



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES MONDAY, APRIL 27, 2020, 7:00 PM ZOOM MEETING

MEMBERS PRESENT: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN BILL HOGAN, REGULAR MEMBERS SEAN KELLY, ROBERT SANDBERG, JR., RICCI HIRTH, F. MICHAEL FRANCIS AND MICHAEL SWANSON, AND ALTERNATES JON MOSER AND KEITH DURAO

MEMBERS ABSENT: None

STAFF PRESENT: LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK

I. CALL TO ORDER: Chairman Hoffman called the meeting to order at 7:05 PM.

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

III. PUBLIC HEARING(S): (Notice requirements met, hearings may commence)

1. Z201928 - Getty Leasing, Inc. owner/ Triumph Signs & Consulting, Inc., applicant, request for a Special Permit for the installation of a detached sign with digital LED pricer at 1 Main Street, APN 064-025-0000, in a PC (Planned Commercial) Zone. (Hearing continued from February 24, 2020)

TIME: 7:06 PM

SEATED: Hoffman, Hogan, Kelly, Sandberg, Hirth, Francis and Swanson

Elizabeth Thieme, Triumph Signs & Consulting, Inc., 480 Milford Parkway, Milford, OH and Ed Garronbone, GPM Investments, LLC, 8565 Magellan Parkway, Suite 400, Richmond, VA 23227, was present to represent the application via Zoom.

Lisa Houlihan, Town Planner, stated the regulation allowing detached signs with changeable electronic fuel pricing became effective March 15, 2020, and allows the commission to consider this application. In addition to Section 6.3.7.b (new regulation), applications for special permit are subject to locational considerations detailed in Section 8.3.2 Standards for Granting a Special Permit. Ms. Houlihan explained the applicant is seeking permission to replace the existing detached gas price sign and other rebranding elements. 1 Main Street is located at the corner of West Road and Main Street, and abuts commercial and residential developments. Within the application materials there are several pictures depicting other Valero locations that have been fitted with the latest rebranding scheme (e.g. Pages 1-4 and page 15). These photos depict different canopy under mount lights and overall site lighting levels. Additionally, there are three spot lights present onsite: two are affixed atop the existing (unpermitted) detached gas price sign and one attached to the eastside of the building. Design guidelines discourage spotlights and regulations require exterior lights be down lit and illumination confined to the property it serves. Given the presence of residential development adjacent to the subject property, the commission should evaluate the extent of lighting for signage and other rebranding elements and limit them where deemed appropriate.

The commission disfavored the proposed light bar (a/k/a eyebrow) for the new canopy when discussed last month. The text “Valero” and “V” logo are currently lit on the canopy and will be lit on the new one. Ms. Houlihan noted the application narrative explains the detached gas price sign will remain constant and not flash, and only change once a day. She explained the Design Review Board did not meet pertaining to this application, but the Chairman suggested the curbing be repaired and the building painted. Providing these standards are acceptable and in order to clearly define approvals, these standards should be set as conditions.

Ms. Thieme requested the blue “eyebrow” on the gas pump canopy be allowed to be lit. Upon discussion among the commissioners and applicants, it was decided the blue “eyebrow” could be installed since it’s part of Valero’s branding, but it shall not be lit. Ms. Houlihan explained that no other gas station in town has the canopy illuminated. Ms. Thieme stated the existing detached sign has spot lights attached to it to light up the parking lot for safety reasons. Vice Chairman Hogan requested the detached sign be constructed without the spotlights. The commission agreed that if after the project is complete it’s found that additional lighting is needed for security purposes, the applicant can work with staff to approve lighting if it’s Dark Sky compliant.

The applicant confirmed lights will be shut off upon closing of the gas station and the spot lights currently on detached sign will be removed. Mr. Garronbone said the curbing is usually fixed in the spring every year after the snow plows have ruined it and agreed to have fresh paint applied to the building.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201928 - Getty Leasing, Inc. owner/ Triumph Signs & Consulting, Inc., applicant, request for a Special Permit for the installation of a detached sign with digital LED pricer at 1 Main Street, APN 064-025-0000, in a PC (Planned Commercial) Zone.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201928 - Getty Leasing, Inc. owner/ Triumph Signs & Consulting, Inc., applicant, request for a Special Permit for the installation of a detached sign with digital LED pricer at 1 Main Street, APN 064-025-0000, in a PC (Planned Commercial) Zone.

CONDITIONS:

1. All exterior lights to be down lit and illumination confined to the property.
 2. Digital detached gas price sign to remain constant and not flash and pricing change only once a day.
 3. New canopy may have a blue accent marking next to the word “Valero” and “V”, but shall not be lit.
 4. No spotlights shall be installed on the new detached sign.
 5. Curbing to be rehabilitated and building to be repainted.
2. Z202003 – Irving Friedman, owner/applicant, request for a Zone Change for 12 Broad Brook Road, APN 087-008-0000, MF (Multi-Family) Zone to RAR (Rural Agricultural Residential) Zone.

PLANS REVIEWED:

Boundary Map Broad Brook Road/Abbott Road Prepared for Irving Friedman Ellington, Conn.; Megson & Heagle, Civil Engineers & Land Surveyors, LLC, 81 Rankin Road, Glastonbury, Conn. 06033, Phone (860)-659-0587; Scale: 1”=40’; Date: 1-17-06, Revised Date: 4-3-06.

TIME: 7:42 PM

SEATED: Hoffman, Hogan, Kelly, Sandberg, Hirth, Francis and Swanson

Mr. Irving Friedman, 113 Maple Street, Ellington, CT was present to represent the application via Zoom. Mr. Friedman said his father obtained the property from a family member in the spring of 1982. The 8.78 acre parcel was changed to multifamily zone. He said there is no accessibility to town sewers or water hookup in the area and would be costly to install all the infrastructures required to meet the multifamily requirements.

Ms. Houlihan stated the zoning standards in Ellington originated in 1952, and when initially established provisions for multi-family (MF) developments did not exist. The original zone classification map designated 12 Broad Brook Road as residential. She noted in 1968, multifamily regulations were adopted; and, like today's regulations, multifamily developments are subject to special permit and site development approvals. The original zoning map was also amended in 1968 and re-designated 12 Broad Brook Road as multifamily. However, in reviewing official town records, there's no special permit or site development approval for the property.

Ms. Houlihan said today's standards for multifamily developments have specific requirements, including access to public sewer and accessibility via a collector or arterial street. 12 Broad Brook Road is not within a sewer service area and is located on a rural town road. The Plan of Conservation and Development recommends this parcel to be rezoned to single family residential zoning.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202003 – Irving Friedman, owner/applicant, request for a Zone Change for 12 Broad Brook Road, APN 087-008-0000, MF (Multi-Family) Zone to RAR (Rural Agricultural Residential) Zone.

WHEREAS THE LOCATION OF THE PROPERTY DOES NOT MEET LOCATIONAL REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS AND RECOMMENDATIONS FROM THE PLAN OF CONSERVATION AND DEVELOPMENT SUPPORT REZONING THE PARCEL TO RESIDENTIAL I MOVE (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE Z202003 – Irving Friedman, owner/applicant, request for a Zone Change for 12 Broad Brook Road, APN 087-008-0000, from MF (Multi-Family) Zone to RAR (Rural Agricultural Residential) Zone. **EFFECTIVE DATE: MAY 1, 2020**

3. S202002 – Chilson Realty Company, owner/applicant, request for a re-subdivision of four parcels, Windermere Avenue and West Road, APN's 019-005-0000, 019-005-0003, 019-005-0004 and 019-005-0005, Commercial (C) Zone and IP (Industrial Park) Zone.

PLANS REVIEWED:

Subdivision Plan; Limited Property Survey Land of Chilson Realty Ellington, Connecticut; Schindler Surveys, Land Boundary Consultants, Ellington, Connecticut; Scale: 1"=100'; Exhibit A; Date: 8/19/99, Revised Date: 8/23/99.

Subdivision Plan, Limited Property Survey Land of Chilson Realty Ellington, Connecticut; Schindler Surveys, Land Boundary Consultants, Ellington, Connecticut; Scale: 1"=100'; Exhibit B; Date: 8/19/99, Revised Date: 9/6/01.

Sketch of Chilson Realty by Landmark Surveys, LLC, Limited Property Survey Land of Chilson Realty; Scale: N.T.S.; Exhibit C; Date: 3/2/2020.

Revision to Subdivision Map; Limited Property Survey Land of Chilson Realty Ellington, Connecticut; Landmark Surveys, LLC, 62 Lower Butcher Rd, Ellington, Connecticut 860-875-8204; Scale: 1"=100'; Exhibit D; Date: 4/27/2020.

TIME: 7:52 PM

SEATED: Hoffman, Hogan, Kelly, Sandberg, Hirth, Francis and Durao

Michael Swanson recused himself from this application and Chairman Hoffman seated Alternate Keith Durao.

Rachel Dearborn, Landmark Surveys, LLC, 62 Lower Butcher Road, Ellington, CT was present to represent the application via Zoom. Ms. Dearborn stated Chilson Realty is the owner of the parcel. The original subdivision was approved in 1999 and a map was filed on the land records indicating three parcels to be created. One parcel (019-005-0000) is 25+/- acres, second parcel is 10 acres, third parcel is 22+/- acres and the fourth parcel of 9.23+/- acres is the proposed linear river park to be conveyed to the Town of Ellington. Ms. Dearborn explained the original survey was completed in the early 1980's and since then the lot lines have been adjusted and she showed the commission Exhibit D.

Mr. Houlihan explained the plan proposes an unrestricted right to drain on the land to be retained by Chilson, north of the Hockanum River. She noted if the commission is comfortable with granting the request, the following note should be added to the plan and set as a condition of approval "any change to existing drainage patterns has to be reviewed by the Ellington Inland Wetlands Agency, Ellington Town Engineer, and any other Board or Staff member as may be required". She referred to Subdivision Regulation Section 4.01, and suggested it be cited as a condition of approval requiring formal property markers to be installed and certified by a Connecticut Registered Surveyor. Ms. Houlihan said the right to drain condition was reviewed with the Town Attorney.

MOVED (KELLY) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S202002 – Chilson Realty Company, owner/applicant, request for a re-subdivision of four parcels, Windermere Avenue and West Road, APN's 019-005-0000, 019-005-0003, 019-005-0004 and 019-005-0005, Commercial (C) Zone and IP (Industrial Park) Zone.

MOVED (KELLY) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS S202002 – Chilson Realty Company, owner/applicant, request for a re-subdivision of four parcels, Windermere Avenue and West Road, APN's 019-005-0000, 019-005-0003, 019-005-0004 and 019-005-0005, Commercial (C) Zone and IP (Industrial Park) Zone.

CONDITIONS:

1. A note shall be added to the plan for the Right to Drain stating "Any change to existing drainage patterns has to be reviewed by the Ellington Inland Wetlands Agency, Ellington Town Engineer and any other Board or Staff Member as may be required."
2. In accordance with Subdivision Regulation Section 4.01, formal property markers shall be installed and require certification from a Connecticut Registered Land Surveyor.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. S202003 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a re-subdivision for seventeen (17) lots for 61.56 acres on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural/Residential) Zone, and request to waive Section 4.06(iii) to allow permanent cul-de-sac of 1,350', Section 4.07 to allow 24' street width, and Appendix C 3.13(a) to allow HDPE pipe.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MAY 18, 2020, 7:00 PM, ZOOM MEETING FOR S202003 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a re-subdivision for seventeen (17) lots for 61.56 acres on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural/Residential) Zone, and request to waive Section 4.06(iii) to allow permanent cul-de-sac of 1,350', Section 4.07 to allow 24' street width, and Appendix C 3.13(a) to allow HDPE pipe.

2. Z202005 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements for two rear lots to construct single family homes associated with a seventeen (17) lot resubdivision of 61.56 acres on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MAY 18, 2020, 7:00 PM, ZOOM MEETING FOR Z202005 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements for two rear lots to construct single family homes associated with a seventeen (17) lot resubdivision of 61.56 acres on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural/Residential) Zone.

3. Z202004 - Big Y Foods, Inc., owner/Graphic Impact Signs, Inc., applicant, request for a Special Permit for the installation of a detached digital LED gas price sign at 140 West Road, APN 046-001-0000, in a PC (Planned Commercial) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MAY 18, 2020, 7:00 PM, ZOOM MEETING FOR Z202004 - Big Y Foods, Inc., owner/Graphic Impact Signs, Inc., applicant, request for a Special Permit for the installation of a detached digital LED gas price sign at 140 West Road, APN 046-001-0000, in a PC (Planned Commercial) Zone.

4. Z202006 - Nutmeg Industrial Park, LLC owner/applicant, request for a Special Permit for light industrial uses and Site Plan Modification to previously approved plan for Building “C”, parking, outdoor storage and associated site improvements at 10 Nutmeg Drive, APN 017-022-0005, in an I (Industrial) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MAY 18, 2020, 7:00 PM, ZOOM MEETING FOR Z202006 - Nutmeg Industrial Park, LLC owner/applicant, request for a Special Permit for light industrial uses and Site Plan Modification to previously approved plan for Building “C”, parking, outdoor storage and associated site improvements at 10 Nutmeg Drive, APN 017-022-0005, in an I (Industrial) Zone.

5. Z202007 – Gale Construction Inc., owner, Gregory J. Gale, applicant, request for a Special Permit for the earth excavation, screening, crushing and reopening of phases 1,2,3, and 4 at 90 Sadds Mill Road, APN 079-002-0000 in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MAY 18, 2020, 7:00 PM, ZOOM MEETING FOR Z202007 – Gale Construction Inc., owner, Gregory J. Gale, applicant, request for a Special Permit for the earth excavation, screening, crushing and reopening of phases 1,2,3, and 4 at 90 Sadds Mill Road, APN 079-002-0000 in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of February 24, 2020 Regular Meeting Minutes

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED (ABSTAINED: HOGAN AND SANDBERG) TO APPROVE JANUARY 27, 2020 REGULAR MEETING MINUTES AS WRITTEN.

2. Election of Officers - Commissioners agreed to postpone election until a meeting can be conducted in the Annex Building.
3. Correspondence: **None**

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:09 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk