



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

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, FEBRUARY 26, 2018, 7:00 P.M.
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Chairman Arlo Hoffman, Vice Chairman Bill Hogan, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and Alternates Jon Moser and Keith Durao (arrived at 7:10 pm)

MEMBERS ABSENT: F. Michael Francis

STAFF PRESENT: John Colonese, Assistant Town Planner and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Arlo Hoffman called the meeting 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: All requisite notices have been met, hearings may commence or continue

1. Z201801 – Judith Spielman, owner/applicant, request for Zone Change from Commercial (C) and Planned Commercial (PC) Zones to Commercial (C) Zone for 106 West Road, APN 028-011-0000.

TIME: 7:01 PM

SEATED: Chairman Hoffman, Vice Chairman Hogan, Secretary Strom, Charles Sandberg, Jr., Ricci Hirth, Sean Kelly, and Alternate Jon Moser

PLANS REVIEWED: Map of parcels of land of Fred W. Spielman Ellington, Connecticut. Prepared by: Alfred E. Schindler, Land Surveyor, Ellington, Connecticut; Scale: 1"=40'; Date 2/24/87.

Charles MacMillan, 46 Abbott Road, was present to represent the application, He stated that he is Judy Spielman's husband and is here on her behalf with Rachel Dearborn of Landmark Surveys, LLC, 62 Lower Butcher Road.

Mr. MacMillan stated the property was originally a larger lot and the surrounding neighbors bought portions of land from the Spielman family. He reviewed the history of the property. He noted the property was put on the market in late 2016 and the most recent potential buyer backed out of purchasing it mentioning they wanted a larger building and cited the split zoning as a concern.

Chairman Hoffman asked when the lot was changed from all Commercial to Commercial and Planned Commercial. Mr. MacMillan believes it happened in the late 1990's. Ms. Dearborn stated that according to her records the land was zoned Commercial in 1987 when the lot was created. She noted the owners became aware of the split zoning last summer when they went to sell the property.

Chairman Hoffman elaborated that the commission has more control over the Planned Commercial zone which is a safety net for the Town. He noted the Town Planner's memorandum in front of commission. Mrs. Dearborn stated that she hasn't been provided with maps from the Planning Department showing when the zone was created.

Mr. MacMillan explained that approximately 15 people have expressed interest in the property. They generally have fallen into use categories such as restaurants, professional offices, daycares, and retailers.

Vice Chairman Hogan asked the applicant if they would be willing to come back with a zone change application for Planned Commercial rather than Commercial. He added it would be consistent with the Plan of Conservation and Development, which supports rezoning parcels on Route 83 to Planned Commercial. He is concerned about giving up oversight of development of the parcel.

Commissioner Kelly said that before he supports any changes, he wants to know when the zone was changed. Commissioner Sandberg agreed with Commissioner Kelly's comments. Chairman Hoffman emphasized that if the Planning & Zoning Commission created this issue then it needs to be looked into. Commissioner Moser believes the commission needs a little more information with regard to the history of the zone.

Mr. John Colonese, Assistant Town Planner, stated the parcel appears to have been a split zone for the past thirty years. He noted that as a split zoned parcel the more restrictive zone takes effect and therefore it would have to be developed as a Planned Commercial parcel.

Sharon Higgins, 38 Hillsdale Drive, was in support of the application and the owners should be able to go back to the Commercial zone.

Mr. Colonese noted that no conceptual plan was submitted with application, which is required as part of the application.

Mr. MacMillan stated that 11 out of 15 businesses that were interested in purchasing the parcel would not need to go through the Special Permit process should the commission grant approval for the zone change to Commercial. Arlo Hoffman stated that a little work needs to be done to find out when the zone change took place.

MOVED (MOSER) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CONTINUE TO THE NEXT REGULAR MEETING ON MARCH 26, 2018, 7 PM, TOWN HALL ANNEX FOR Z201801 – Judith Spielman, owner/applicant, request for Zone Change from

Commercial (C) and Planned Commercial (PC) Zones to Commercial (C) Zone for 106 West Road, APN 028-011-0000.

2. Z201802 – Ned J. Cipollini and Andrea C. Kearns, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 37 Hillsdale Drive, APN 008-074-0000, in an R (Residential) Zone.

Chairman Hoffman stated there is a letter on file from the applicant requesting the commission table the opening of the public hearing.

MOVED (STROM) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO TABLE THE PUBLIC HEARING TO MARCH 26, 2018, 7 PM, TOWN HALL ANNEX FOR Z201802

– Ned J. Cipollini and Andrea C. Kearns, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 37 Hillsdale Drive, APN 008-074-0000, in an R (Residential) Zone.

3. Z201722 – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to add Section 6.3.8 Temporary Signs – All Zones.

TIME: 7:28 PM

SEATED: Chairman Hoffman, Vice Chairman Hogan, Secretary Strom, Charles Sandberg, Jr., Ricci Hirth, Sean Kelly, and Alternate Jon Moser

Vice Chairman Hogan explained the commission has been working on this for years and reviewed the history of the commission's efforts. The proposed temporary sign regulations have been discussed with members of the commission at varying times and no quorums took place. He added that these regulations are proposed to add clarification. The Planning Department is seeing more signs on personal property without permission from the owner as well as the general proliferation of temporary signs. He stated the commission is looking to have temporary signs that will accommodate businesses. Vice Chairman Hogan outlined the existing temporary sign regulations versus the proposed regulations and hit the key parts with regard to size, setback, height and duration of posting. He noted neighboring town's temporary sign regulations. He then compared neighboring town sign regulations such as Tolland, South Windsor, Somers, Enfield and East Windsor.

Commissioner Sandberg noted that the proposed regulations give flexibility to the civic organizations. Alternate Moser explained there is a need for guidelines to follow, and through the process they took businesses in town under careful consideration.

Gary Feldman, Chief of Ellington Volunteer Fire Dept., questioned how the proposed regulation would affect their signs for the annual carnival. Mr. Colonese noted that they would have to meet the setback requirement and gain permission from the property owner to locate a sign.

Diane Trueb, of the Ellington Farmer's Market, questioned how the proposed regulation would affect their signs. She would like their signs to be up all year as the market is year round. Vice Chairman Hogan noted the duration is propose for all temporary signs and briefly explained to the audience about the Reed case decided by the U.S. Supreme Court and how it relates freedom of speech. Ms. Trueb asked if an exception to the rule could be applied for.

Dan Keune, of Campbell-Keune Realty, questioned how the proposed regulation would affect residential and commercial real estate signs. He has concerns regarding the 120 day duration, the height, and size for temporary signs. The commission had a brief discussion about real estate signs and how they fit into the proposed regulation. Mr. Keune also had concerns regarding proposed section C.12 and how that may be interpreted to prohibit real estate signs. Vice Chairman Hogan noted this was not the intention.

Dave Stavens asked about off site business signs. Vice Chairman stated that they would not be allowed under the proposed regulations unless it is agriculture or if a business was conducting trade work at the property.

Ms. Trueb asked about political signs. Mr. Colonese reviewed how political signs meet the existing temporary sign regulation and how the political parties in town have worked together to follow the regulation.

Peter Welti, of Kloter Farms, questioned if the proposed regulation allowed for additional time for temporary signs for non-profit groups. It was noted that the non-profit group temporary signs would count towards the 120 days duration allowed for a property owner or business. Mr. Welti also asked how the 120 day duration would be tracked. Vice Chairman Hogan stated a tracking system is not proposed as to not add a burden to the business owner but instead this would be on the honor system, and if the proposed regulation is routinely violated then the commission may be forced to go back and look at the regulation. A suggestion was made by Mr. MacMillan to have on-line registration.

Mr. Colonese read email comments from the Town Attorney dated February 12, 2018 pertaining to the proposed sign regulations. He noted other comments came in via email that were shared with the commission.

Mr. Carl White, Ellington Printery, stated he is willing to help communicate to his clients any new temporary sign regulations. Kenyon Shores, of Johnny Appleseed's Farm, asked for the regulations to be fair and enforced evenly. Sam Schneider, Earthlight Technologies, asked for clarification on how contractor signs will be regulated. Vice Chairman reviewed the proposed temporary sign regulations pertaining to trade work being done at a property.

MOVED (HOGAN) SECONDED (STROM) AND PASSED UNANIMOUSLY TO CONTINUE HEARING TO THE NEXT REGULAR MEETING ON MARCH 26, 2018, 7 PM, TOWN HALL ANNEX - Z201722 – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to add Section 6.3.8 Temporary Signs – All Zones.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. S201703 – Request for ninety (90) day extension to file mylars for Dennis & Terry Kupferschmid, applicant/owner, for a two lot resubdivision at 53 Hayes Avenue, APN 004-003-0000 in an R (Residential) zone. (Initial deadline 3/7/18; extension deadline 6/15/18)

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE DEADLINE FOR FILING OF MYLARS TO JUNE 15, 2018 for S201703 - Request for ninety

(90) day extension to file mylars for Dennis & Terry Kupferschmid, applicant/owner, for a two lot resubdivision at 53 Hayes Avenue, APN 004-003-0000 in an R (Residential) zone.

2. Z200828 – Request for five (5) year extension for Site Plan Approval for Indian Valley YMCA applicant/owner, at 11 Pinney Street, APN 009-050-0000 in an R (Residential) Zone. (Initial five year approval expiration 10/27/17; five year extension date 10/27/22)

Mr. John Reilly, of the YMCA, explained to the commission that they hope to move forward with construction of the addition and site improvements as shown on the plans and part of the original approval.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO GRANT A FIVE YEAR EXTENSION FOR COMPLETION OF IMPROVEMENTS NOT TO EXCEED OCTOBER 27, 2022 FOR - Z200828 – Request for five (5) year extension for Site Plan Approval for Indian Valley YMCA applicant/owner, at 11 Pinney Street, APN 009-050-0000 in an R (Residential) Zone.

3. Discussion regarding Accessory Apartments - Section 7.1 Ellington Zoning Regulations.

Mr. Colonese read a memo from Lisa Houlihan, Town Planner, into the record. The memo seeks feedback from the commission on the accessory apartment regulations which was prompted by a resident's question asking for an accessory apartment with two bedrooms and an apartment area of 1000SF.

Secretary Strom stated that accessory apartments are hard to regulate. Chairman Hoffman noted that the dwelling must be owner occupied. Mr. Colonese read the accessory apartment regulations to the commission. Commissioners Kelly and Sandberg said that the 35% requirement needs to be looked at and having two bedrooms needs to be considered.

Chairman Hoffman suggested removing the bedroom requirement and changing the square footage from 800SF to 1000SF. Upon discussion among the commissioners, they requested to proceed with an application to amend Section 7.1 Accessory Apartments of the zoning regulations. They would like to consider the usable floor area of the accessory apartment to have a maximum of 1,000SF versus the current requirement of 800SF and allow the area of the accessory apartment size to be up to 50 percent of the usable floor area of the primary dwelling unit. It is currently allowed at 35 percent. They would also like to consider removing the bedroom requirement.

BY CONSENSUS, ADD TO THE AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MARCH 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201805 - Accessory Apartments - Section 7.1 Ellington Zoning Regulations Amendment.

4. Z201803 – Andrie and John Bellezza, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 6 Ryan Drive, APN 052-002-0003, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, ADD TO THE AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MARCH 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201803 – Andrie and John Bellezza, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations

request for a Special Permit for an accessory apartment at 6 Ryan Drive, APN 052-002-0003, in a RAR (Rural Agricultural Residential) Zone.

5. Z201804 – Our Moms, LLC, owner, Joe’s Fine Wine & Spirits, applicant, pursuant to Section 6.3 of the Ellington Zoning Regulations request for a Special Permit for a detached sign at 43 West Road, APN 019-015-0000, in a C (Commercial) Zone.

BY CONSENSUS, ADD TO THE AGENDA, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON MARCH 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201804 – Our Moms, LLC, owner, Joe’s Fine Wine & Spirits, applicant, pursuant to Section 6.3 of the Ellington Zoning Regulations request for a Special Permit for a detached sign at 43 West Road, APN 019-015-0000, in a C (Commercial) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the January 29, 2018 Regular Meeting Minutes

MOVED (KELLY) SECONDED (MOSER) PASSED (6 YEA, 0 NAY, 2 ABSTENTIONS - HOGAN AND SANDBERG) TO APPROVE THE JANUARY 29, 2018 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. March 1, 2018 POCD Update Public Engagement Meeting flyer
- b. January 18, 2018 POCD Update Committee minutes
- c. Oakridge Times dated Feb. 15, 2018

VII. ADJOURNMENT:

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:09 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk