



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, JANUARY 25, 2016, 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**MEMBERS PRESENT:** Vice Chairman Bill Hogan, Secretary Carol Strom, Ricci Hirth, Robert Sandberg, Jr., Sean Kelly (arrived 7:15 pm) and Alternate F. Michael Francis

**MEMBERS ABSENT:** Chairman Arlo Hoffman, Robert Hoffman, Alternate James Prichard

**STAFF PRESENT:** Lisa M. Houlihan, Town Planner and Kristin C. Michaud, Recording Clerk

**I. CALL TO ORDER:**

Vice Chairman Bill Hogan called the January 25, 2016 regular meeting of the Planning and Zoning Commission to order at 7:02 PM in the Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): NONE**

**III. PUBLIC HEARINGS:**

1. #Z201531 – Sandra Gottier, owner/applicant, request for a Special Permit for more than 3 garages (3 existing) on property located at 34 Minor Hill Road, APN 150-034-0000, in an RA (Rural Agricultural) Zone. **(CONTINUED FROM THE DECEMBER 28, 2015 REGULAR MEETING)**

**TIME:** 7:03

**SEATED:** Hogan, Strom, Hirth, Francis, Sandberg

Todd Gottier was present for the application. Mr. Gottier pointed out he had submitted a revised plan with the addition of topography and driveway specs.

Vice Chairman Hogan read Jim Thompson's, Town Engineer, letter dated 1/22/16, into the record and asked the applicant if there are any objections to Mr. Thompson's comments. Mr. Gottier had none.

Walter Moody, 32 East Shore Road, questioned the chosen location of the proposed garage, pointing out, the topography in that location is the steepest point of the property. Mr. Moody inquired if a revised map has been submitted. Commissioner Hogan stated there is. Mr. Moody came forward and reviewed the map with the Commission and Mr. Gottier.

Commissioner Hirth announced he conducted a site visit, and the proposed location seems to be the flattest spot on the property.

Commissioner Sandberg also visited the site and concurs with Commissioner Hirth.

Erin Moody, 32 East Shore Road, cautioned even the smallest change to topography will allow excess water on her property and wanted to be sure proper drainage is proposed.

Mr. Gottier acknowledged the site is already clear and has been for two years impressing upon, there has been no additional drainage and erosion controls are in place.

Discussion ensued.

**MOVED (STROM) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z201531 – SANDRA GOTTIER, OWNER/APPLICANT, REQUEST FOR A SPECIAL PERMIT FOR MORE THAN 3 GARAGES (3 EXISTING) ON PROPERTY LOCATED AT 34 MINOR HILL ROAD, APN 150-034-0000, IN AN RA (RURAL AGRICULTURAL) ZONE.**

**MOVED (STROM) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #Z201531 – SANDRA GOTTIER, OWNER/APPLICANT, REQUEST FOR A SPECIAL PERMIT FOR MORE THAN 3 GARAGES (3 EXISTING) ON PROPERTY LOCATED AT 34 MINOR HILL ROAD, APN 150-034-0000, IN AN RA (RURAL AGRICULTURAL) ZONE.**

**CONDITIONS:**

- **DETACHED BUILDING SHALL NOT BE USED FOR COMMERCIAL OR DWELLING PURPOSES;**
- **B-100 APPROVAL SHALL BE OBTAINED FROM THE HEALTH DEPARTMENT PRIOR TO ZONING PERMIT;**
- **THE DRIVEWAY SHALL BE CONSTRUCTED IN COMPLIANCE WITH SECTION 2.1.3, PRIVATE PROPERTY DRIVEWAYS OF THE ELLINGTON ZONING REGULATIONS AND WRITTEN CERTIFICATION PROVIDED TO THE ZONING ENFORCEMENT OFFICER PRIOR TO FINAL ZONING SIGN-OFF.**

**BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER BEFORE ADDRESSING ITEM #2 OF PUBLIC HEARINGS.**

3. **#Z201534 – Cumberland Farms, owner/Carolyn Parker, applicant, request for a special permit and site plan modification to replace six (6) manual pump toppers with**

six (6) LED pump toppers with alternating messages on property located at 5 Wapping Wood Road, APN 009-026-0000 in a C (Commercial) Zone.

**TIME:** 7:17

**SEATED:** Hogan, Strom, Kelly, Hirth, Francis, Sandberg

Carolyn Parker, applicant, came forward for the application. Ms. Parker brought an example of what the pump toppers would look like and explained the reasons for the changes. She presented how the sign could be regulated for glare, flashing intervals, and a possible color change to the signs. Ms. Parker also pointed out, the LED quality is allowed by the State and is regulated from town to town.

The Commission questioned if this is seen as a sign within our regulations noting nothing refers to LED lighting. Ms. Houlihan stated it is seen as a sign, and although nothing speaks to LED lighting, this would fall under neon sign. Ms. Houlihan noted 2 issues, first, the business is bordered by two streets, second, the front yard setback on either street, is very close and believes the signs would be visible from either roadway.

Discussion ensued.

Commissioner Hogan stated he drove by the site today and noted the current signs are clearly visible from the roads and cautioned, the replacements as a possible distraction. The Commission questioned if the different levels of brightness could be conditioned and how could Cumberland Farms be held to that level of brightness without ability to change it. Ms. Parker assured the Commission the signs are meant for customers at the pump only and assured the Commission she could set the level of brightness for this store without adjustment. Ms. Parker questioned if she remove the smart pay option, would they consider the proposal.

Discussion ensued.

The Commission agreed, the smart pay option should be removed, and asked the applicant to bring literature explaining control of the brightness level and pictures of the Amber color lighting on pumps for comparison to red. The applicant agreed.

**MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE FEBRUARY 22, 2016, REGULAR MEETING, FOR #Z201534 – CUMBERLAND FARMS, OWNER/CAROLYN PARKER, APPLICANT, REQUEST FOR A SPECIAL PERMIT AND SITE PLAN MODIFICATION TO REPLACE SIX (6) MANUAL PUMP TOPPERS WITH SIX (6) LED PUMP TOPPERS WITH ALTERNATING MESSAGES ON PROPERTY LOCATED AT 5 WAPPING WOOD ROAD, APN 009-026-0000 IN A C (COMMERCIAL) ZONE.**

4. #Z201535 – Edward and Terry Mangold, owner/applicant, request for a Special Permit for a rear lot in conjunction with a free split on property located on the west side of Griswold Road, APN 177-004-0000, in an RA (Rural Agricultural) Zone.

**TIME:** 7:53

**SEATED:** Hogan, Strom, Kelly, Hirth, Francis, Sandberg

Matt Mangold, son of applicant, came forward for the application and stated, presently their engineer is working with the Town Engineer.

Ms. Houlihan briefly discussed that Edward Mangold has met with staff regarding the application directing attention to the overall drainage on the frontage lot and noting suggestions have been made and the plans need revision and Health Department approval.

Commissioner Hogan pointed out, the properties on either side of this proposal already have rear lots, and finds it puzzling this lot can be considered a free split. He asked town staff to make certain this is an actual free split, pointing out, 3 original lots, all divided into rear lots, drawing attention the regulations suggest no rear lots. Ms. Houlihan will look into it.

**MOVED (KELLY) SECONDED (STROM) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 22, 2016, REGULAR MEETING, FOR #Z201535 – EDWARD AND TERRY MANGOLD, OWNER/APPLICANT, REQUEST FOR A SPECIAL PERMIT FOR A REAR LOT IN CONJUNCTION WITH A FREE SPLIT ON PROPERTY LOCATED ON THE WEST SIDE OF GRISWOLD ROAD, APN 177-004-0000, IN AN RA (RURAL AGRICULTURAL) ZONE.**

5. #Z201537 – James Gessay & Robert Ludwig, owner/Richard Gummo, applicant, request for a Special Permit and site plan modification for a winery and associated signage, on property located at 7 Industrial Drive, APN 092-005-0000, in an I (Industrial) Zone.

**TIME:** 8:00

**SEATED:** Hogan, Strom, Kelly, Hirth, Francis, Sandberg

Richard Gummo, applicant came forward for the application. He directed attention to the revised description of request dated 1/22/16. Mr. Gummo acknowledged that due to limiting factors of the physical leased premises, he will not seek to provide general public access; eliminating tasting or retail sales from the locations. Also pointing out the access would be limited to staff, trades persons and business associates of the company.

Commissioner Strom inquired if he has chosen a local farm to donate the used or "spent must" or yeast for use as feed. Mr. Gummo stated he has not chosen a local farm yet.

Commissioner Strom questioned with the impending changes if that would affect the hours of operation. Mr. Gummo announced that would change to regular business hours.

**MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z201537 – JAMES GESSAY & ROBERT**

**LUDWIG, OWNER/RICHARD GUMMOE, APPLICANT, REQUEST FOR A SPECIAL PERMIT AND SITE PLAN MODIFICATION FOR A WINERY AND ASSOCIATED SIGNAGE, ON PROPERTY LOCATED AT 7 INDUSTRIAL DRIVE, APN 092-005-0000, IN AN I (INDUSTRIAL) ZONE.**

**MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #Z201537 – JAMES GESSAY & ROBERT LUDWIG, OWNER/RICHARD GUMMOE, APPLICANT, REQUEST FOR A SPECIAL PERMIT AND SITE PLAN MODIFICATION FOR A WINERY AND ASSOCIATED SIGNAGE ON PROPERTY LOCATED AT 7 INDUSTRIAL DRIVE, APN 092-005-0000, IN AN I (INDUSTRIAL) ZONE.**

**CONDITIONS:**

- LIMITED TO MANUFACTURING OF WINE FOR LEASE SPACE SHOWN ON PLANS RECEIVED, DECEMBER 28, 2015;
- THERE SHALL BE NO TASTINGS OR RETAIL SALES ON SITE;
- THE HOURS OF OPERATION ARE MONDAY THROUGH SATURDAY, 8AM TO 8PM;
- ACCESS TO THE SPACE IS LIMITED TO STAFF, TRADES AND BUSINESS ASSOCIATES;
- ONE ATTACHED SIGNAGE IS PERMITTED AND SHALL NOT EXCEED ONE SQUARE FOOT FOR EACH LINEAL FOOT OF LEASED SPACE;
- SIGNS SHALL BE ILLUMINATED BY EXTERIOR MEANS;
- THE APPLICANT SHALL PROVIDE THE WPCA WITH DISCHARGE TESTING.

**IV. NEW BUSINESS:**

1. Pursuant to a request from RSK-Kellco, Inc., a request for a 90-day extension for Wheeler Farms (approved on October 26, 2015), a 12 lot re-subdivision of 8 Leila Lane, APN 180-013-0000, and 180-014-0000, in a RAR (Rural Agricultural Residential) Zone.

**MOVED (STROM) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO APPROVE A REQUEST FROM RSK-KELLCO, INC., FOR A 90-DAY EXTENSION FOR WHEELER FARMS (APPROVED ON OCTOBER 26, 2015), A 12 LOT RE-SUBDIVISION OF 8 LEILA LANE, APN 180-013-0000, AND 180-014-0000, IN A RAR (RURAL AGRICULTURAL RESIDENTIAL) ZONE.**

2. #Z201601 – Pursuant to action by the Board of Selectmen on January 11, 2016, CGS 8-24 Referral regarding Ellington Public Schools Solar Energy Project for Center Elementary School, Crystal Lake Elementary School, and Ellington Middle School.

Scott Nicol, Superintendent of Ellington Schools, and Rob Butler, Director of Facilities, were present and provided history of how this initiative was proposed to town staff in May of 2015. Mr. Nicol reviewed the process to move the project forward noting, a timeline issue. He reviewed the application materials provided to the Commission and pointed out, the Windermere School will not be participating due to roof issues.

The Commission discussed rate, renewable energy and the assistance of Connecticut Green Bank.

Discussion ensued.

Ms. Houlihan noted that the plan is consistent with the Plan of Conservation and Development (POCD).

**MOVED (KELLY) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE CGS 8-24 REFERRAL FOR #Z201601 – PURSUANT TO ACTION BY THE BOARD OF SELECTMEN ON JANUARY 11, 2016, REGARDING ELLINGTON PUBLIC SCHOOLS SOLAR ENERGY PROJECT FOR CENTER ELEMENTARY SCHOOL, CRYSTAL LAKE ELEMENTARY SCHOOL, AND ELLINGTON MIDDLE SCHOOL.**

3. #Z201602 – Jane Schneider, owner/Chris Skinner, applicant request for special permit for more than 3 garages (2 existing) associated with the construction of a 32' x 50' detached building on property located on 15 Teaberry Ridge, APN 092-005-0000 in an RAR (Rural Agricultural Residential) Zone. **(RECEIPT ONLY)**

**BY CONSENSUS, THE COMMISSION RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE FEBRUARY 22, 2016 MEETING FOR #Z201602 – JANE SCHNEIDER, OWNER/CHRIS SKINNER, APPLICANT REQUEST FOR A SPECIAL PERMIT FOR MORE THAN 3 GARAGES (2 EXISTING) ASSOCIATED WITH THE CONSTRUCTION OF A 32' X 50' DETACHED BUILDING ON PROPERTY LOCATED ON 15 TEABERRY RIDGE, APN 092-005-0000, IN AN RAR (RURAL AGRICULTURAL RESIDENTIAL) ZONE.**

**BY CONSENSUS, THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER TO HEAR ITEM #2 OF PUBLIC HEARINGS.**

2. #Z201533 - Ellington Planning and Zoning Commission, applicant for proposed amendments to the Ellington Zoning Regulations Section 7.9 – Rear Lot Requirements regarding accessways and location of front yard setbacks. **(CONTINUED FROM THE DECEMBER 28, 2015 REGULAR MEETING)**

**TIME: 8:15**

**SEATED: Hogan, Strom, Kelly, Hirth, Francis, Sandberg**

The Commission reviewed a memo, from Ms. Houlihan dated, 1/25/2016 with the proposed modifications to Section 7.9 Rear Lot Requirement amendment. The commission agreed to the proposed modification of sections C. and F.

Commissioner Hogan discussed driving around town and taking pictures of signs around town and suggested having a PowerPoint presentation to address the abundance of temporary signs and suggestions on how to get it under control, as well as, possibly revising the sign regulations.

The Commission discussed amending sign regulations and by consensus, decided to work on the temporary sign regulation first.

**MOVED (STROM) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z201533 – ELLINGTON PLANNING AND ZONING COMMISSION, APPLICANT FOR PROPOSED AMENDMENTS TO THE ELLINGTON ZONING REGULATIONS SECTION 7.9 – REAR LOT REQUIREMENTS REGARDING ACCESSWAYS AND LOCATION OF FRONT YARD SETBACKS.**

**MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATIONS AS PRESENTED IN A MEMO WRITTEN TO THE COMMISSION FROM LISA HOULIHAN, TOWN PLANNER, DATED 1/25/16 FOR #Z201533 – ELLINGTON PLANNING AND ZONING COMMISSION, APPLICANT FOR PROPOSED AMENDMENTS TO THE ELLINGTON ZONING REGULATIONS SECTION 7.9 – REAR LOT REQUIREMENTS REGARDING ACCESSWAYS AND LOCATION OF FRONT YARD SETBACKS.**

**EFFECTIVE DATE: FEBRUARY 1, 2016**

**(ATTACHED)**

**V. ADMINISTRATIVE BUSINESS:**

1. Approval of December 28, 2015, Meeting Minutes.

**MOVED (KELLY) SECONDED (STROM) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 28, 2015 MEETING MINUTES, AS WRITTEN.**

2. Election of Officers for 2016

Commissioner Hogan stated for the record, he spoke with Chairman, Arlo Hoffman, who was unable to attend tonight, indicated to him, if he were nominated for Chairman with no other nominations, he would accept the nomination for Chairman.

**MOVED (STROM) AND SECONDED (FRANCIS) TO NOMINATE AND ELECT ARLO HOFFMAN AS CHAIRMAN FOR THE PLANNING AND ZONING COMMISSION FOR 2016.**

**MOVED (STROM) AND SECONDED (KELLY) TO NOMINATE AND ELECT BILL HOGAN AS VICE CHAIRMAN FOR THE PLANNING AND ZONING COMMISSION FOR 2016.**

**MOVED (FRANCIS) AND SECONDED (SANDBERG) TO NOMINATE AND ELECT CAROL STROM AS SECRETARY FOR THE PLANNING AND ZONING COMMISSION FOR 2016.**

**COMMISSIONERS A. HOFFMAN (BY ABSENT CONSENT), HOGAN, AND STROM ACCEPTED THEIR RESPECTIVE NOMINATIONS.**

**HEARING NO FURTHER NOMINATIONS, NOMINATIONS WERE CLOSED.**

**THE MOTION TO NOMINATE AND ELECT ARLO HOFFMAN AS CHAIRMAN, BILL HOGAN AS VICE CHAIRMAN, AND CAROL STROM AS SECRETARY FOR THE PLANNING AND ZONING COMMISSION FOR 2016 PASSED UNANIMOUSLY.**

3. Correspondence:

- a. Pursuant to a memo dated December 18, 2015, request for representatives to serve on the Capitol Region Council of Government's Regional Planning Commission. (TABLED FROM THE DECEMBER 28, 2015 MEETING)

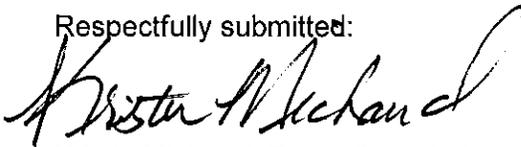
**BY CONSENSUS, THE COMMISSION REMOVED ITEM A OF CORRESPONDENCE FROM FUTURE AGENDAS.**

Ms. Houlihan informed the Commission of a joint meeting to address meeting procedures, ex parte communication, and conflicts of interest presented by, Town Attorney, Dorian Famiglietti. Ms. Houlihan gave suggested dates of attending. The Commission decided to attend the Inland Wetland Agency (IWA) meeting on February 8, 2016.

**VI. ADJOURNMENT:**

**MOVED (STROM) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:04 PM.**

Respectfully submitted:



Kristin Michaud, Recording Clerk

## Section 7.9 Rear Lot Requirement

- A. All rear lots require a special permit from the Planning and Zoning Commission, unless a lot is a lawful lot of record as recorded in the office of the Town Clerk prior to February 1, 2016.
- B. The provisions of this Section are intended to permit the use of land for residential purposes which has been unintentionally landlocked or deprived of minimum frontage on a street, or, in the case of a subdivision, where the topography or unusual shape of the property lends itself to the use of an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lots unless it finds that such lots provide the best development of the land because of the topography and shape of the land. No more than 20% of all lots contained within a subdivision shall be approved as rear lots. This requirement shall apply when a tract of land is divided into a total of six or more lots subsequent to the adoption of this amendment.
- C. There shall be provided a minimum 25 foot wide fee simple access fronting on a town accepted road (or a road which will be built and accepted by the town as a result of the lot in question being part of subdivision application), or state highway, or private street used for travel and approved by the Commission as part of a subdivision approved after July 1999. The lot line from which this access leads shall be considered the front lot line of the rear lot, and the driveway serving the lot shall be located within the fee simple accessway. The front yard setback shall be measured from the lot line which intersects the accessway, and shall extend the full width of the lot. If the lot will contain enough area such that it may, in the future, be further divided into additional building lots, the fee simple access strip shall be a minimum of 50 feet wide. The minimum width shall be met the entire length of the accessway.
- D. The minimum lot area shall be 2x the minimum lot size required for the zone in which it is located. In cases where required lot size is reduced because of the use of sewers, the required lot size shall be 2x the reduced lot size.
- E. Said rear lot shall conform to all other applicable regulations prescribed for the zone in which it is located.
- F. Only the construction of a one family dwelling and accessory structures shall be permitted on a rear lot.
- G. The owner of the rear lot shall provide and maintain the driveway and storm drainage in the access area. Said driveway is to be fully capable of providing unrestricted access at any time for emergency vehicles such are fire trucks, etc.