



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187

www.ellington-ct.gov

TEL. (860) 870-3120

TOWN PLANNER'S OFFICE

FX (860) 870-3122

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MAY 20, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Chairman Arlo Hoffman, Regular Members F. Michael Francis and Robert Sandberg, Jr., and Alternates Jon Moser and Keith Durao (arrived 7:09 PM)

MEMBERS ABSENT: Vice Chairman Bill Hogan, Secretary Carol Strom, and Regular Members Sean Kelly and Ricci Hirth

STAFF PRESENT: Lisa Houlihan, Town Planner and Samantha Getchell, Recording Clerk

I. CALL TO ORDER: Chairman Arlo Hoffman called the meeting to order at 7:00 PM.

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

BY CONSENSUS REVISE AGENDA ITEM #1 OF NEW BUSINESS TO INCLUDE CONSIDERATION OF A BOND REDUCTION FOR S201503 & S201503-2019 for one ninety (90) day extension for filing of mylars for RSK-Kellco, Inc. & Richard Kelley, owner/RSK-Kellco, Inc., applicant, Wheeler Farms Subdivision, extension of Cranberry Lane and Overhill Road, in a RAR (Rural Agricultural Residential) Zone. (Current deadline 6/05/2019; extension deadline 9/03/2019).

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

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.**

TIME: 7:01 PM

SEATED: Hoffman, Francis, Sandberg and Moser

Plans reviewed: Proposed Subdivision Property Survey Prepared for Aberle Farm East, 180 Mountain Street, Ellington, Connecticut, Prepared by Landmark Surveys, LLC, 62 Lower Butcher Road, Ellington, Connecticut, 860-875-8204, Scale: 1"=30', Date: 3/14/19, Revised date 5/2/19; E&S Detail Sheet, Scale: N/A, Date: 3/14/19, Revised 5/2/19.

Rachel Dearborn from Landmark Surveys, 62 Lower Butcher Road, Ellington, CT, was present to speak on behalf of the owner of the property. The owner is proposing a parcel of land to be split into 2 residential lots, one is a 1.25 acre parcel and the other is a 2.35 acre parcel. She explained the location of the subdivision and the location of wetlands, sanitary sewer, well, and stormwater renovation areas for each lot. The proposal includes a fee-in-lieu-of open space and it has been endorsed by the Conservation Commission. Ms. Dearborn confirmed there was a third lot not included in the subdivision that was created by first-cut.

Ms. Houlihan reported there is a request for waiver of sidewalks, but there is no need for the Commission to act on it since it's not a requirement for subdivisions on existing town roads.

She reviewed the wetland conditions of approval and Town Engineer's comments dated May 9, 2019.

Sanitary sewer allocation was discussed. Ms. Dearborn stated that 4 bedrooms of flow was transferred from 180 Mountain to the land on the east side of the street when Aberle Farms subdivision was approved.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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.

MODIFICATIONS/CONDITION(S):

1. Shall meet requirements of the Water Pollution Control Authority;
 2. Shall meet requirements of the Town Engineer, Inland Wetlands Agency, and North Central District Health Department;
 3. Approval is subject to a fee-in-lieu-of open space pursuant to Section 4.18 of the Ellington Subdivision Regulations;
 4. Approval shall be obtained from Public Works for driveway aprons prior to issuance of Zoning Permit;
 5. All deeds, easements, and other legal documents needed to effectuate the plan are subject to review and approval by the Town Attorney;
 6. Pursuant to ordinance, the applicant shall pay cost of services for engineering and legal review of pre and post approval requirements.
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 approval and 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.**

TIME: 7:10 PM

SEATED: Hoffman, Francis, Sandberg, Durao and Moser

Plans reviewed: Updated Site Plan, Prepared for Waste Water Services, LLC, 21 Courtney Drive, Ellington, Landmark Surveys, LLC, 62 Lower Butcher Road, Ellington, Connecticut, 860-875-8204, Scale: 1"=20', Sheet No. 1, Date: 3/19/19; Detail Sheet, Scale: N/A, Sheet No. 2, Date: 3/19/19.

Ms. Dearborn was present on behalf of the owner, and reviewed the proposed addition on the back of the existing building and 29 additional parking spaces. Ms. Dearborn reported there is a detention pond that will be changed into 2 detention ponds to proposed changes. Wetland approval has been revised since the original application. Ms. Dearborn confirmed they have met with the Design Review Board (DRB) and will include landscaping at the entrance of the new parking area.

Ms. Dearborn reported # 10, 14, 16, 19 and 21 email comments from the Town Engineer dated May 9, 2019 were responded to and have been sent to the owner's engineer. The commission reviewed the comments from the Inland Wetland Agency and came to a consensus that the applicant has suitable decisions in place to address each comment from wetlands. Ms. Dearborn confirmed the goal is to remove all easement areas on the plans. The commission confirmed they are satisfied with the proposed application after going over the revised plans and comments from the Town Engineer.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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 approval and 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.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201908 – Chauncey Real Estate, LLC, owner/applicant, request for a Special Permit for contractor's equipment storage (Waste Water Services, LLC) and site plan approval and 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.

CONDITION(S):

1. Application shall meet requirements of the Town Engineer and Inland Wetlands Agency;
 2. Pursuant to ordinance, the applicant shall pay for engineering and legal review of pre and post approval requirements.
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.**

TIME: 7:26 PM

SEATED: Hoffman, Francis, Sandberg, Durao and Moser

Brian and Wendy Carty were present to represent the application. They would like to take down an existing shed and replace it with a two car garage to operate their business out of.

Comments are present from the Fire Marshal, stating that the building may be subject to compliance with State Fire Safety Code. The owners accepted the terms applied by the Fire Marshal.

Hours of operation are proposed as Monday through Friday from 8am to 5pm with deliveries expected 3 times a week. The owners confirmed the hours of operation would be fine for them to continue their business. They have talked to their neighbors about the business and there was no objections to it.

The commission had a roundtable about potential future growth of the operation and measures to protect the neighbors from the business outgrowing the residential area. Ms. Houlihan reported the owners are bound by the limitations of operation they are proposing. If activities were to increase the owners would have to seek further approval from the commission. If inclined to grant

approval, the commission should define the hours of operation and disallow the storage of materials outside.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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.

MOVED (SANDBERG) SECONDED (FRANCIS) PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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.

CONDITION(S):

1. Shall comply with the Fire Marshal's requirements;
 2. Hours of operation shall be limited to Monday through Friday from 8am to 5 pm;
 3. All materials associated with the home occupation shall be stored inside.
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.**

TIME: 7:40 PM

SEATED: Hoffman, Francis, Sandberg, Durao and Moser

In January of 2019, the applicant received special permit and site plan modification approval to convert an existing vacant space to a restaurant. The applicant is now seeking approval to allow outside dining.

The Fire Marshal notes that outdoor seating may require illumination to comply with Fire Code.

The Design Review Board (DRB) reviewed the proposal and a copy of their meeting minutes have been distributed. DRB consents to the proposal and recommends that a protective barrier between the parking lot and the proposed outside seating area such as large planters with plantings be required.

Commissioner Sandberg requested that Ms. Houlihan review the planters prior to instillation.

MOVED (SANDBERG) SECONDED (MOSER) PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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.

MOVED (SANDBERG) SECONDED (MOSER) PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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.

CONDITION(S):

1. Shall comply with the Fire Marshal's requirements;

2. Fencing required prior to operation of outdoor dining;
3. Protective barrier consisting of large planters with plantings shall be installed between the parking lot and outdoor dining area and require the Town Planner's approval prior to installation.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. **S201503 & S201503–2019; Request for one ninety (90) day extension for filing of mylars and bond reduction for RSK-Kellco, Inc. & Richard Kelley, owner/RSK-Kellco, Inc., applicant, Wheeler Farms Subdivision, extension of Cranberry Lane and Overhill Road, in a RAR (Rural Agricultural Residential) Zone. (current deadline 6/05/2019; extension deadline 9/03/2019)**

Ms. Houlihan presented the request from Bruce Kelley, RSK Kellco. The extension would allow the subdivision to be filed by September 3rd. There is a memo from Town Engineer Steele giving credit for the work that has been completed and supporting a bond reduction.

MOVED (SANDBERG) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO GRANT ONE NINETY (90) DAY EXTENSION FOR FILING OF MYLARS AND APPROVE BOND REDUCTION TO \$137,368.00, IN ACCORDANCE WITH THE TOWN ENGINEER'S MEMO DATED MAY 20, 2019, for S201503 & S201503–2019; Request from RSK-Kellco, Inc. & Richard Kelley, owner/RSK-Kellco, Inc., applicant, Wheeler Farms Subdivision, extension of Cranberry Lane and Overhill Road, in a RAR (Rural Agricultural Residential) Zone.

2. **Memorandum from Town Planner, dated May 8, 2019, continuation of discussion regarding temporary signs and email from Board of Education, dated April 25, 2019, requesting interpretation of Section 6.3.8.C (9).**

Ms. Houlihan reported since last month's meeting the Board of Education submitted a request asking for clarification of Section 6.3.8C.(9). There are 2 time limits for political signs, one regarding the number of signs and the other concerning the number of days. The commission discussed exemptions for political signs and agreed that both time limits for an upcoming governmental election or referendum should be exempt.

Ms. Houlihan reviewed draft grammatical changes and changes for oversight of replacement signs. She reviewed the draft provisions for open flags and stated the language will be moved to the temporary sign section. She shared Vice Chairman Hogan's suggestion that open flags only be displayed during hours of operation. The commission decided this would be difficult to monitor and does not address needs of seasonal businesses to indicate what times of year they are open.

The draft includes a change to increase the number of days for temporary signs from 150 to 230 days. Vice Chairman Hogan spoke with Ms. Houlihan and felt the increase in the number of days was too excessive and proposed 180 days. Commissioner Sandberg felt temporary signs should be allowed year and suggested they revisit the regulation in two years to analyze complaints. The commission agreed with 230 days for offsite signs as a good compromise.

Ms. Houlihan reviewed the draft language contemplating offsite temporary signs. She confirmed that a property where a sign could be permitted should be commercial or industrial. The commission came to consensus to delete the registration process for offsite signs.

The draft proposal will be made a formal application and a hearing set for the next meeting.

BY CONSENSUS, SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JUNE 24, 2019, 7PM, TOWN HALL ANNEX, 57 MAIN ST, ELLINGTON, CT, FOR Z201912 DRAFT AMENDMENTS TO SECTION 6.3 SIGNS OF THE ELLINGTON ZONING REGULATIONS.

3. **BY CONSENSUS, ADDED TO AGENDA, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR JUNE 24, 2019, 7PM, TOWN HALL ANNEX, 57 MAIN ST, ELLINGTON, CT, FOR Z201911 Clifford and Suzanne Rice, owner / Pioneer Builders of Ellington, Inc., applicant, request for Special Permit for a detached garage (30X60) for more than 3 cars at 203 Abbott Road, APN 078-008-0000, in a RAR (Rural Agricultural Residential) Zone.**

VI. ADMINISTRATIVE BUSINESS:

1. **Approval of the April 22, 2019 Regular Meeting Minutes**

MOVED (FRANCIS) SECONDED (SANDBERG) AND PASSED (YEA: HOFFMAN, SANDBERG, DURAO AND MOSER; ABSTAINED: FRANCIS) TO APPROVE APRIL 22, 2019 MEETING MINUTES WITH CORRECTIONS ON PAGE 4 OF 5, SECOND PARAGRAPH, SEVENTH LINE, ADD DAVE SCHNEIDER AFTER PETER WELTI'S NAME AND CHANGE DAVE TO TIM ON THE SAME LINE.

2. **Correspondence:**

- a. **Letter from J4cob Roger Poulin Foundation, dated April 26, 2019, Chairman of Parks and Recreation Commission.**

Ms. Houlihan referred to the letter included in the commission's agenda packet. The J4cob Roger Poulin Foundation (Foundation) is looking for a town-owned property for the Foundation's park. To assist the commission, Ms. Houlihan reviewed land attributes and current or future uses planned for town-owned parcels. Given the needs of the Foundation, town-owned land greater than 5 acres was analyzed.

The Foundation will continue fundraising for repair and maintenance costs. Mr. Moser recommended a smaller design. Ms. Houlihan confirmed that public parks require Special Permit approval in residential zones. The consensus of the commission is for the Foundation to reevaluate the scale of the park if on town-owned land and discussed private land for a larger design.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO ADJOURN AT 8:35 PM.

Respectfully submitted,

Samantha Getchell, Recording Clerk