



TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MARCH 27, 2017, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: Chairman Arlo Hoffman, Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, F. Michael Francis, and Alternate Jon Moser

MEMBERS ABSENT: Vice Chairman Bill Hogan, Secretary Carol Strom and Alternate Keith Durao

STAFF PRESENT: Lisa M. 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): There were no comments from the public.

III. PUBLIC HEARINGS:

1. S201701 – Elizabeth Nebelsky, owner/applicant, request for a one lot re-subdivision of property located on Jobs Hill Road, APN# 0140-003-0000 in an RAR (Rural Agricultural Residential) Zone.

TIME: 7:01 pm

SEATED: Hoffman, Sandberg, Hirth, Kelly, Francis, and Alternate Moser

Mr. James Ussery of J.R. Russo & Associates, LLC, One Shoham Road, East Windsor, CT, stepped forward to represent the application. He introduced himself, Attorney Bruce Fader, 25 West Road, Ellington, CT, who is Ms. Nebelsky's attorney and Walter LaFleur, Jr., 854 Brand Road, Suffield, CT, potential property owner to build a new home.

Mr. Ussery stated the parcel is 6.7 acres located on the east side of Jobs Hill Road and is partially a hay lot and wooded, with wetlands located in the rear. The reason why the application was being presented is that the division was created and conveyed but not approved through the Planning & Zoning Commission.

Mr. Ussery showed the Commission a site plan showing where the proposed house would be located. He stated that the applicant has received approvals from the Wetlands Commission, and North Central District Health Department (NCDHD) He explained the comments from Tim Webb of Public Works/Water Pollution Control Authority and summarized the letter received from Mr. Jim Thompson, Town Engineer. Mr. Ussery discussed open space and asked the Commission to waive the provision of the open space and/or fee in lieu of open space.

Attorney Bruce Fader provided history of the Nebelsky property being subdivided among the family members as part of an estate. He explained why the certificate of divide is required. Attorney Fader, Mr. Ussery and the Commission discussed the open space requirements. Lisa Houlihan, Town Planner, explained to the Commission how this application came before them and reiterated the open space requirements to either grant a waiver or as an alternative to meeting open space requirements a Conservation Easement could be required. All members of the Commission were in favor of waiving to open space requirements.

Ms. Houlihan read the proposed conditions of approval.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE HEARING FOR S201701 – Elizabeth Nebelsky, owner/applicant, request for a one lot re-subdivision of property located on Jobs Hill Road, APN# 0140-003-0000 in an RAR (Rural Agricultural Residential) Zone.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR S201701 – Elizabeth Nebelsky, owner/applicant, request for a one lot re-subdivision of property located on Jobs Hill Road, APN# 0140-003-0000 in an RAR (Rural Agricultural Residential) Zone.

CONDITIONS OF APPROVAL:

1. DRIVEWAY PERMIT SHALL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO INSTALLATION;
2. SUBJECT TO TERMS OF APPROVAL FROM NORTH CENTRAL DATED OCTOBER 6, 2016;
3. CONSULTANT REVIEW FEE (\$525) SHALL BE PAID PRIOR TO ISSUANCE OF ZONING PERMIT;
4. SUBJECT TO COMPLIANCE WITH THE TOWN ENGINEER'S LETTER DATED MARCH 24, 2017;
5. AS REQUIRED PURSUANT TO THE TOWN ENGINEER'S LETTER (DATED 3//24/17), BONDING MAY BE REDUCED BY STAFF UPON AUTHORIZATION FROM THE TOWN ENGINEER.
6. GRANT WAIVER OF OPEN SPACE REQUIREMENT.

IV. OLD BUSINESS:

1. Z201506 – Pursuant to correspondence from Quantum of Ellington II, LLC dated September 12, 2016, request for a bond adjustment for active phases 1, 2, 3, 4, and 7, and to set bonding for phases 5 and 6 for the property known as Windermere Village on the west side of Windermere Avenue.

BY CONSENSUS, THE COMMISSION TABLED ACTION ON THE REQUEST FOR BONDING FOR PHASES 5 & 6 FOR Z201506 – Pursuant to correspondence from Quantum of Ellington II, LLC dated September 12, 2016, request for a bond adjustment for active phases 1, 2, 3, 4, and 7, and to set bonding for phases 5 and 6 for the property known as Windermere Village on the west side of Windermere Avenue.

V. NEW BUSINESS:

1. Z201704 – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to modify Section 2.1 – General Requirements to add standards for division of land for agricultural purposes and lots exempt from subdivision.

BY CONSENSUS, THE COMMISSION RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR THE NEXT REGULAR MEETING OF APRIL 24, 2017, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

2. Z201705 – Ellington Planning and Zoning Commission for proposed amendments to the Ellington Zoning Regulations to add Section 7.15 – Alternative Energy - Solar.

BY CONSENSUS, THE COMMISSION RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR THE NEXT REGULAR MEETING OF APRIL 24, 2017, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

3. S200504– Pursuant to correspondence from Vitaly Dzhenzherukha of MJ Homes dated January 20, 2017, request for acceptance of roadway, drainage and infrastructure and release of bond for Freedom Ridge Subdivision, Ferguson Way.

BY CONSENSUS, THE COMMISSION TABLED TO THE NEXT REGULAR MEETING OF APRIL 24, 2017, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

4. Z201706 – James J. Gessay & Robert A. Ludwig, owner/Richard Gummoe, applicant, request for a Special Permit and site plan modification for a winery/distillery at 5 Industrial Drive (Suites 12 & 13), APN 092-004-0000, in an I (Industrial) zone.

BY CONSENSUS, THE COMMISSION ADDED TO THE AGENDA, RECEIVED, AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING OF APRIL 24, 2017, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

5. Z201707 – Roger Moser, owner/Brent Moser, applicant, request for a Special Permit and site plan modification for a 6,240 s.f. building addition at 43 Lower Butcher Road, APN 018-020-0000, in an IP (Industrial Park) zone.

BY CONSENSUS, THE COMMISSION ADDED TO THE AGENDA, RECEIVED, AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING OF APRIL 24, 2017, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the December 19, 2016 Regular Meeting Minutes.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 19, 2016 MEETING MINUTES AS WRITTEN.

2. Approval of the February 8, 2017 Special Meeting Minutes.

Under CALL TO ORDER, it should read Vice Chairman Bill Hogan not Chairman Arlo Hoffman.

On page 2, after the motion and prior to ADJOURNMENT the following should be added:

Discussion: Plans for the project shall maintain the historical character of the existing Town Hall.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE THE FEBRUARY 8, 2017 MEETING MINUTES WITH CORRECTIONS AS NOTED.

3. Approval of the February 27, 2017 Regular Meeting Minutes

MOVED (FRANCIS) SECONDED (RICCI) AND PASSED UNANIMOUSLY TO APPROVE THE FEBRUARY 27, 2017 MEETING MINUTES WITH CORRECTION ON VOTES OF 5 AYE, 2 NAY (FRANCIS AND STROM), 0 ABSTENTIONS FOR Z201631, TANGO PROPERTIES, LLC, 194 WINDSORVILLE ROAD.

4. Election of Officers for 2017

1. **MOVED (KELLY) SECONDED (SANDBERG) TO NOMINATE COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2017.**

COMMISSIONER (HOFFMAN) ACCEPTED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, NOMINATIONS WERE CLOSED.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2017.

2. **MOVED (KELLY) SECONDED (FRANCIS) TO NOMINATE COMMISSIONER (HOGAN) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2017.**

COMMISSIONER (HOGAN) ACCEPTED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, NOMINATIONS WERE CLOSED.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (HOGAN) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2017.

3. **BY CONSENSUS, THE COMMISSION TABLED ELECTION OF SECRETARY OF THE PLANNING & ZONING COMMISSION TO THE NEXT REGULAR MEETING OF APRIL 24, 2017 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT.**

5. Correspondence/Discussion:

- a. Northern Connecticut Land Trust, Inc. letter dated December 21, 2016, regarding potential open space parcel to rear of Sandy Beach Road.

Ms. Houlihan stated that Jim Gage, who is on the Conservation Commission and Northern Connecticut Land Trust Committee, submitted a grant application to DEEP for purchase of open space and is looking for letters of support from the Conservation and Planning & Zoning Commissions. The land to be purchased is 37 acres off Sandy Beach Road. The property owner is moving and would like to have the rear portion of the property permanently protected by the Northern Connecticut Land Trust.

MOVED (SANDBERG), SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ENDORSE THE LETTER OF SUPPORT FOR THE NORTHERN CONNECTICUT LAND TRUST SEEKING GRANT FUNDING FOR PRESERVATION OF 37 ACRES OF THE BELLANTE PROPERTY AT 14 SANDY BEACH ROAD, ELLINGTON, CT.

6. Executive Session to discuss pending litigation.

MOVED (FRANCIS) SECONDED (SANDBERG) TO GO INTO EXECUTIVE SESSION AT 7:45 PM INVITING ALL COMMISSIONERS PRESENT, THE TOWN ATTORNEY, TOWN PLANNER AND LAND USE ASSISTANT.

BY CONSENSUS, THE COMMISSION CAME OUT OF EXECUTIVE SESSION AND RETURNED TO REGULAR MEETING AT 8:30 PM.

NO MOTIONS OR DECISIONS WERE MADE.

Ms. Houlihan stated she received a revised map proposing additional parking spaces at LuAnn's Bakery, 238 Somers Road. The Commission authorized the Town Planner to approve the changes to the plan previously approved as minor site plan modifications.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (RICCI) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:35 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk