



TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, APRIL 22, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Chairman Arlo Hoffman, Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth and Sean Kelly, and Alternate Jon Moser

MEMBERS ABSENT: Regular Member F. Michael Francis and Alternate Keith Durao

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

I. CALL TO ORDER:

Chairman Arlo Hoffman called the April 22, 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): None

III. PUBLIC HEARING(S):

1. Z201904 – Michael Wasielak, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 57 Crystal Lake Road, APN 110-006-0004, in a RAR (Rural Agricultural/Residential) Zone.

TIME: 7:01 pm

SEATED: Chairman Hoffman, Vice Chairman Hogan, Secretary Strom, Regular Members Sandberg, Hirth and Kelly, and Alternate Moser

Mr. Michael Wasielak was present to represent the application. Mr. Wasielak stated the reason for the accessory apartment is that he was diagnosed with Parkinson's Disease around three years ago and is planning for the future should he need to have live in assistance.

Ms. Houlihan, Town Planner, said the property is located in a Rural Agricultural Residential (RAR) zone, which allows accessory apartments. The applicant is requesting a 981 s.f. area of the dwelling to be dedicated to the accessory apartment. Ms. Houlihan stated upon interdepartmental review, North Central District Health Department (NCDHD) finds that the proposal will not interfere with the existing septic and area for future expansion. NCDHD requires the applicant to submit an application, fee, and a pumpers report for review. She noted that accessory apartments require Special Permit approval subject to Sections 7.1 and 8.3. Based on the application materials and useable floor area of the primary dwelling unit, the application complies with Section 7 of the Zoning Regulations.

Commissioner Kelly inquired about the one bedroom. Mr. Wasielak said the accessory apartment will be dedicated to one person. No one from the public spoke on behalf of the application.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201904 – Michael Wasielak, owner/applicant, pursuant to

Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 57 Crystal Lake Road, APN 110-006-0004, in a RAR (Rural Agricultural/Residential) Zone.

MOVED (SANDBERG) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) Z201904 – Michael Wasielak, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 57 Crystal Lake Road, APN 110-006-0004, in a RAR (Rural Agricultural/Residential) Zone.

CONDITION(S):

1. Owner shall comply with requirements of North Central District Health Department.
2. Z201905 – Alan Friedman, owner/Don DiFiore, applicant, request for Special Permit for a specialty food store, restaurant with liquor license, and use of existing drive-thru window for pre-order pick-up and Site Plan Modifications for addition for freezer and cooler, outside dining and associated site improvements at 287 Somers Road, APN 083-022-0000, in a C (Commercial) Zone.

TIME: 7:05 PM

SEATED: Chairman Hoffman, Vice Chairman Hogan, Secretary Strom, Regular Members Sandberg, Hirth and Kelly, and Alternate Moser

Mr. Don DiFiore, 120 Crystal Lake Road, Ellington, CT and Mr. Frank Lepri, 291 Somers Road, Ellington, CT were present to represent the application.

Mr. DiFiore explained to the commission he would like to convert the old bank into a store similar to his Rocky Hill, CT establishment. He said it will not be a table service restaurant, rather a grab and go prepared foods store. If granted approval, they will be requesting a liquor license to sell wine, craft beer and beer growlers. He will be looking to have an indoor seating area of around twenty seats with tables.

Mr. DiFiore stated the proposed hours of operation will be 9 am to 8 pm seven days a week. He said the existing drive thru area will be for preorder foods pick up only. Customers will be able to call in or use a phone app to place the order. There will be no menu board on the property. Mr. Lepri said it will be a convenience for the customers to pick up orders without having to park and walk into the store.

Ms. Houlihan, Town Planner, stated the following comments were received upon other department's staff review. The Water Pollution Control Authority requires the operator to complete a Fats, Oils, & Grease (FOG) application and NCDHD sent a letter to the applicant on April 9, 2019, advising him of items needed to approve a food service establishment. She said the Design Review Board (DRB) considered design elements on April 11, 2019 and they found the existing screening of the dumpster sufficient, asked that attached signage be externally lit, and requested that the enclosure for the cooler/refrigerator blend with existing siding to be of neutral color. She mentioned based on a review of the indoor space and the proposed outdoor seating area that nineteen (19) parking spaces are required to be provided. The site currently has twenty-four (24) parking spaces and according to the assessor's records, the second story includes 918 square feet (sf) of gross area. Ms. Houlihan said the site has adequate parking for the proposed use of the parcel.

Mr. DiFiore showed the commission the proposed addition to the building for the walk in cooler/freezer with the roof top mechanical screening. He showed the location of the

proposed outdoor seating area. He mentioned potentially using the 2nd story for office and/or storage space, which also has an existing bathroom.

Mr. Jamie Boucher, owner of Cold Creek Tavern, asked Mr. DiFiore about lighting within the outdoor patio area. Mr. DiFiore said they will probably have decorative lighting, if any, since they will be closing by 8 pm.

Secretary Strom stressed her concern about the business having traffic on three major roads. Mr. DiFiore stated the busiest times of the day would be between 10-11 am and 5-6 pm. The holidays are a little busier. Commissioner Sandberg asked if any music would be played outside and Mr. DiFiore stated there would not be any music at the outdoor patio. Commissioner Kelly stated all signs should not be internally illuminated. Mr. DiFiore said the signs were also discussed at the DRB meeting and it was suggested to add gooseneck lighting for any sign that will be attached to the building. He showed the commission a picture of the existing Rocky Hill store's attached sign. The commission liked the signage as long as it was not internally illuminated. Alternate Moser stated he was glad they want to expand their business and locate in town.

Plans reviewed: As-built plan prepared for Tolland Bank, Ellington, CT; prepared by Design Gardner & Peterson Associates, 178 Hartford Turnpike, Tolland , Connecticut; Scale: As Shown; Date: 10/20/89; Sheet 1 of 1.

MOVED (HOGAN) SECONDED (STROM) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201905 – Alan Friedman, owner/Don DiFiore, applicant, request for Special Permit for a specialty food store, restaurant with liquor license, and use of existing drive-thru window for pre-order pick-up and Site Plan Modifications for addition for freezer and cooler, outside dining and associated site improvements at 287 Somers Road, APN 083-022-0000, in a C (Commercial) Zone.

MOVED (HOGAN) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201905 – Alan Friedman, owner/Don DiFiore, applicant, request for Special Permit for a specialty food store, restaurant with liquor license, and use of existing drive-thru window for pre-order pick-up and Site Plan Modifications for addition for freezer and cooler, outside dining and associated site improvements at 287 Somers Road, APN 083-022-0000, in a C (Commercial) Zone.

CONDITION(S):

1. Applicant shall comply with requirements of the Water Pollution Control Authority.
2. Applicant shall comply with requirements of North Central District Health Department.
3. Hours of operation 9:00 am to 8:00 pm 7 days a week.

IV. OLD BUSINESS:

1. Review and Discuss - Temporary Signs, Ellington Zoning Regulation Section 6.3.8, one year from amendment date approved March 26, 2018, effective April 15, 2018.

Vice Chairman Hogan said the temporary signs section of the Zoning Regulations was amended last year. He informed the audience of how the regulations were drafted and it was noted upon approval in 2018 that the Commission would revisit after a year. He stated John Colonese, Assistant Town Planner Enforcement Officer, has been doing a great job in working with local businesses and helping them comply with the new regulations. Vice Chairman Hogan explained the town's aesthetics as a whole has been cleaned up quite a bit since the regulations have been approved for the temporary signage.

Chairman Hoffman announced the commission is looking for feedback pertaining to the temporary sign regulations. The following business owners were present to discuss; Don Flint (Flint Development & Property Management, LLC), Jamie Boucher (Cold Creek Brewery), Ken Shores (Johnny Appleseed), Kevin Regan (Executive Landscape and Hometown Pizza), Pankaj Desai (Neil's Wines & Liquors), Mike Swanson (All Sources of New England, LLC), Blaine Kinney and Anna Pinette (Back Roads Smokin' Barbecue), Peter Welti (Kloter Farms), Sam Schneider and Dave Schneider (Earth Light Technology) and Tracey Kliff-Judson (Chairman, Board of Education).

There was a round table discussion on how the regulations affected business owners over the past year. Some owners feel the limited number of temporary signs and limited number of days is insufficient. They talked about being able to freely put out an open flag. During the discussion, many of the owners stated the temporary signs do help their businesses especially the individuals that own seasonal establishments.

Alternate Moser clarified with the business owners that they would like to see changes to the amount of days allowed to have the temporary signs out, to be allowed off-site locations in some instances, and allow "Open" flags as of right. Commissioner Hirth said he is also a small business owner in town and he utilizes co-op advertising through the newspapers and it is expensive. He does have concerns about over regulating signage in town. Commissioner Sandberg expressed concerns pertaining to the time limitation and business owners should be able to have at least two signs anywhere with no time limits. Commissioner Kelly stated he was part of the group that met to create the new regulations and is in favor of looking at the section again. Secretary Strom said they had received many complaints prior to the regulation changes and would not want to go back to the way it was.

The commission was in agreement to revisit this section of the Zoning Regulations.

V. NEW BUSINESS:

1. S201901 – JSJ Properties, LLC owner/applicant, request for a two lot subdivision located at 180 Mountain Street, APN 048-001-0001, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MAY 20, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S201901 – JSJ Properties, LLC owner/applicant, request for a two lot subdivision located at 180 Mountain Street, APN 048-001-0001, in a RAR (Rural Agricultural Residential) Zone.

2. Z201908 – Chauncey Real Estate, LLC, owner/applicant, request for a Special Permit for contractor's equipment storage (Waste Water Services, LLC) and site plan modifications including a building addition, additional parking, and associated site improvements located at 11 Courtney Drive, APN 018-015-0000, 21 Courtney Drive, APN 018-015-0002, and 31 Courtney Drive, APN 018-015-0003 in an I (Industrial) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MAY 20, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201908 – Chauncey Real Estate, LLC, owner/applicant, request for a Special Permit for contractor's equipment storage (Waste Water Services, LLC) and site plan modifications including a building addition, additional parking, and associated site improvements located at 11 Courtney Drive, APN 018-015-0000, 21 Courtney Drive, APN 018-015-0002, and 31 Courtney Drive, APN 018-015-0003 in an I (Industrial) Zone.

3. Z201909 – Brian & Wendy Carty, owner/applicant, request for a Special Permit pursuant to Section 7.7 for a Home Occupation for an upholstery business at 103 Snipsic Lake Road, APN 056-079-0000, in a R (Residential) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MAY 20, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201909 – Brian & Wendy Carty, owner/applicant, request for a Special Permit pursuant to Section 7.7 for a Home Occupation for an upholstery business at 103 Snipsic Lake Road, APN 056-079-0000, in a R (Residential) Zone.

4. Z201910 – Al-Noor Islamic Center, owner/ Fayazuddin Mohammed, applicant, request for modification of Special Permit to allow outdoor dining/patio at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

BY CONSENSUS ADDED TO AGENDA, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MAY 20, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201910 – Al-Noor Islamic Center, owner/ Fayazuddin Mohammed, applicant, request for modification of Special Permit to allow outdoor dining/patio at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the March 25, 2019 Regular Meeting Minutes

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE MARCH 25, 2019 REGULAR MEETING MINUTES WITH A CORRECTION ON PAGE 8 OF 9 CHANGE STORM TO STROM.

2. Copy of Press Release - Public Workshop for Presentation of Draft Updates to the Ellington Plan of Conservation and Development, Monday, April 29, 2019, Ellington High School Cafeteria, 37 Maple Street, Ellington, CT, at 7:00 pm.

VII. ADJOURNMENT:

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:26 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk