



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 FAX (860) 870-3122

**REVISED
ADDITIONS UNDERLINED
DELETIONS ~~STRUCK THROUGH~~**

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JUNE 27, 2016, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Chairman Arlo Hoffman, Vice Chairman Bill Hogan, Robert Sandberg, Jr., Sean Kelly, and Alternate F. Michael Francis

MEMBERS ABSENT: Secretary Carol Strom, Robert Hoffman, Ricci Hirth, and Alternate James Prichard

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

I. CALL TO ORDER:

Chairman Arlo Hoffman called the June 27, 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. Z201613 – Ryan Brown, owner/applicant request for a Special permit for more than 3 garages (2 existing) in association with the construction of a 32' x 24' detached garage with a 10' x 20' carport and associated improvements on property located at 9 Crystal Ball Court, APN 148-071-0006 in a LR (Lake Residential) Zone.

TIME: 7:03 PM

SEATED: Hoffman, Hogan, Sandberg, Kelly, Francis

Ryan Brown was present to represent the application. He explained the location and orientation of the proposed garage. He also submitted a letter for the record from Joanne Gallicchio, 11 Crystal Ball Court, expressing support for the application.

Mr. Brown explained the garage will be used for storage, a bonus room, and extra space since the house does not have a basement. Chairman Hoffman asked if Mr. Brown will operate a business in the garage. Mr. Brown stated that he will not.

Lisa Houlihan, Town Planner, asked Mr. Brown if he has approval from the Water Pollution Control Authority (WPCA). Mr. Brown stated that he does not, but that he may decide not to construct the bathroom shown on the proposed floor plan. Ms. Houlihan suggested that the applicant obtain WPCA approval or remove the bathroom from the plans.

There was a brief discussion regarding the bathroom and clarification that the garage cannot be used as an in-law apartment in the future.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201613.

MOVED (HOGAN) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201613 – Ryan Brown, owner/applicant request for a Special permit for more than 3 garages (2 existing) in association with the construction of a 32' x 24' detached garage with a 10' x 20' carport and associated improvements on property located at 9 Crystal Ball Court, APN 148-071-0006 in a LR (Lake Residential) Zone.

CONDITIONS:

- 1. Detached building shall not be used for commercial or dwelling purposes.**
- 2. Construction is subject to Inland Wetlands Permit IW201602.**
- 3. WPCA approval is required prior to issuance of a Zoning Permit or the plan shall be revised to eliminate the construction of a bathroom.**

BY CONSENSUS, THE COMMISSION AGREED TO CONSIDER ITEMS 2 AND 3 TOGETHER.

- 2. S201602 – Henry Aberle, Jr. Estate, owner/applicant, for a 13-lot subdivision known as Aberle Farm Estates on property located at 175 Mountain Street, APN 047-035-0000 in an R (Residential) Zone. (CONTINUED FROM THE MAY 23, 2016 REGULAR MEETING)**
- 3. Z201614 – Henry Aberle, Jr. Estate, owner/applicant, request for a Special Permit for 2 rear lots in association with a 13-lot subdivision known as Aberle Farm Estates on property located at 175 Mountain Street, APN 047-035-0000 in an R (Residential) Zone. (CONTINUED FROM THE MAY 23, 2016 REGULAR MEETING)**

TIME: 7:24 PM

SEATED: Hoffman, Hogan, Kelly, Francis

Commissioner Sandberg recused himself from consideration of S201602 and Z201614.

Rachel Dearborn of Landmark Surveys and Jim Luczak of Civil Solutions were present to represent the application. Ms. Dearborn recapped the meetings regarding this application since the last PZC meeting, including approval of an agricultural easement to satisfy open space requirements by the Conservation Commission; approval for the repair of the existing culvert from the Inland Wetlands Agency; and approval for the sewer extension by the Water Pollution Control Authority.

Ms. Houlihan referenced the letter from the Town Engineer dated June 22, 2016 regarding this application. She specifically pointed out his explanation of the use of a 12.5 acre non-grazed grassed area by the applicant's engineer in the drainage calculations, and recommended a condition that either such area will remain in that state or that further stormwater management will be provided.

Mr. Luczak explained how the 12.5 acres factors into the drainage calculations and noted disagreement with the Town Engineer's representation of the 12.5 acres and stated that it is undeveloped, excess land. Discussion ensued regarding the calculations used to determine the stormwater management requirements and Vice Chairman Hogan suggested that the applicant meet with the Town Engineer directly to come to a resolution.

Ms. Houlihan clarified that the applicant has received conceptual approval from the Water Pollution Control Authority and still needs to provide plans for the construction of the sewer.

Vice Chairman Hogan questioned the potential for future development of Lot 13. Ms. Dearborn noted that the developer does not have plans to further divide that lot at this time, but briefly explained the possibilities should they decide to do so in the future, particularly in regards to road construction and rear lots.

Ms. Dearborn stated that they disagree with some of the contents of the Town Engineer's letter and do not believe that it is their responsibility to upgrade the drainage on Mountain Street. Mr. Luczak added that the development is not having an impact on the drainage of Mountain Street. Ms. Houlihan referenced item 1.b in the Town Engineer's letter regarding this subject.

Ms. Dearborn agreed to a continuance of the application to the next regular meeting in order to address outstanding drainage concerns with the Town Engineer.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARINGS FOR S201602 AND Z201609 TO THE NEXT MEETING ON JULY 25, 2016, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

4. Z201618 – Ronald Scherick, owner/Michael and Luann Hoffman, applicant, request for a Special Permit and site plan modification for a bakery and associated signage, parking, and improvements on property located at 238 Somers Road, APN 064-028-0000 in a PC (Planned Commercial) Zone.

TIME: 8:18 PM

SEATED: Hogan, Kelly, Sandberg, Francis

Chairman Hoffman recused himself from consideration of Z201618. Vice Chairman Hogan assumed the duties of the chair.

Rachel Dearborn of Landmark Surveys, Michael and Luann Hoffman, and Josh Virkler were present to represent the application. Ms. Dearborn explained the existing conditions and that the building will be converted to a restaurant/bakery. She described the parking area and stated that they will use the existing well and tie-in to the sewer.

Vice Chairman Hogan asked if the footprint of the building will change. Ms. Dearborn stated that walk-in freezers will be installed to the rear of the building, but the footprint will otherwise remain the same. Vice Chairman Hogan also asked about the distance of the existing sign to the property line. Ms. Dearborn stated that the sign is 7' from the front property line and 12' from the street line.

Ms. Houlihan noted that the applicant has a vested right to the location of the existing sign but strongly recommended that the sign be moved back to 15' from the front property line to ensure sight-line visibility. Vice Chairman Hogan made the same comment regarding the front three parking spaces.

Commissioner Kelly asked how many seats will be in the restaurant area. Mr. Virkler stated that there will be 30 seats.

Commissioners Sandberg and Francis expressed concern over the sight-line for vehicular traffic.

Elizabeth Spielman, 234 Somers Road, noted that she met with the applicant regarding this application. Michael Hoffman stated that he will do plantings in the area between 234 Somers Road and the bakery, and that the sign will be moved back 15' from the front property line.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201618.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201618 – Ronald Scherick, owner/Michael and Luann Hoffman, applicant, request for a Special Permit and site plan modification for a bakery and associated signage, parking, and improvements on property located at 238 Somers Road, APN 064-028-0000 in a PC (Planned Commercial) Zone.

CONDITIONS:

1. Detached sign shall be installed at least 15' from the front property line.
2. The applicant shall plant a hedge row between 234 Somers Road and the parking lot for the bakery.

Chairman Hoffman returned to the meeting and assumed the duties of the chair at 8:28 PM.

5. Z201615 – Jason and Diana Reutter, owner/applicant, request for a Special Permit for the construction of more than 3 garages in association with the construction of a single-family home with an attached 2-car garage and a detached 3-car garage, and for a home occupation not in compliance with Section 7.7 for the keeping of a dump truck, skid steers, trailers, and stone storage for business purposes on property located at 144 Webster Road, APN 165-003-0004 in an RAR (Rural Agricultural/Residential) Zone.

TIME: 8:29 PM

SEATED: Hoffman, Hogan, Kelly, Sandberg, Francis

Jason and Diana Reutter were present to represent the application. Mrs. Reutter read from a letter (submitted to the record) to describe the application. She explained the proposal is for a garage to store one dump truck, two skid steers, and two trailers for a home occupation, which is installing the pads for The Barn Yard's garages and sheds. She further explained that business activity is only between March and November and that they will install an earthen berm and evergreens along the front of the property to block the view of the home and garage.

Chairman Hoffman asked if everything will be parked in the garage. Mr. Reutter answered in the affirmative.

Vice Chairman Hogan asked about stone storage on the property. Mrs. Reutter explained that Mr. Reutter would occasionally pick up stone from Skyline for the next day's work and store it on the property. Vice Chairman Hogan expressed concern over this activity. Ms. Reutter stated that they can remove the stone storage from consideration on this application.

Vice Chairman Hogan asked which proposed location they would be using. Mrs. Reutter stated that they would prefer to use the location on the most recent plan in the file.

Commissioners Kelly and Sandberg expressed concern over the stone storage. Commissioner Francis pointed out that a similar type of agricultural use would not get the same level of review as this home occupation.

Ms. Houlihan asked about the height of the proposed plantings and the proposed utilities to the garage. Mr. Reutter stated that the plantings would be 5' to 8' and the garage would only have electrical service.

Ms. Houlihan listed the following letters from the public in the file: Conrad McIntire, 140-153 Webster Road; Keri Apt and Kevin Montague, 41 Webster Road; Ric and Joan Barrett, 12 Webster Road; Randy and Mary Plaut, 39 Webster Road; John Wraight, 43 East Porter Road; Linda Clark, 43 Webster Road; and Steven and Elizabeth Jacobs, 149 Webster Road. Ms. Houlihan noted that the general sentiment is that residents feel the proposed activity will change the rural and residential character of the area, degrade property values, create safety issues, and cause nuisances like noise, dust, debris, and pollution.

Dennis Clark, 43 Webster Road, asked about the size of the truck. Mr. Reutter stated that it is a 10-wheel dump truck. Mr. Clark expressed concern about the impact of the large truck on the unimproved road.

Drew Crandall, 14 Webster Road, expressed concern regarding the operation of a business at a home.

Eric Timrud, 38 Webster Road, expressed concern over noise, pollution, and road degradation. Dotty Leszko, also of 38 Webster Road, expressed concern over the potential for regular truck traffic on the road.

Dan Thibault, 152 Webster Road, expressed concern over maintenance and enforcement.

Bob Moore, 60 Webster Road, expressed concern over road degradation.

Paul Hunchak, 89 Webster Road, expressed concern regarding a business in a residential area, enforcement of approvals, and the effect on property values.

Conrad McIntire, 140 Webster Road, expressed concern regarding the effect on property values.

Harry Wambolt, 108 Webster Road, expressed concern over road safety and the operation of a business in a residential area. Kristen Wambolt, also of 108 Webster Road, shared his sentiments. Mrs. Wambolt also submitted a letter to the record on behalf of Deanna Wambolt, 106 Webster Road.

Vice Chairman Hoffman Hogan asked the applicant why they do not wish to keep the truck at its current location on Hartford Turnpike. Mr. Reutter stated that the property, Phillip's Auto Repair, is currently up for sale. Mrs. Reutter noted that they are trying to maintain the country feel of the property.

Sue Mahue, 150 Webster Road, expressed concern with noise from the equipment and asked when Mr. Reutter leaves in the morning. Mr. Reutter stated that it would depend on the job, but he would leave around 6 am.

Randy Plaut, 39 Webster Road, expressed concern with noise and road safety. Mary Plaut, also of 39 Webster Road, expressed concern over road traffic.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201615.

MOVED (KELLY) SECONDED (HOGAN) AND FAILED TO APPROVE (AYE: HOFFMAN; NAY: HOGAN, KELLY, SANDBERG, FRANCIS) Z201616 – Jason and Diana Reutter, owner/applicant, request for a Special Permit for the construction of more than 3 garages in association with the construction of a single-family home with an attached 2-car garage and a detached 3-car garage, and for a home occupation not in compliance with Section 7.7 for the keeping of a dump truck, skid steers, and trailers for business purposes on property located at 144 Webster Road, APN 165-003-0004 in an RAR (Rural Agricultural/Residential) Zone.

6. Z201616 – Nutmeg Industrial Park, LLC owner/applicant, request for a Special Permit and site plan modification for additional light industrial uses on property located at 10 Nutmeg Drive, APN 017-022-0006 in an I (Industrial) Zone.

TIME: 9:39 PM

SEATED: Hoffman, Hogan, Kelly, Sandberg, Francis

Guy Burns was present to represent the application. He explained that the purpose of the application is to allow more light industrial uses in the building and minor changes to the site, which include an additional handicap parking space and 26 more parking spots.

Ms. Houlihan noted that she visited the area and expressed concern over the 12 shared parking spaces.

Vice Chairman Hogan pointed out that this approval of this application will provide the more economic flexibility. Ms. Houlihan also noted that each business would be reviewed through the Zoning Permit process.

Mr. Burns explained that he will pave the handicap parking area but will do millings for the rest due to the significant damage caused by heavy equipment.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201616.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201612 – Nutmeg Industrial Park, LLC owner/applicant, request for a Special Permit and site plan modification for additional light industrial uses on property located at 10 Nutmeg Drive, APN 017-022-0006 in an I (Industrial) Zone.

CONDITIONS:

1. **Proper measures shall be taken to ensure that parking and outside storage occur in designated spaces.**

7. Z201617 – Sadds Mill Associates, LLC, owner/applicant, request for a Special Permit and site plan modification to an existing earth excavation permit including grading within 100' of Route 140 (Sadds Mills Road) and Green Road on property located on the north side of Sadds Mill Road, APNS 088-001-0000; 100-009-0000; 100-011-0000; 101-003-0000; and 101-001-0000 in RAR and I (Rural Agricultural/Residential and Industrial) Zones. **(REQUEST TO TABLE OPENING OF HEARING IS PRESENT)**

BY CONSENSUS, THE COMMISSION AGREED TO TABLE THE OPENING OF THE PUBLIC HEARING TO THE NEXT MEETING ON JULY 25, 2016, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201617

BY CONSENSUS, THE COMMISSION AGREED TO CONSIDER ITEMS 8 AND 9 TOGETHER.

8. S201603 – Sandra Gottier, owner/Todd Gottier, applicant, for a 3-lot resubdivision on property located at 34 Minor Hill Road, APN 150-034-0000 in an RAR (Rural Agricultural/Residential) Zone. **(REQUEST TO TABLE OPENING OF HEARING IS PRESENT)**
9. Z201619 – Sandra Gottier, owner/Todd Gottier, applicant, request for a Special Permit for a rear lot in association with a 3-lot resubdivision on property located at 34 Minor Hill Road, APN 150-034-0000 in an RAR (Rural Agricultural/Residential) Zone. **(REQUEST TO TABLE OPENING OF HEARING IS PRESENT)**

BY CONSENSUS, THE COMMISSION AGREED TO TABLE THE OPENING OF THE PUBLIC HEARINGS TO THE NEXT MEETING ON JULY 25, 2016, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR S201603 AND Z201619.

IV. NEW BUSINESS:

1. S200615 – Request from Santini Homes, Inc. for final roadway acceptance and a bond reduction to maintenance level for the subdivision known as Ellridge Estates III on the east side of Abbott Road.

Ms. Houlihan referenced the letter from the Town Engineer and recommended that the commission reduce the bond and table action on the request for final roadway acceptance.

MOVED (FRANCIS) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE a bond reduction to \$30,000 and table action on the request for acceptance pursuant to the Town Engineer's letter dated June 27, 2016 for S200615 for a subdivision known as Ellridge Estates III on the east side of Abbott Road.

2. S201604 – Michael Brunelle, owner/applicant, for a 2-lot resubdivision on property located at 20 Frog Hollow Road, APN 062-008-0000 in an RAR (Rural Agricultural/Residential) Zone. **(RECEIPT AND SCHEDULING OF HEARING)**
3. Z201620 – John Chidester and Karen Costanzo, owner/applicant, request for a Special Permit for more than 3 garages in association with the construction of a 24' x 24' garage and associated improvements on property located at 15 Ridge Drive, APN 066-005-0007, in an R (Residential) Zone. **(RECEIPT AND SCHEDULING OF HEARING)**

BY CONSENSUS, THE COMMISSION RECEIVED S201604 AND Z201620 AND SCHEDULED PUBLIC HEARINGS FOR THE NEXT MEETING ON JULY 25, 2016, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

V. ADMINISTRATIVE BUSINESS:

1. Approval of the May 23, 2016 Meeting Minutes.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE the May 23, 2016 Meeting Minutes as written.

2. Correspondence:
 - a. Template letter from John Colonese, Zoning Enforcement Officer, regarding advertising flags.

VI. ADJOURNMENT:

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:49 PM.

Respectfully submitted:



Troy M. Ciesco, Recording Clerk