



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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

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

MEMBERS ABSENT: Robert Hoffman 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 July 25, 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):

III. PUBLIC HEARINGS:

BY CONSENSUS, THE COMMISSION AGREED TO CONSIDER ITEMS 1 AND 2 TOGETHER.

1. 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 JUNE 27, 2016 REGULAR MEETING)**
2. 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 JUNE 27, 2016 REGULAR MEETING)**

TIME: 7:01 PM

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

Rachel Dearborn of Landmark Surveys was present to represent the application. She recapped the result of meetings with the Town Engineer over the previous month in regards to drainage and noted that the driveway locations for lots 5 and 6 were modified so water would stay on the respective lot instead of flowing onto the street.

Ms. Dearborn further explained that there will be a grass-lined swale with a rip-rap pad at the end along the driveway for lot 13 to accept the road drainage, and that the drainage report was adjusted to account for the larger lots.

In regards to sanitary sewer, Ms. Dearborn explained that there will be an easement over lot 10 to provide sewer to lots 11 and 12, which she requested be handled between the individual lot owners. She also noted that changes to the sewer plan would be reviewed by the Water Pollution Control Authority (WPCA), and that driveways will be installed in accordance with Department of Public Works requirements.

Ms. Dearborn also requested a waiver of Section 3.04 – Partial Release-Reduction of Bonds since there is no new town infrastructure proposed. Lisa Houlihan, Town Planner, explained that the applicant would work directly with staff for the reduction of any bonding instead of coming back to the commission. The commission was in general agreement on this request.

MOVED (STROM) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARINGS FOR S201602 AND Z201609.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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, and a waiver of Section 3.04 – Partial Release-Reduction of Bonds.

CONDITIONS:

1. Plan notes 4 and 6 through 12 shall be reflected on individual plot plans submitted for permits to construct.
2. A permanent agricultural easement document shall be filed on the land records in accordance with approved plans.
3. Street trees shall be provided pursuant to Section 4.19, and shall be shown on individual plans submitted for permits to construct.
4. Assessor Parcel Numbers and street numbers shall be added to the plans prior to filing.
5. A leakoff shall be added on lot 6 at existing contour 578.
6. Easements shall be granted from one lot to another where sewer force mains cross.
7. Lots with steep driveways shall be constructed with a 20' section at the street at a recommended slope of 2%, but no more than 5%.

8. The swale along the driveway on lot 13 shall be sized to handle the associated watershed and velocities tested and turf reinforcement added where needed.
9. All required deeds, easements, and legal documents require Town Attorney approval prior to filing and are subject to payment of fees in accordance with the town's Land Use Fee Ordinance.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE 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.

3. 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 FOR Z201617 TO THE NEXT REGULAR MEETING.

BY CONSENSUS, THE COMMISSION AGREED TO CONSIDER ITEMS 4 AND 5 TOGETHER.

4. 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. **(TABLED FROM THE JUNE 27, 2016 REGULAR MEETING)**
5. 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. **(TABLED FROM THE JUNE 27, 2016 REGULAR MEETING)**

TIME: 7:24 PM

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

Russ Heintz of Tarbell Heintz and Associates was present to represent the application. He briefly described the area and explained that the applicant is proposing two new homes, one of which will be a rear lot. He also provided amended plans which showed two linear rain gardens for the collection of runoff at the suggestion of the Town Engineer. Mr. Heintz explained that the rain gardens will be maintained by the individual lot owners.

Ms. Houlihan noted that the applicant will provide a fee-in-lieu-of open space, and that the Water Pollution Control Authority (WPCA) has removed the three lots from the

sewer service area. She also pointed out that the applicant still needs North Central District Health Department (NCDHD) approval.

Ms. Houlihan read from her report which outlined the correspondence in the file from abutters and the general sentiment and concerns of each letter.

Ms. Houlihan noted that where the WPCA minutes reference a conservation easement there may be some confusion, and that the applicant would need to return to the WPCA to confirm any future development without sewers. Commissioner Hogan questioned if the statement was actually a stipulation that no future development shall occur on the lot. After further discussion, it was agreed that clarification should be requested from the WPCA.

Commissioner Hogan asked Todd Gottier, applicant, if he planned to subdivide the property further at this time. Mr. Gottier stated that he is not, but that he is not going to limit the potential of the property. Commissioner Hogan expressed concern that the access to the rear lot is big enough for a road. Mr. Gottier pointed out that the configuration of the homes and outbuildings means that they would need to be knocked down if he was going to develop further, which he felt would not be worth it.

Commissioner Francis expressed concern with the driveway sightlines. Mr. Heintz explained that there is a 200' sightline from the driveway. Chairman Hoffman stated that he visited the site and that he had trouble with visibility when leaving the driveway. Mr. Heintz noted that the driveway will be higher when fully constructed.

Commissioner Strom read the letter from the Town Engineer into the record.

Joyce Rioux, 34 East Shore Road, asked how the rain gardens are maintained if the homeowner neglects them. Chairman Hoffman noted the town would do the work and bill the homeowner. Mr. Heintz further explained how the rain garden is created and maintained.

Joseph Burns, 8 East Shore Road, expressed concern with the drainage and frustration that he had to connect to the sewer for his property.

Ron Campbell, 26 East Shore Road, expressed concern that the rain gardens will not be monitored.

Robert Burns, 8 East Shore Road, questioned if retention mounds could be installed to assist with drainage.

Myra Steele, 10 East Shore Road, voiced her opposition to the proposal and felt the concerns of the neighboring properties should outweigh the development of the subject property.

Matthew Skypek, 6 East Shore Road, expressed concerns with future development and the possibility of the rain gardens freezing in the winter.

Phyllis Miller, 14 East Shore Road, expressed concern over the degradation of the ridgeline and the clearing of the trees and requested a buffer along the property line.

Matthew Steele, 10 East Shore Road, questioned the original approval of the driveway and if the septic system on the rear lot could be installed in the front of the house. He also felt that the engineering was done improperly.

Robert Minor, 31 Minor Hill Road, expressed concern with the safety of the road and the driveway.

Cathy Pinard, 12 East Shore Road, expressed concern that the development would have a negative impact on her well.

Mr. Heintz noted that there is no septic systems within 200' of the rear property line. Mr. Gottier pointed out that the Town Engineer suggested that these properties be served by septic systems instead of sewer.

Gloria Reager, 56 Minor Hill Road, voiced her opposition to the development.

Walter Moody, 32 East Shore Road, expressed concern that the rain gardens are not sized properly.

Mr. Campbell asked how many trees will be removed. Mr. Gottier was unsure but noted he wanted to create a view.

Commissioner Kelly questioned how the rain gardens act during the winter. Mr. Heintz noted that the water will move faster than usual but that it's still a depression to slow down the flow of water.

Commissioner Francis suggested the attendance of the Town Engineer at the next meeting.

Mr. Steele noted that excessive clearing would negatively impact the efficiency of the rain gardens.

Robert Burns suggested the construction of the septic system in the front yard for the rear lot.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARINGS FOR S201603 AND Z201619 TO THE NEXT REGULAR MEETING.

6. 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.

TIME: 8:46 PM

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

Mark Peterson of Gardner & Peterson Associates LLC was present to represent the application. He briefly described the site and explained that there will be one additional

building lot. He noted that there are no wetlands on the property and that the North Central District Health Department (NCDHD) has granted conceptual approval. He further stated that the applicant will provide a fee-in-lieu of open space and that the Town Engineer had no concerns with the application.

Ms. Houlihan noted that street trees should be added to the plan in accordance with the regulations, either by new plantings or preservation of existing trees. Mr. Peterson concurred.

Commissioner Kelly asked if the applicant is proposing a shared well. Mr. Peterson said they are not; he explained the existing well for the existing house will be shown on the final plan in accordance with the NCDHD request.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S201604.

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

CONDITIONS:

1. Plans shall be revised to show the location of the existing well.
 2. A fee-in-lieu is required pursuant to Section 4.18 – Open Space.
 3. Plans shall be revised to include Assessor Parcel Numbers and street numbers.
 4. Pins and monuments shall be installed for both lots prior to conveyance or final zoning signoff, whichever is sooner.
 5. Plans shall be revised to comply with Section 4.19 – Street Trees.
7. 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.

TIME: 8:56 PM

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

John Chidester and Karen Costanzo were present to represent the application. Mr. Chidester explained the proposal to place a 24' x 24' garage from Kloter Farms on a 26' x 26' pad in the backyard. He stated that it will be for the storage of personal vehicles and will not be used for a business.

Ms. Houlihan reported on the existence of an attached garage and a detached garage on the property. She also noted that the applicant received a Wetlands Permit for the proposed activity.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201620.

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

CONDITIONS:

1. **Detached building shall not be used for commercial or dwelling purposes.**

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.

BY CONSENSUS, THE COMMISSION TABLED ACTION TO THE NEXT REGULAR MEETING FOR 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.

2. Z201621 – Alan Properties, LLC, owner/Stephan Builders, Inc., applicant, request for a Special Permit for more than 3 garages in association with the construction of a single family home with 3 attached garages and a 24' x 30' detached garage with a 14' x 24' overhang on property located at 17 Angel Trace, APN 109-009-0011 in an RAR (Rural Agricultural/Residential) Zone. **(RECEIPT AND SCHEDULING OF HEARING)**
3. Z201622 – EGC LLC, owner/Elm Development Services, applicant request for a Zone Change from a Planned Commercial (PC) Zone to a Designed Multi-Family (DMF) Zone in association with the construction of an assisted living facility on property located at 123 West Road, APN 037-008-0000. **(RECEIPT AND SCHEDULING OF HEARING)**

BY CONSENSUS, THE COMMISSION RECEIVED Z201621 AND Z201622 AND SCHEDULED PUBLIC HEARINGS FOR THE NEXT REGULAR MEETING.

V. ADMINISTRATIVE BUSINESS:

1. Approval of the June 27, 2016 Meeting Minutes.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED (STROM ABSTAINED) TO APPROVE the June 27, 2016 Meeting Minutes with the reference to “Vice Chairman Hoffman” on page 6 changed to “Vice Chairman Hogan”.

2. Correspondence/Discussion:
 - a. Discussion of the Special Permit requirement for garages and home occupations.

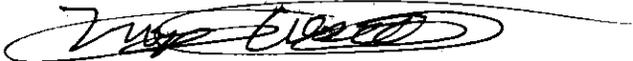
Ms. Houlihan briefly described the permitting process for home occupations. The commission and staff discussed what constitutes a home occupation, permitting requirements, and the process of enforcement. In regards to managing equipment kept on a property, Ms. Houlihan noted that some communities regulate vehicles based on gross vehicle weight (GVW).

The discussion then turned to the number of garages that have been constructed over the last few years and ways to apply the permitting process more efficiently. Discussion included a directive to review possible changes to the number of garages permitted before a Special Permit is required.

VI. ADJOURNMENT:

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

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Troy M. Ciesco", is written over a horizontal line.

Troy M. Ciesco, Recording Clerk