



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, AUGUST 26, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

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

MEMBERS ABSENT: SECRETARY CAROL STROM AND REGULAR MEMBER ROBERT SANDBERG, JR

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

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

1. S201902 – Curt & Jena Luginbuhl, owner/applicant, request for a 3 lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:01 PM

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

Eric Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT, and Curt Luginbuhl, 263 Mountain Road, Ellington, CT, were present to represent the application.

Mr. Peterson described the location of the proposed three lot subdivision. Lot #1 will be 1.60 acres and Lot #2 will be 10.02 acres with the driveways off of Hoffman Road. Lot #3 will be 3.54 acres with the driveway off of Cherrywood Drive. The current condition of the parcel is mostly wooded with some grassy areas. He stated the applicant has received a positive referral (CGS 8-26) from the Inland Wetlands Agency, since proposed development activity is outside of the 100' upland review area. He presented the proposed subdivision to the Conservation Commission, and they recommend a permanent easement over a portion of land along the western portion of property with rights for public access to meet open space requirements. Mr. Peterson noted the lots will be connected to public water and have septic systems. He stated that he has reviewed the Town Engineer's and Town Planner's comments and has agreed to meet their concerns as conditions of approval.

Vice Chairman Hogan said he has concerns pertaining to Lot# 3 and the proposed location of the home, explaining if the home is relocated to the rear of the lot it'll have a negative impact on the existing homes that front on Cherrywood. After a brief discussion, Mr. Luginbuhl agreed to maintain a 50' vegetated buffer behind 16 and 18 Cherrywood Drive explaining the area is currently wooded.

Mike Wylie, 12 Cherrywood Drive, stated his concerns about drainage and water runoff onto his property. He presented a photo of his back yard showing ponding water and said he has a pump on his property.

Paul Critchley, 8 Cherrywood Drive, said he is also concerned about water runoff onto his property due to the elevations of the land in the area. Mr. Peterson explained that he can grade the property so the water will flow in the southerly direction as not to effect abutting land.

Kelly Maloney, 4 Cherrywood Drive, inquired about the square footage of Lot# 1. Mr. Peterson said the lot is 69,524 s.f.

Ms. Houlihan, Town Planner, suggested any changes to the grading of Lot #3 be reviewed by the Town Engineer at site development stage.

PLANS REVIEWED: Cover Sheet Luginbuhl Subdivision, Parcel ID 121-003-0000, Scale: 1"=100', Sheet 1 of 4, Date: 6-18-2019, Revised 7-30-2019; Subdivision Map Luginbuhl Subdivision, Parcel ID 121-003-0000, Scale: 1"=40', Sheet 2 of 4, Date: 6-18-2019, Revised 7-30-2019; Grading & Site Development Plan Luginbuhl Subdivision, Parcel ID 121-003-0000, Scale: 1"=40', Sheet 3 of 4, Date: 6-18-2019, Revised 7-30-2019; and Detail Sheet Luginbuhl Subdivision, Parcel ID 121-003-0000, Scale: N.T.S., Sheet 4 of 4, Date: 6-18-2019, Revised 7-30-2019, prepared for Curt Luginbuhl, Hoffman Road, Ellington, Connecticut, prepared by Gardner & Peterson Associates, 178 Hartford Turnpike, Tolland, Connecticut.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S201902 – Curt & Jena Luginbuhl, owner/applicant, request for a 3 lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) Zone.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS - S201902 – Curt & Jena Luginbuhl, owner/applicant, request for a 3 lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) Zone.

CONDITION(S):

- Revised plans are subject to approval by the Town Engineer.
- Revised plans shall comply with the Town Planner's comments dated august 14, 2019.
- Driveway permits shall be obtained from public works prior to construction.
- Bio retention areas/rain gardens are integral to water quality and to attenuate impacts from impervious surfaces and shall be maintained and functional in perpetuity.
- Bio retention areas/rain gardens shall be reflected on individual site plans submitted for construction permits and as-built plans required prior to final zoning signoff.
- Plans shall be revised to include assessor parcel numbers and street numbers prior to recoding on the Ellington land records.
- Pins, and monuments if required, shall be installed for each lot prior to transfer from current owner, or in the case of a lot to be retained by the current owner prior to issuance of final certificate of zoning compliance.
- Note shall be added to plans meeting Section 4.19 - street trees prior to recording on the land records, and shall be reflected on individual site development plans submitted for permit to construct and final as-built plan.
- May be subject to bonding for erosion and sedimentation controls including areas to be graded and rain gardens.
- Written conceptual approval shall be provided from North Central District Health Department prior to filing of mylars on the Ellington land records.
- Payment of consultant review fee is required in accordance with town ordinance.

- Grading on Lot #3 shall be graded to ensure that all drainage be directed in southerly direction. Permit to construct home shall be subject to Town Engineer review and approval.
 - For Lot# 3, if proposed house is relocated to rear of 16 & 18 Cherrywood Drive, a 50' existing tree buffer shall be maintained.
2. Z201917 – Town of Ellington, owner/ Earthlight, applicant, request for modifications of Special Permit and Site Plan Approval for installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) Zone.

TIME: 7:34 PM

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

Tim Schneider, Earthlight Technologies, LLC, 92 West Road, Ellington, CT, was present to represent the application. Dr. Scott Nichol, Superintendent of Schools and Brian Greenleaf, Board of Education Director of Finance and Operations were also present.

Mr. Schneider stated that he and members of the Football Booster Club have met with the Board of Education and the Board of Selectmen over the past month and they are both in favor of the application. Ms. Houlihan stated the applicant presented to the Board of Education (BOE) on August 21, 2019, and the BOE passed the following motion:

“The Board of Education recommends the EHS Lighting project to move forward, with the recommendation to the Town and applicant that consideration is given for the IESNA standards for design and placement, and that the school administration, working with the EHS Football Booster Club, allocate funding required/or the provision of temporary lighting and proper safety and security for the 2019-2020 school year. Further that the administration investigate a long-term project for the 2020-2021 fiscal year, to provide a permanent installation of four poles with LED lighting.”

Ms. Houlihan noted the commission has a copy of a memo from Dr. Scott V. Nicol, Superintendent of Schools, dated August 23, 2019, and a memo from Brian Greenleaf, Director of Finance and Operations, dated August 19, 2019. She said should the commission grant approval for the proposed lighting, they should extend approval to include temporary lights and the future addition of 2 more permanent light poles, replacement of donated light fixtures with LED lighting, and other associated site improvements that develop from further review by the BOE, e.g. perimeter fencing, as mentioned in the referenced memos.

Dr. Nicol took the opportunity to thank Mr. Schneider and the Football Booster Club for all of their efforts pertaining to the project. Commissioner Hirth inquired about the LED lighting and if all the lights would be LED upon completion of the project. Mr. Schneider stated the lights will all be LED and the structural engineer should be submitting report and plans to the Building Department for review. Mr. Schneider stated they would like to start mid-September and concrete for the poles needs to settle for at least 25 days before proceeding with next steps of the project.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201917 – Town of Ellington, owner/ Earthlight, applicant, request for modifications of Special Permit and Site Plan Approval for installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) Zone.

DISCUSSION: The Commission endorses the action passed by the Board of Education on August 21, 2019, as memorialized in a memo from Dr. Scott V. Nicol, Superintendent of Schools, dated August 23, 2019, and further a memo from Brian Greenleaf, Director of Finance and Operations, dated August 19, 2019. Furthermore, extends approval to include suggested temporary lighting, the future addition of 2 more permanent light poles, replacement of donated light fixtures with LED lighting, and other associated site improvements or minor modifications to current contemplations that stem from further review by the BOE, e.g. perimeter fencing.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z201917 – Town of Ellington, owner/ Earthlight, applicant, request for modifications of Special Permit and Site Plan Approval for installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) Zone.

3. Z201916 – KAZ Trucking, LLC, owner/ White Eagle Diesel, applicant, request for Special Permit for motor vehicle repair and attached and detached signage at 42 Village Street, APN 017-015-0000, in an IP (Industrial Park) Zone.

TIME: 7:47 PM

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

Arthur Podbielski, 302 North Road, East Windsor, CT, was present to represent the application. Mr. Podbielski told the commission that he recently received approval from the Zoning Board of Appeals for the location of the proposed repairs operation at 42 Village Street. He explained that the building is 5,000 s.f. and he would like to utilize three of the five bays for repairs of his father's fleet and outside customers. He stated that KAZ Trucking is his father's business and White Eagle Diesel is under his name.

Ms. Houlihan stated Mr. Podbielski received previous PZC approval for the business and site improvements, and in addition to motor vehicle repairs for White Eagle Diesel he is seeking approval for the proposed attached and detached signage. Mr. Podbielski acknowledged he has reviewed the sign regulations and met with staff.

PLAN REVIEWED: Record Drawing Site Plan #30 & #42 Village Street, Prepared for KAZ Trucking, LLC, Ellington, Conn, Prepared by Aeschliman Land Surveying, PC, 1379 Main Street, East Hartford, Conn. 06108; Scale: 1"=40'; Date: 5-5-17; Revised Date: 1-15-19; Date Stamped July 16, 2019.

MOVED (KELLY) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201916 – KAZ Trucking, LLC, owner/ White Eagle Diesel, applicant, request for Special Permit for motor vehicle repair and attached and detached signage at 42 Village Street, APN 017-015-0000, in an IP (Industrial Park) Zone.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201916 – KAZ Trucking, LLC, owner/ White Eagle Diesel, applicant, request for Special Permit for motor vehicle repair and attached and detached signage at 42 Village Street, APN 017-015-0000, in an IP (Industrial Park) Zone.

CONDITIONS:

- Signs shall not be internally illuminated.
- Signs shall comply with applicable sections of the zoning regulations.

4. Z201918 – Dean & Christine Luginbuhl, owner/ The Barn Yard, applicant, request for Special Permit for a detached garage (36X48) for more than 3 cars at 8 School House Road, APN 146-008-0003, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:54 PM

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

PLAN REVIEWED: Luginbuhl – Lot# 3, 8 School House Road, Ellington, Connecticut, Assessor's Lot# 146-008-0003; Prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, Connecticut, 06088; Scale: 1"=20'; Sheet 1 of 2; Date: 5-18-05; Revised Date: 12-22-06; Date Stamped July 17, 2019.

Chris Skinner, The Barn Yard, 9 Village Street, Ellington, CT, and Dean Luginbuhl, 8 School House Road were present to represent the application. Mr. Skinner stated the owner of the property is looking the erect a 36'X48' garage for storage of personal vehicles and a boat.

Ms. Houlihan asked if the existing driveway would be utilized to get to the new garage. Mr. Skinner stated there is an existing dirt road that will be used to access the detached garage. He also stated there will not be any electricity or water accessibility and no business will be conducted out the garage.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201918 – Dean & Christine Luginbuhl, owner/ The Barn Yard, applicant, request for Special Permit for a detached garage (36X48) for more than 3 cars at 8 School House Road, APN 146-008-0003, in a RAR (Rural Agricultural Residential) Zone.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) Z201918 – Dean & Christine Luginbuhl, owner/ The Barn Yard, applicant, request for Special Permit for a detached garage (36X48) for more than 3 cars at 8 School House Road, APN 146-008-0003, in a RAR (Rural Agricultural Residential) Zone.

CONDITION:

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

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Z201919 –Request from the Water Pollution Control Authority for a Connecticut General Statute Section 8-24 review for the extension of sanitary sewers for a portion of Stein Road.

PLAN REVIEWED: Town of Ellington WPCA, Stein Road Plan and Profile, STA 10 +00 – 21+65, MH# 1008 – MH# 1078, Sanitary Sewer; Prepared by Fuss & O'Neill, 146 Hartford Road, Manchester, Connecticut 06040; Scale: HORZ. 1"=40' – VERT. 1"=4'; Date: August 2019.

Tim Webb, Ellington Director of Public Works and Administrator for Water Pollution Control Authority (WPCA), was present to represent the application. He said, on behalf of the WPCA, they are seeking a Connecticut General Statute Section 8-24 positive referral for the extension of sanitary sewers for a portion of Stein Road. The WPCA held two meetings with the residents of Stein Road pertaining to the sanitary sewer extension in the neighborhood. The existing sanitary sewer was originally installed around 1980 from Sunset Valley View up to Mountain Street and stops along Stein Road before Ellington Avenue. Residents from 149 and 151 Ellington Avenue have request to be connected to the sewer line, due to their septic system failures.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE REFERRAL FOR Z201919 – Request from the Water Pollution Control Authority for a Connecticut General Statute Section 8-24 review for the extension of sanitary sewers for a portion of Stein Road, finding the extension of sewer utility consistent with the Plan of Conservation Development and meeting allocation and needs developed in the Wastewater Facilities Plan for Hockanum Sanitary Sewer Area.

2. S201901 - Request for one ninety (90) day extension for filing of mylars for JSJ Properties, LLC owner/applicant, a two lot subdivision for 180 Mountain St, APN 048-001-0001, in a RAR (Rural Agricultural Residential) Zone. (Approved 5/20/19; Current deadline 9/03/19; Extension deadline 12/02/19)

BY CONSENSUS, GRANTED ONE NINETY (90) DAY EXTENSION FOR FILING OF MYLARS FOR S201901 a two lot subdivision for JSJ Properties, LLC owner/applicant, 180 Mountain St, APN 048-001-0001, in a RAR (Rural Agricultural Residential) Zone.

3. Discuss re-scheduling of public hearing tentatively set for September 30, 2019, to avoid conflicting with an upcoming holiday, for the adoption of comprehensive updates to the Plan of Conservation and Development.

Ms. Houlihan said in previous discussions, the commission set a hearing date to potentially adopt the comprehensive updates to the Plan of Conservation and Development (POCD) for September 30, 2019. After further review of the calendar, an alternative date needs to be chosen in order to avoid a conflict with an upcoming holiday. She stated the consultants are available on October 7, 2019, to present.

BY CONSENSUS, SCHEDULE A PUBLIC HEARING FOR OCTOBER 7, 2019, 7:30 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR ADOPTION OF COMPREHENSIVE UPDATES TO THE PLAN OF CONSERVATION AND DEVELOPMENT.

4. Z201920 – Amanda Sepowitz, owner/ Dustin O'Dell, applicant, request for Special Permit for a Home Occupation for a small tree service company and outside storage of equipment at 4 Ridge Road, APN 066-005-0000, in an R (Residential) Zone.

BY CONSENSUS, ADD TO AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON SEPTEMBER 23, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201920 - Amanda Sepowitz, owner/ Dustin O'Dell, applicant, request for Special Permit for a Home Occupation for a small tree service company and outside storage of equipment at 4 Ridge Road, APN 066-005-0000, in a R (Residential) Zone.

5. Z201921 – Randel & Beverly Russo, owner/ CD Builders, Inc, applicant, request for Special Permit for an accessory apartment at 9 Lanz Lane, APN 180-021-0000, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, ADD TO AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON SEPTEMBER 23, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201921 – Randel & Beverly Russo, owner/ CD Builders, Inc, applicant, request for Special Permit for an accessory apartment at 9 Lanz Lane, APN 180-021-0000, in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of July 22, 2019 Regular Meeting Minutes.

MOVED (KELLY) SECOND (FRANCIS) AND PASSED (HOGAN ABSTAINED) TO APPROVE JULY 22, 2019 REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence:

Ms. Houlihan announced the Connecticut Interlocal Risk Management Agency (CIRMA) will conduct an “Understanding Workplace Violence & Prevention Strategies” session on Tuesday, October 29, 2019, from 6:30 pm – 8:30 pm. This event is for all Town Employees, Boards, Commissions and Committee Members to attend. She encouraged the commission to attend, especially given the issue experienced during public forum at last month’s meeting. Additional details will be provided at the next meeting.

Ms. Houlihan reminded Commissioner Moser and Commissioner Durao about the upcoming Regional Planning Commission meeting on September 19, 2019.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:19 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk