

# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187

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

**MEMBERS PRESENT:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Jon Moser

**MEMBERS ABSENT:** Secretary Carol Strom and Alternate Keith Durao

**STAFF PRESENT:** Lisa Houlihan, 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 Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis 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

Ms. Rachel Dearborn, Landmark Surveys, 62 Lower Butcher Road, was present to represent the application. Judith Spielman and Charles McMillan were also present. Chairman Hoffman stated this application is continued from February's meeting. Ms. Dearborn said she received the report from Lisa Houlihan, Town Planner on Friday. In response to Ms. Dearborn's request, Ms. Houlihan read her report dated March 22, 2018.

Ms. Dearborn concurs with Ms. Houlihan that the zoning maps are correct. The deed that was filed on the land records in 1987 was supposed to reference the map provided to the Planning Department. The barbwire fence line was used as the zone change line. The changes were made in August of 1986, and revised in August of 1987. Ms. Dearborn stated the applicant is requesting to have the one acre lot changed to Commercial (C).

Vice Chairman Hogan spoke to the additional controls the commission has over Planned Commercial (PC) zones. He was not in support of the zone change, noting that it defies the Plan of Conservation and Development (POCD).

Commissioner Kelly noted that rezoning the parcel to PC meets the POCD recommendations. Ms. Houlihan noted that the size of the parcel is more of a limiting factor, and stressed that vested rights run with the land. The only difference in setback requirements between the two zones is that the rear yard is more restrictive in the PC zone. She explained that if the commission approves the requested zone change, they should amend the POCD given that rezoning land to PC along Route 83 is a prevalent recommendation throughout the plan.

Commissioner Sandberg impressed upon the applicant that the commission and staff will work with applicants through the process of obtaining a Special Permit.

Commissioner Francis stated he reviewed the previous meeting minutes and noted that under the PC zoning requirements, the commission will have more control over applications. If the zone is changed, it may be consider spot zoning.

Chairman Hoffman assured that it was clear in the Planning and Zoning Special Meeting Minutes from August 19, 1986 that the existing C zone on the westerly side of Route 83, from the southerly line of land of Johnny Appleseed Apartments (Gardner Chapman) to the northerly side of land of Wilbur Schneider, was to be zoned PC.

**MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE PUBLIC HEARING 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.

**MOVED (SANDBERG) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ACCEPT WITHDRAWAL OF 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, own/app, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 37 Hillsdale Dr, APN 008-074-0000, in a R (Residential) Zone.

**TIME:** 7:26 PM

**SEATED:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Jon Moser

**PLANS REVIEWED:** Existing Conditions Map #37 Hillsdale Drive prepared for Ned J. Cippollini & Andrea C. Kearns, Ellington, Conn. Prepared by: Aeschliman Land Surveying, PC, 1379 Main Street, East Hartford, Connecticut 06108, Phone (860) 528-4881; Scale: 1"=20' Date 9-28-17; Rev. date 1-25-18.

37 Hillsdale Drive, Ellington, CT 06029 Prepared by: GM Designs, Architectural Services, 36 Heron Drive, Somers, CT 06071 (860) 763-3743; Sheets 1 through 4; Scale: None; Date: 01-24-2018.

Mr. Mike Stosonis, Connecticut Heritage Homes, 40 Kingsbury Avenue # 5, Tolland, CT and Andrea Kearns, 37 Hillsdale Drive were present for the application. Mr. Stosonis stated that Ms. Kearns is looking to put an addition onto the home and have her parents move into the accessory apartment. The applicant is looking to add 160 sf to the house and create another 777 sf accessory apartment.

Ms. Houlihan read the following staff comments received in reference to the application:

- Public Works advises that a permit is needed for the new driveway;
- Water Pollution Control Authority advises that assessment will be increased for the addition of a bedroom;
- Town Engineer: Requests a grading plan be submitted for approval prior to issuance of construction permits; recommends that the new driveway be graded to avoid runoff from the street entering the driveway and garage; and, suggests anti-tacking pad and sediment barrier be installed prior to construction.

Ms. Houlihan noted the plan depicts two entrances on the street side of the structure; one entrance for the primary dwelling and another entrance for the accessory dwelling. Section 7.1(A)5, declares that the structure shall have only one main entrance on the street side of the structure; all other entrances shall be at the side or to the rear. If this is taken literally, the plan must be revised to relocate one of the entrances to the side or rear of the structure. However, in this case, it's unclear what direction to provide since one of the entrances on the street side is oriented perpendicular to the street and the regulations do not address this issue. Mr. Stosonis reviewed the plans and explained where the doors are to be located on the house and apartment. Vice Chairman Hogan compared this house to another one at 10 Cedar Street, near Crystal Lake, which had two doors on the front of the home and clearly looked like two main entrances on the street side. It was suggested to the applicant to add a gable to the plan. Commissioner Sandberg commented that the plans in front of them are very basic plans, and stated that he'd like to see more specific plans in the future. Mr. Stosonis explained the expense associated with architectural plans and noted that the project might not proceed if the special permit is denied.

**MOVED (MOSER) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO CLOSE HEARING FOR Z201802** – Ned J. Cippollini and Andrea C. Kearns, own/app, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 37 Hillsdale Dr, APN 008-074-0000, in a R (Residential) Zone.

**MOVED (HOGAN) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR Z201802** – Ned J. Cipollini and Andrea C. Kearns, own/app, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 37 Hillsdale Dr, APN 008-074-0000, in a R (Residential) Zone.

**CONDITIONS:**

- A permit shall be obtained from public works prior to construction of a new driveway;
  - The accessory apartment is subject to increase in assessment from the Water Pollution control Authority;
  - The applicant shall submit a grading plan for approval prior to issuance of construction permits and shall include an anti-tacking pad and sediment barrier;
  - Grading plan shall demonstrate that the new driveway will be graded to avoid runoff from the street entering the driveway and garage.
3. Z201803 – John & Andrie 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.

**TIME:** 7:39 PM

**SEATED:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Jon Moser

**PLANS REVIEWED:** Foundation Plan prepared for Belloza Prepared by: Home Designing Service, LTD, 25 Meadow Road, Windsor, CT 06095, Tel. (860) 724-5522; Scale: 1/4"=1'.0"; Page 4 of 6; Date 6-1-99.

Sketch of basement layout for accessory apartment Prepared by: Andrie Bellezza; Sheets 1 of 1; Scale: 1/4"= 1'0"; Received Date: 02-22-2018.

Andrie Bellezza, 6 Ryan Drive, was present to represent the application. She explained to the commission that she went over all terms of the regulations and felt her plans meet them. Ms. Bellezza stated they will not be adding any additional square footage to the home and the accessory apartment will be in the basement within the original foot print.

Ms. Houlihan stated the application materials demonstrate compliance to Section 7.1, Accessory Apartments. She explained that the applicant needs to contact North Central District Health Department (NCDHD) regarding the size of the existing septic system. Ms. Houlihan mentioned the comments from North Central District Health Department, Building Department, and Fire Marshal's Office noting that their concerns must be met.

**MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE HEARING FOR Z201803** – John & Andrie Bellezza, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations for a Special Permit for an accessory apartment at 6 Ryan Drive, APN 052-002-0003, in a RAR (Rural Agricultural Residential) Zone.

**MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR Z201803** – John & Andrie Bellezza, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations for a Special Permit for an

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

**CONDITIONS:**

- Approval from North Central District Health Department shall be present prior to issuance of zoning permit;
- Construction shall not commence until approval has been granted by the Ellington Fire Marshal and Building Official.

4. Z201804 – Our Moms, LLC, owner/ Joe’s Fine Wine & Spirits, applicant, request for a Special Permit for a detached sign on property located at 43 West Road, APN 019-015-0000, in a C (Commercial) Zone.

**TIME:** 7:44 PM

**SEATED:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Jon Moser

The Planning Office received a letter from the applicant to table the opening of the public hearing to the April meeting. A copy of the request was included in the commissioner’s meeting packet.

**BY CONSENSUS, TABLED OPENING OF PUBLIC HEARING TO APRIL 23, 2018 FOR Z201804** – Our Moms, LLC, owner/ Joe’s Fine Wine & Spirits, applicant, request for a Special Permit for a detached sign on property located at 43 West Road, APN 019-015-0000, in a C (Commercial) Zone.

5. 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:** 7:45 PM

**SEATED:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Jon Moser

Vice Chairman Hogan stated the changes were made according to comments received at the last meeting. He briefly outlined the Town Attorney’s comments dated March 20, 2018. The portion in reference to real estate signs was changed to include a new paragraph C.10, with provision of homes that are being actively sold, but the height of signs not changed. The Board of Selectmen’s Office can grant permission to erect signs for civic matters on town property and will still need to comply with size and other restrictions.

Ms. Houlihan read the Town Attorney’s email received on March 20, 2018. The commission accepted the recommended changes.

Mr. Dan Keune, Campbell-Keune Realty, discussed the height of the posts for the real estate signs. The posts are universal size. Commercial properties are not listed on the multiple listing service like residential properties. Commissioner Sandberg and Alternate Moser recommended that real estate signs be allowed to be 6 feet in height.

Mr. Jim Prichard, owner of Star Hardware, mentioned that businesses in town are paying higher taxes for commercial property and putting restrictions on businesses is a hardship.

Commissioner Kelly announced that he spoke with the Ellington Economic Development Commission (EDC), in his capacity as Chairman. The EDC asked the Planning & Zoning Commission to consider giving more signage provisions for businesses and possibly allow promotion of directional signs. Vice Chairman Hogan mentioned that people are putting up more temporary signs now since the last regulation amendment.

Commissioner Sandberg supports the revisions to the regulations and the clarity provided in the real estate portion.

Alternate Moser stated that during the process of creating the proposed regulations, he called a few small business owners for their feedback. The goal of this process is to update regulations and be business friendly.

Chairman Hoffman requested that the commission revisit the temporary sign regulations a year from adopting the changes.

**MOVED (HOGAN) SECONDED (SANDBERG) AND PASSED (6 YEA, 1 NAY-KELLY, 0 – ABSTENTIONS) TO CLOSE HEARING FOR Z201722** – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to add Section 6.3.8 Temporary Signs – All Zones

During the discussion among the commissioners, it was decided to change the cumulative calendar days per year from one hundred and twenty (120) to one hundred and fifty (150); the limit of temporary signs per business to two (2) rather than one (1); change the height requirement from five (5) feet in height to six (6) feet in height for real estate signs only along with a few minor changes throughout the document.

**MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE AS MODIFIED FOR Z201722** – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to add Section 6.3.8 Temporary Signs – All Zones. **EFFECTIVE DATE: APRIL 15, 2018**

6. Z201805 – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to Section 7.1 Accessory Apartments to increase floor area of apartment from 35% to 50% and maximum size from 800 sf to 1,000 sf.

**TIME:** 8:40 PM

**SEATED:** Chairman Arlo Hoffman, Vice Chairman Bill Hogan and Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Jon Moser

Ms. Houlihan noted that the Capitol Regional Council of Government (CRCOG) reported no issues with proposed regulations.

Commissioner Sandberg stated that he was previously on the Zoning Board of Appeals and feels that the proposed regulation change from 35% to 50% will reduce some variances for the usable floor area to the primary dwelling unit. Commissioner Francis likes the proposed two bedroom accessory apartment concept attached to the primary dwelling.

**MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO CLOSE HEARING FOR Z201805** – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to Section 7.1 Accessory Apartments to increase floor area of apartment from 35% to 50% and maximum size from 800 sf to 1,000 sf.

**MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE Z201805** – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to Section 7.1 Accessory Apartments to increase floor area of apartment from 35% to 50% and maximum size from 800 sf to 1,000 sf and remove one-bedroom limitation. **EFFECTIVE DATE: APRIL 15, 2018**

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:**

1. Request from Big Y Corporation for informal discussion regarding a potential development of 14 acres on the west side of Route 83 across from the Big Y at 135 West Road.

Mr. Mathieu D'Amour and Mr. Tony Coppola of the Big Y Corporation were present for an informal discussion with the commission. The Big Y store is looking to purchase land on Route 83 across from their current location. Mr. D'Amour showed sketches and concept plans for a six (6) pump gas station, convenience store and retail shops in two phases. Many of the existing Big Y's in the area have 10 fuel stations and promote incentives for fuel. Mr. D'Amour stated they are looking for feedback from the commission prior to submitting formal applications. The purchase of the property is contingent upon state and local approvals of the project. Chairman Hoffman noted that he is not in favor of the proposed stripping on the canopy. He questioned the proposed second driveway, impervious coverage on the site, and right of way to adjacent properties. Commissioner Kelly has concerns pertaining to possible issues with the traffic flow. Commissioner Sandberg mentioned the POCD section referring to Route 83 and measures to lessen the number of curb cuts on Route 83. He would like the project to have a country design. Mr. D'Amour noted the wetlands to the back of the property. Commissioner Francis likes the proposed plan and design layout, but expressed concerns with signage and lights. Alternate Moser likes the design of the buildings and suggested gables.

2. Z201806 – Bradly Bahler, owner/applicant, pursuant to Section 3.1.3 (4) of the Ellington Zoning Regulations request for Special Permit for seven (7) total attached/detached garages and pursuant to Section 7.1 request for a Special Permit for an accessory apartment at 353 Somers Road, APN 105-007-0000 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 APRIL 23, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201806** – Bradly Bahler, owner/applicant, pursuant to Section 3.1.3 (4) of the Ellington Zoning Regulations request for Special Permit for seven (7) total attached/detached garages and pursuant to Section 7.1

request for a Special Permit for an accessory apartment at 353 Somers Road, APN 105-007-0000 in a RAR (Rural Agricultural/Residential) Zone.

3. Z201807 – Dennis Quinn, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 118 Tripp Road, APN 023-005-0000, in a RAR (Rural Agricultural/Residential) Zone.

Ms. Houlihan explained that accessory apartment regulations require owner occupancy and explained that Dennis Quinn does not currently live on Tripp Road where the accessory apartment is proposed. Mr. Quinn intends to sell his current home and will re-apply when he has relocated to 118 Tripp Road. Ms. Houlihan explained that the fee taken as part of the application will be returned to Mr. Quinn since legal advertisements have not been issued for the application.

**BY CONSENSUS, ADD TO THE AGENDA, RECEIVE AND ACCEPT REQUEST TO WITHDRAW APPLICATION FOR Z201807 – Dennis Quinn, owner/applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 118 Tripp Road, APN 023-005-0000, in a RAR (Rural Agricultural/Residential) Zone.**

4. Z201808 - CM & Sons Home Construction, LLC, owner/applicant, request for a Special Permit for a rear lot for property located on Sandy Beach Road, APN 151-0009-0000 and APN 131-011-0000 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 APRIL 23, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201808 - CM & Sons Home Construction, LLC, owner/applicant, request for a Special Permit for a rear lot for property located on Sandy Beach Road, APN 151-0009-0000 and APN 131-011-0000 in a RAR (Rural Agricultural/Residential) Zone.**

5. S201801 – CM & Sons Home Construction, LLC, owner/applicant, request for a re-subdivision for property located on Sandy Beach Road, APN 151-0009-0000 and APN 131-011-0000 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 APRIL 23, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR S201801 – CM & Sons Home Construction, LLC, owner/applicant, request for a re-subdivision for property located on Sandy Beach Road, APN 151-0009-0000 and APN 131-011-0000 in a RAR (Rural Agricultural/Residential) Zone.**

## **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the February 26, 2018 Regular Meeting Minutes

**MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE THE FEBRUARY 26, 2018 MEETING MINUTES AS WRITTEN.**

2. Status of comprehensive review and updates to the 2008 Plan of Conservation and Development.



- a. Encore Public Information Meeting, Thursday, April 5, 2018, 7-9 pm, Ellington High School Cafeteria.
  - b. Ellington Plan of Conservation & Development Update Committee 3/1/2018 minutes
3. Correspondence/Discussion:
    - a. Public Information Meeting - Connecticut Department of Transportation, Monday, April 16, 2018, 6:30pm, Ellington Town Hall, for bridge reconstruction over Charters Brook (Bridge No.02668) on Route 140 in Ellington.
  4. Report from commission representative regarding the CRCOG Regional Planning Commission meeting on March 8, 2018 (Next meeting: May 17, 2018)

Alternate Moser stated there is nothing to report regarding the March 8, 2018 CRCOG meeting.

Ms. Houlihan received a request from Educational Daycare at 135 West Road to increase the size and install a different type of fencing for the play area nearest Route 83. Upon review of the proposed fencing and possible expansion areas, the commission advised Ms. Houlihan they were not in favor of the type of fencing, but supported expanding the play area by the first proposed segment.

## **VII. ADJOURNMENT:**

**MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:20 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk