chairman Arlo Hoffman, Secretary Carol Strom, and Regular Members Robert Sandberg, Jr. and Ricci Hirth

STAFF PRESENT: Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Vice Chairman Bill Hogan called the January 28, 2019 meeting to order at 7:00 PM in Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):

David Schneider, member of the Apostolic Christian Church of Ellington, was present to discuss the possibility of combining 32 Middle Butcher Road with 34 Middle Butcher Road and converting the single family at 32 Middle Butcher Road into a two-family parsonage for use by members of the church. He stated the congregation would like to eliminate the twenty-one (21) congregational living units in the building to the rear of the church. The Commission authorized the proposed changes to be handled administratively through the Planning Department.

III. PUBLIC HEARING(S):

1. Z201824 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Table 4.1 Permitted Uses & Uses Requiring Special Permit – Commercial & Industrial Zones to require special permit for Auto, Limited Repairer License; Glass Fabrication & Installation; Ice Manufacture – Storage & Sale; Jewelry Manufacture; Optical & Scientific Instrument Manufacture; Plumbing & Heating: Sales, Service, Storage; Public Garage, Bus, Taxi Service, Rentals; Radio and Television Studios; Retail Business; Theater, Indoors In Building; Wholesale, Business. *(Continued from December 17, 2018)*

TIME: 7:05 PM

SEATED: Vice Chairman Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

Vice Chairman Hogan stated the proposed changes allow the Commission to have greater authority over uses by requiring a special permit for the businesses on the list. Commissioner Kelly said the regulation is more restrictive and limiting. Commissioner Francis and Alternates Moser and Durao suggested to continue discussion until next month when all members are present.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CONTINUE THE HEARING FOR Z201824 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Table 4.1 Permitted Uses & Uses Requiring Special Permit – Commercial & Industrial Zones to require special permit for Auto, Limited Repairer License; Glass Fabrication & Installation; Ice Manufacture – Storage & Sale; Jewelry Manufacture; Optical & Scientific Instrument Manufacture; Plumbing & Heating; Sales, Service, Storage; Public Garage, Bus, Taxi Service, Rentals; Radio and Television Studios; Retail Business; Theater, Indoors In Building; Wholesale, Business.

Items #2 and #3 were considered together.

2. Z201827 – Fly Boys Ink, LLC owner/applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements associated with a two lot subdivision for the construction of a single family home at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone. (*Request is present to postpone opening of hearing*)

TIME: 7:12 PM

SEATED: Vice Chairman Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

Vice Chairman Hogan stated a request to postpone the opening of the public hearing to the next regularly scheduled Planning & Zoning Commission meeting was received. The next meeting is on Monday, February 25, 2019.

Mr. John Pare, 238 Jobs Hill Road, asked for a quick explanation of what the applicant is looking to do with the property. He was shown a site plan of how the owners are proposing to divide the land. There was no further discussion pertaining to the applications.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO POSTPONE THE OPENING OF THE PUBLIC HEARING TO FEBRUARY 25, 2019 FOR Z201827 – Fly Boys Ink, LLC owner/applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements associated with a two lot subdivision for the construction of a single family home at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone.

3. S201804 – Fly Boys Ink, LLC owner/applicant, request for a two lot subdivision (one existing, one new) at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone. (*Request is present to postpone opening of hearing*)

TIME: 7:12 PM

SEATED: Vice Chairman Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO POSTPONE THE OPENING OF THE PUBLIC HEARING TO FEBRUARY 25, 2019 FOR S201804 – Fly Boys Ink, LLC owner/applicant, request for a two lot subdivision (one existing, one new) at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone.

Items #4 and #5 were considered together.

4. Z201825 – Kimberly Sullivan, owner/applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements associated with a re-subdivision for the construction of a single family home at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

TIME: 7:16 PM

SEATED: Vice Chairman Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

PLANS REVIEWED: Title Sheet Sullivan Resubdivision 78 Hoffman Road, Ellington, CT prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Location Map Scale: 1"=1,000'; Sheet C-T1, Sheet No. 1 of 7; Date: 12/6/2018, Revised date 1/22/2019.

Property & Topographic Survey prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Scale: 1"=50'; Sheet V-1; Date: 10/09/18.

Resubdivision Plan prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Scale: 1"=40'; Sheet V-1; Date: 12/05/18.

Site Plan Sullivan Resubdivision 78 Hoffman Road, Map 505, Lot 405, Ellington, CT prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Location Map Scale: 1"=40'; Sheet C-SP1, Sheet No. 4 of 7; Date: 12/6/2018, Revised date 1/22/2019.

Proposed Lot Septic Plan & Details Sullivan Resubdivision 78 Hoffman Road, Ellington, CT Septic Plan Review prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Location Map Scale: 1"=40'; Sheet C-UT1, Sheet No. 5 of 7; Date: 10/26/18, Revised date 1/14/19.

Proposed Lot Septic Plan & Details Sullivan Resubdivision 78 Hoffman Road, Ellington, CT prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Location Map Scale: 1"=40'; Sheet C-UT1, Sheet No. 6 of 7; Date: 10/26/18, Revised date 1/14/19.

Details Sullivan Resubdivision 78 Hoffman Road, Map 505, Lot 405, Ellington, CT prepared for Joseph Armstrong, 78 Hoffman Road, Ellington, CT 06029; Design Professionals, 21 Jeffrey Drive, South Windsor, CT 06074; Location Map Scale: 1"=40'; Sheet C-ES1, Sheet No. 7 of 7; Date: 12/6/2018, Revised date 1/22/2019.

Ms. Suzanne Choate and Mr. John Mills, Design Professionals, 21 Jeffrey Drive, South Windsor, CT and Mr. Joseph Armstrong, 78 Hoffman Road, Ellington, CT were present to represent the application.

Ms. Choate explained the parcel is currently 9.81 acres and the owner is looking to create another buildable lot. The existing lot will be 5.16 acres and the proposed new lot would be 3.63 acres. She stated the applicant attended the Conservation Commission meeting on January 8, 2019. The Conservation Commission recommended that open space requirements be met through dedication of land as opposed to a fee-in-lieu-of land. Ms. Choate said North Central District Health Department has granted conceptual approval for the septic system on the additional lot and the applicant will be required to have public water. Design Professional is working with the Town Engineer to address comments and concerns.

Vice Chairman Hogan asked if the applicant will add more plantings along the back of the home at 84 Hoffman to create a larger buffer between the parcels. He was also concerned with the drainage running across the proposed driveway. Ms. Choate stated that Mr. Mills is working with the Town Engineer to resolve the issue. A concurrent application is pending before the Inland Wetlands Agency and they anticipate obtaining approval in February.

MOVED (FRANCIS) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 25, 2019 FOR Z201825 – Kimberly Sullivan, owner/applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements associated with a re-subdivision for the construction of a single family home at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

5. S201805 – Kimberly Sullivan, owner/applicant, request for re-subdivision for 1 additional lot at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

TIME: 7:16 PM

SEATED: Vice Chairman Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

MOVED (FRANCIS) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 25, 2019 FOR S201805 – Kimberly Sullivan, owner/applicant, request for re-subdivision for 1 additional lot at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

6. Z201826 – Al-Noor Islamic Center, owner / Fayazuddin Mohammed, applicant, request for a Special Permit for a restaurant at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

TIME: 7:25 PM

SEATED: Vice Chairman Hogan, Regular Members Sean Kelly and F. Michael Francis, and Alternates Jon Moser and Keith Durao

Mr. Fayazuddin Mohammed, 27 Windermere Village Road, Ellington, CT was present to represent the application. Mr. Mohammed stated he is looking to open an Indian food restaurant. Ms. Galovich read the Town Planner's report dated January 28, 2019.

Vice Chairman Hogan said he visited the site and looked at the stripping of the parking lot and the current freestanding sign. He stated that the re-stripping and the freestanding sign improvements should be the owner's burden, not the tenant's responsibility. Alternate Moser agreed with Vice Chairman Hogan about having the owner complete the improvements. Commissioner Kelly confirmed with the applicant about the restaurant having seating for 36 people. Mr. Mohammed confirmed the seating and stated he will offer catering, as well. No one from the public spoke on behalf of the application.

MOVED (KELLY) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201826 – Al-Noor Islamic Center, owner / Fayazuddin Mohammed, applicant, request for a Special Permit for a restaurant located at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201826 – Al-Noor Islamic Center, owner / Fayazuddin Mohammed, applicant, request for a Special Permit for a restaurant located at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

Conditions of approval:

1. Water Pollution Control Authority approval required prior to final zoning sign-off.
2. North Central District Health Department approval required prior to final zoning sign-off.

IV. OLD BUSINESS:

1. Review and discuss draft Route 83 Interior Circulation Plan.
The commission discussed and requested the Town Planner proceed with drafting language for a new zoning amendment to accompany the draft Route 83 Interior Circulation plan.

V. NEW BUSINESS:

1. Z201901 – Andrew, Gregory & Philip Gale, owner / Holden Brothers, LLC, applicant, request for Special Permit and Site Plan Approval for Earth Excavation and Soil Erosion and Sediment Control Certification for approximately twelve (12) acres at 90 Green Road, APN 118-001-0000, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON FEBRUARY 25, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201901 – Andrew, Gregory & Philip Gale, owner / Holden Brothers, LLC, applicant, request for Special Permit and Site Plan Approval for Earth Excavation and Soil Erosion and Sediment Control Certification for approximately twelve (12) acres at 90 Green Road, APN 118-001-0000, in a RAR (Rural Agricultural/Residential) Zone.

2. S201503-2019 – RSK-Kellco, Inc. & Richard Kelley, owner / RSK-Kellco, Inc., applicant, request to modify plan and seek final approval of Wheeler Farms, formerly 8 Leila Lane, extension of Cranberry Lane and Overhill Road, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED AND SET AS A NEW BUSINESS ITEM FOR THE NEXT REGULAR MEETING ON FEBRUARY 25, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S201503-2019 – RSK-Kellco, Inc. & Richard Kelley, owner / RSK-Kellco, Inc., applicant, request to modify plan and seek final approval of Wheeler Farms, formerly 8 Leila Lane, extension of Cranberry Lane and Overhill Road, in a RAR (Rural Agricultural Residential) Zone.

3. Z201902 – Ben Wagenbach, owner/applicant, pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations request for Special Permit for a detached garage for more than 3 cars and pursuant to Section 7.7 request for a Special Permit for a Home Occupation at 195 Jobs Hill Road, APN 120-007-0000, in a RAR (Rural/Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON FEBRUARY 25, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201902 – Ben Wagenbach, owner/applicant, pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations request for Special Permit for a detached garage for more than 3 cars and pursuant to Section 7.7 request for a Special Permit for a Home Occupation at 195 Jobs Hill Road, APN 120-007-0000, in a RAR (Rural/Agricultural Residential) Zone.

V. ADMINISTRATIVE BUSINESS:

1. Approval of the December 17, 2018 Regular Meeting Minutes

MOVED (KELLY) SECONDED (MOSER) AND PASSED (HOGAN ABSTAINED) TO APPROVE DECEMBER 17, 2018 REGULAR MEETING MINUTES.

2. Status of comprehensive review and updates to 2008 Plan of Conservation and Development.

Vice Chairman Hogan said the Update Committee received a 101 page manuscript to review over January and the Committee will discuss the documentation at their February 7, 2019 meeting.

3. Election of Officers.

BY CONSENSUS, ELECTION OF OFFICERS WAS POSTPONED TO THE NEXT REGULAR MEETING ON FEBRUARY 25, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

4. Report from Commission Representative regarding the CRCOG Regional Planning Commission Meeting on January 17, 2019.

Alternates Moser and Durao had nothing to report at this time.

5. Appointment of PZC Representative/Alternate to serve on the CRCOG Regional Planning Commission for 2019.

BY CONSENSUS, APPOINTMENT OF PZC REPRESENTATIVE/ALTERNATE TO SERVE ON THE CRCOG REGIONAL PLANNING COMMISSION FOR 2019 POSTPONED TO THE NEXT REGULAR MEETING ON FEBRUARY 25, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

BY CONSENSUS, THE COMMISSION ADDED ITEM #6 TO ADMINISTRATIVE BUSINESS.

6. Northern CT Land Trust seeking support for grant request to DEEP to acquire three contiguous parcels totaling approximately 114 acres known as the Wraight property project.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ENDORSE THE LETTER OF SUPPORT FOR THE NORTHERN CONNECTICUT LAND TRUST SEEKING GRANT FUNDING FOR PRESERVATION OF THREE CONTIGUOUS PARCELS TOTALING APPROXIMATELY 114 ACRES OWNED BY JOHN AND GLORIA WRAIGHT, APN 164-001-0000, 165-002-0000, AND 165-001-0000.

7. Correspondence/Discussion:

- a. Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions Seminar Announcement - March 23, 2019.
- b. Oakridge Times December 22, 2018 and January 18, 2019.
- c. Eversource Energy notification of routine vegetation maintenance within electrical right of ways in the Town of Ellington.

NO MOTIONS OR DECISIONS

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 7:52 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk