

# TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, FEBRUARY 22, 2016, 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**MEMBERS PRESENT:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan, Secretary Carol Strom (departed at 9:04 PM), Robert Hoffman, Ricci Hirth, and Alternate James Prichard

**MEMBERS ABSENT:** Sean Kelly, Robert Sandberg, Jr., and Alternate F. Michael Francis

**STAFF PRESENT:** Lisa M. Houlihan, Town Planner and Troy M. Ciesco, Recording Clerk

**I. CALL TO ORDER:**

Chairman Arlo Hoffman called the February 22, 2016 regular meeting of the Planning and Zoning Commission to order at 7:00 PM in the Town Hall Annex, 57 Main Street, Ellington, CT.

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

**III. PUBLIC HEARINGS:**

1. 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. **(CONTINUED FROM THE JANUARY 25, 2016 MEETING)**

**TIME:** 7:01 PM

**SEATED:** A. Hoffman, Hogan, Strom, R. Hoffman, Hirth, Prichard

Carolyn Parker was present to represent the application. She provided a demonstration of an LED pump topper and explained that it was set to a brightness level of "3" and had two coats of film to further dim the lights. She also noted that Cumberland Farms wrote a letter to file stating that only corporate employees or their mechanics can change the brightness level.

Chairman Hoffman asked why Cumberland Farms wishes to install LED pump toppers. Ms. Parker explained that these pump toppers will allow employees to change the price from within the building, instead of closing the lanes to change the prices manually.

Commissioner Hogan noted that the pump toppers are already visible from the road and LED lights will be even more eye-catching for motorists. He noted that this proposal was intended for employees, not customers, and mentioned that he has never heard of an instance where an employee suffered injury from a manual changeover. Commissioner Hogan stated that the convenience did not appear to warrant the danger to those on the road and that LED may fall under the term "neon" within the prohibited signs section of the Ellington Zoning Regulations.

Lisa Houlihan, Town Planner, provided the commission with copies of printed material regarding the LED pump toppers from Cumberland Farms. She also noted that the Zoning Permit for Cumberland Farms' large sign includes restrictions regarding rotation. Chairman Hoffman also reviewed the history of approvals for the property and stated that this application does not appear to be a good fit in a sensitive residential area.

At the request of the commission, the lights were turned off and Ms. Parker demonstrated that the lights will dim automatically at night.

Commissioner Strom expressed concern that the signs were too bright and close to the road. Commissioner Hirth also commented that the signs are bright.

Commissioner Prichard questioned if the lights would look better with a white color and asked Ms. Parker about the size of the signs. Ms. Parker stated that they are two square feet. Commissioner Prichard expressed a desire to remain business-friendly.

Ms. Houlihan read from her staff report and reviewed the applicable Zoning Regulations for this application. She noted that five of the six surrounding properties are residential, and the homes are within 100-200 feet away. She stated that LED lights are not characteristic with a residential area and that the LED pump toppers in a Vernon Cumberland Farms are exceptionally bright.

**MOVED (HOGAN) SECONDED (STROM) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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.**

**MOVED (HOGAN) SECONDED (STROM) AND PASSED (NAY - PRICHARD) TO DENY 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.**

**REASONS FOR DECISION:**

1. The proposed use is not superior to protection of neighboring properties and avoiding discomfort or glare on public highways in accordance with Section 6.3.9 – Illumination.
  2. The proposed use will not be in harmony with the orderly development of the area in accordance with 8.3.2.1 – Standards for Granting a Special Permit.
  3. The proposed use will adversely alter the essential characteristics of the area in accordance with Section 8.3.2.3 – Standards for Granting a Special Permit.
  4. The proposed lighting is not appropriate with respect to the surrounding neighborhood in accordance with 8.3.2.7 – Standards for Granting a Special Permit.
  5. The proposed use will have a detrimental effect on public safety in accordance with Section 8.3.2.8 – Standards for Granting a Special Permit.
2. 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 a RA (Rural Agricultural) Zone. (CONTINUED FROM THE JANUARY 25, 2016 MEETING)

TIME: 7:23 PM

SEATED: A. Hoffman, Hogan, Strom, R. Hoffman, Hirth, Prichard

Ed Mangold was present to represent the application, along with Terry Mangold. Mr. Mangold presented an updated plan for the commission and the record. He explained that the Town Engineer had requested an adjustment to the plan to ensure that existing drainage onto the property does not negatively impact the surrounding area. Mr. Mangold stated that he was willing to do that by making the drainage area half a foot deeper than previously presented. He also noted that he has received approval from the North Central District Health Department.

There was a brief discussion on the new plan and the drainage in the area. Ms. Houlihan noted that she had the same conversation with the Town Engineer as Mr. Mangold, and that the Zoning Enforcement Officer has confirmed the property's eligibility for a free cut.

**MOVED (R. HOFFMAN) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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 a RA (Rural Agricultural) Zone.**

**MOVED (R. HOFFMAN) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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 a RA (Rural Agricultural) Zone.**

**CONDITIONS:**

1. Driveway permits shall be obtained from the Department of Public Works for the installation of driveway aprons.
  2. The notes on the plans submitted for commission approval shall be reflected on the site development plans presented to the Zoning Enforcement Officer seeking permits to construct.
  3. Final drainage plans shall be approved by the Town Engineer.
3. 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'x50' detached building on property located at 15 Teaberry Ridge, APN 108-015-0000, in a RAR (Rural Agricultural Residential) Zone.

**TIME:** 7:33 PM

**SEATED:** A. Hoffman, Hogan, Strom, R. Hoffman, Hirth, Prichard

Chris Skinner was present to represent the application. He explained that the 32' x 50' garage location has been updated since the original application submittal to address concerns regarding an old right-of-way. He stated that the building has been relocated and will not be anywhere in the easement area.

Chairman Hoffman asked if the garage will be used for a business. Mr. Skinner stated that it will not; he explained that the owner will use the garage for parking personal and recreational vehicles.

The commission, staff, and the applicant briefly reviewed the site plan.

**MOVED (HOGAN) SECONDED (R. HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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'x50' detached building on property located at 15 Teaberry Ridge, APN 108-015-0000, in a RAR (Rural Agricultural Residential) Zone.**

**MOVED (HOGAN) SECONDED (STROM) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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'x50' detached building on property located at 15 Teaberry Ridge, APN 108-015-0000, in a RAR (Rural Agricultural Residential) Zone.**

**CONDITIONS:**

1. The garages shall not be used for commercial purposes.

**IV. NEW BUSINESS:**

1. Z201603 – Town of Ellington, owner/Ellington Public Schools, applicant for a Site Plan Modification for installation of roof mounted solar panels on property located at 49 Main Street, (Center Elementary School) APN 128-020-0000 in a C (Commercial) Zone. **(RECEIPT ONLY)**

2. Z201604 – Town of Ellington, owner/Ellington Public Schools, applicant for a Site Plan Modification for the installation of roof mounted solar panels on property located at 46 Middle Butcher Road (Ellington Middle School), APN 028-022-0000 in an R (Residential) Zone. **(RECEIPT ONLY)**
3. Z201605 – Town of Ellington, owner/Ellington Public Schools, applicant for a Site Plan Modification for the installation of roof mounted solar panels on property located at 59 South Road (Crystal Lake Elementary School), APN 064-015-0000 in a LR (Lake Residential) Zone. **(RECEIPT ONLY)**

**BY CONSENSUS, THE COMMISSION ADDED TO THE AGENDA AND RECEIVED Z201606 – Ellington Congregational Church, owner/applicant, request for a site plan modification for the construction of 40 additional parking spaces and associated site improvements on property located at 72 Main Street, APN 063-040-0000 in C (Commercial) and R (Residential) Zones.**

**BY CONSENSUS, THE COMMISSION ADDED THE FOLLOWING ITEM TO THE AGENDA:**

4. Land Use Commission Training – Meeting Procedures, Ex Parte Communication, and Conflicts of Interest presented by Town Attorney Dorian Famiglietti.

Town Attorney Dory Famiglietti and Attorney Joe Capossela were present to discuss meeting procedures with the commission. Subject matter included conducting a public hearing, making a motion, conflicts of interest, and other related topics.

Secretary Strom departed the meeting at 9:04 PM.

**NO MOTIONS OR DECISIONS**

**V. ADMINISTRATIVE BUSINESS:**

1. Approval of January 25, 2016 Meeting Minutes.

**MOVED (HOGAN) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO APPROVE the January 25, 2016 Meeting Minutes as written.**

2. Correspondence: NONE

**VI. ADJOURNMENT:**

**MOVED (R. HOFFMAN) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:18 PM.**

Respectfully submitted:



Troy M. Ciesco, Recording Clerk