



TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

MONDAY, OCTOBER 22, 2018, 7:00 PM

ELLINGTON HIGH SCHOOL AUDITORIUM, 37 MAPLE STREET, ELLINGTON, CT

MEMBERS PRESENT: Chairman Arlo Hoffman, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis and Alternate Keith Durao (arrived at 7:15 PM)

MEMBERS ABSENT: Vice Chairman Bill Hogan and Alternate Jon Moser

STAFF PRESENT: Lisa Houlihan, Town Planner and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Arlo Hoffman called the October 22, 2018 meeting to order at 7:02 PM in Ellington High School Auditorium, 37 Maple Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): NONE

III. NEW BUSINESS:

Item #1 of New Business (Z201814) and Item #1 of Public Hearings (Z201815) were heard together.

1. Z201814 - In accordance with a memo from the Board of Selectmen dated August 17, 2018, request for a Connecticut General Statutes §8-24 review to consider and act on resolution of plans for development of recreation playscapes and fields on town-owned property on Middle Road, APN 053-016-0000, as approved within the 2018-19 Capital Improvement Budget.(Continued from October 9, 2018)

TIME: 7:03 PM

SEATED: Chairman Arlo Hoffman, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis

Chairman Hoffman read the two withdrawal letters from the First Selectman's Office.

BY CONSENSUS, ACCEPT WITHDRAWAL OF Z201814 - In accordance with a memo from the Board of Selectmen dated August 17, 2018, request for a Connecticut General Statutes §8-24 review to consider and act on resolution of plans for development of recreation playscapes and fields on town-owned property on Middle Road, APN 053-016-0000, as approved within the 2018-19 Capital Improvement Budget.

IV. PUBLIC HEARING(S):

1. Z201815 - Town of Ellington, owner/applicant, revised application removing proposed athletic fields, dog park and walking trail and limit application to a request for a Special Permit and Site Plan Approval for proposed deck hockey rink, playscape, parking and associated site improvements for property on Middle Road, Frog Hollow Road and Pinney

Street, APN 053-016-0000, in a RAR (Rural Agricultural/Residential) Zone. (Continued from October 9, 2018)

TIME: 7:03 PM

SEATED: Chairman Arlo Hoffman, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, Sean Kelly, and F. Michael Francis

BY CONSENSUS, CLOSE PUBLIC HEARING FOR Z201815 - Town of Ellington, owner/applicant, revised application removing proposed athletic fields, dog park and walking trail and limit application to a request for a Special Permit and Site Plan Approval for proposed deck hockey rink, playscape, parking and associated site improvements for property on Middle Road, Frog Hollow Road and Pinney Street, APN 053-016-0000, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, ACCEPT WITHDRAWAL OF APPLICATION Z201815 - Town of Ellington, owner/applicant, revised application removing proposed athletic fields, dog park and walking trail and limit application to a request for a Special Permit and Site Plan Approval for proposed deck hockey rink, playscape, parking and associated site improvements for property on Middle Road, Frog Hollow Road and Pinney Street, APN 053-016-0000, in a RAR (Rural Agricultural/Residential) Zone.

Items #2 (S201803 for re-subdivision) and #3 (Z201816 special permit for rear lot and light manufacturing uses and site plan approval for construction of building and site improvements) were heard together.

2. S201803 – John Luginbuhl, owner/S&S Wall Systems, applicant, request for re-subdivision for 1 additional lot for 44 Lower Butcher Road, APN 018-017-0000, in an I (Industrial) Zone. (Continued from October 9, 2018)

Chairman Arlo Hoffman recused himself from applications S201803 and Z201816, Regular Member Sean Kelly served as Acting Chairman.

TIME: 7:04 PM

SEATED: Acting Chairman Sean Kelly, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, and F. Michael Francis

Mr. Russell Heintz of Tarbell, Heintz and Assoc., Inc., 1227 Burnside Ave. – Suite 8A, East Hartford, CT, Steven Hamilton and Stephen Giroux of S & S Wall Systems, LLC, 10 Nutmeg Drive, Ellington, CT, John Luginbuhl, 42 Lower Butcher Road, Ellington, CT and Attorney Bruce Fader, 25 West Road, Ellington, CT were present to represent the application.

Mr. Heintz stated he made changes to the plan. Because of easement limitations, he eliminated the access to the property from Courtney Drive and combined the drive from the existing residential property with the proposed lot's access off Lower Butcher Road.

Attorney Bruce Fader stated there are two easements off of Courtney Drive. The legal term Right of Way (ROW) does not mean right to access. The ROW on the plan for Courtney Drive is for the Cooksey property for a 30' easement for ingress/egress, and the easement for Micaela Rentals is only for utilities. He explained they propose to have one shared driveway for S&S Wall Systems and the pre-existing home to the west of the proposed access drive. Attorney Fader handed the Commission a copy of the August 26, 1996

minutes and a copy of the assessor's card for 6 Lower Butcher Road to show that the proposed driveway is consistent with the Plan of Conservation and Development. He noted that the town needs more industrial uses.

Mr. John Luginbuhl explained how land was originally subdivided among the family.

Mr. Heintz explained he needs to complete drainage details and other outstanding items, but before moving forward the applicants need to know if the Commission is okay with creating one shared driveway from Lower Butcher Road.

Secretary Strom shared concerns about creating more traffic during peak hours by S&S Wall Systems and the issue with approving an additional curb cut along Lower Butcher Road.

Commissioner Sandberg appreciates the changes to the proposed curb cuts on Lower Butcher Road and the increased width of the proposed driveway. He asked if the applicant would be willing to grant an access easement to the adjacent property to the east. Mr. Heintz suggested that access to the east be addressed upon future development.

Attorney Fader explained the applicants are not willing to spend more money to complete the drainage study unless the Commission is okay with the changes to the proposed driveway.

Ms. Lisa Houlihan, Town Planner, explained that she shared the easements provided by Attorney Fader with the Town Attorney. She stated that without conducting a full title search the disposition of easements cannot be determined. She referred the Commission to Section 7.9, Rear Lot Requirements explaining that access cannot be by easement but is expected to be part of the land owned by the rear lot.

Mr. Steve Hamilton, S&S Wall Systems, would like to limit the amount of shared access.

Mr. Roger Moser, 17 Hayes Avenue, owner of land across the street from the subject parcel, does not object to the project and supports it being used for industrial purposes.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CONTINUE HEARING TO NOVEMBER 26, 2018, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT) S201803 – John Luginbuhl, owner/S&S Wall Systems, applicant, request for re-subdivision for 1 additional lot for 44 Lower Butcher Road, APN 018-017-0000, in an I (Industrial) Zone.

3. Z201816 - John Luginbuhl, owner/S&S Wall Systems LLC, applicant, request for a Special Permit for a rear lot and light manufacturing and assembly; warehouse and storage; packaging and distribution of goods; wholesale warehousing and distribution; storage, service, and workshop for building, landscaping, and special trade contractors and Site Plan Approval to construct an industrial building, access drive, parking, stormwater management facilities, and associated improvements on property at 44 Lower Butcher Road, APN 018-017-0000, in an I (Industrial) Zone. (Continued from October 9, 2018)

TIME: 7:04 PM

SEATED: Acting Chairman Sean Kelly, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, and F. Michael Francis

PLANS REVIEWED: A.P.N. 018-017-0000 & 0001; Boundary Plan – Re Subdivision Plan prepared for S & S Wall Systems, 44 Lower Butcher Road, Ellington, Connecticut, Prepared by: Tarbell, Heintz & Assoc., Inc., Civil Engineers – Land Surveyors, 1227 Burnside Ave. Suite 8A, East Hartford, CT (860) 528-1810. Date: 6-4-18; Scale: 1"=40'; Sheet No. 1 of 4.

Site Plan – Erosion Control Plan Notes & Details prepared for S & S Wall Systems, 44 Lower Butcher Road, Ellington, Connecticut, Prepared by: Tarbell, Heintz & Assoc., Inc., Civil Engineers – Land Surveyors, 1227 Burnside Ave. Suite 8A, East Hartford, CT (860) 528-1810. Date: 8-14-18; Scale: 1"=40'; Sheet No. 2 of 4.

A.P.N. 018-017-0000 & 0001; Landscape & Lighting Plan prepared for S & S Wall Systems, 44 Lower Butcher Road, Ellington, Connecticut, Prepared by: Tarbell, Heintz & Assoc., Inc., Civil Engineers – Land Surveyors, 1227 Burnside Ave. Suite 8A, East Hartford, CT (860) 528-1810. Date: 8-21-18; Scale: 1"=40'; Sheet No. 3 of 4.

Notes & Details prepared for S & S Wall Systems, 44 Lower Butcher Road, Ellington, Connecticut, Prepared by: Tarbell, Heintz & Assoc., Inc., Civil Engineers – Land Surveyors, 1227 Burnside Ave. Suite 8A, East Hartford, CT (860) 528-1810. Date: 8-14-18; Scale: 1"=40'; Sheet No. 4 of 4.

Site Plan – Revision prepared for S & S Wall Systems, 44 Lower Butcher Road, Ellington, Connecticut, Prepared by: Tarbell, Heintz & Assoc., Inc., Civil Engineers – Land Surveyors, 1227 Burnside Ave. Suite 8A, East Hartford, CT (860) 528-1810. Date: 6-14-18, Revised date 10-16-2018; Scale: 1"=40'; Sheet No. 1 of 1.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CONTINUE HEARING TO NOVEMBER 26, 2018, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201816 - John Luginbuhl, owner/S&S Wall Systems LLC, applicant, request for a Special Permit for a rear lot and light manufacturing and assembly; warehouse and storage; packaging and distribution of goods; wholesale warehousing and distribution; storage, service, and workshop for building, landscaping, and special trade contractors and Site Plan Approval to construct an industrial building, access drive, parking, stormwater management facilities, and associated improvements on property at 44 Lower Butcher Road, APN 018-017-0000, in an I (Industrial) Zone.

4. Z201817 – Wilhelm Frederich, owner/ Brian Frederich, applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 1 Willi Lane, APN 181-047-0000, in a RAR (Rural Agricultural/Residential) Zone.

TIME: 8:03 PM

SEATED: Chairman Arlo Hoffman, Secretary Carol Strom, Regular Members Robert Sandberg, Jr., Ricci Hirth, Acting Chairman Sean Kelly, and F. Michael Francis and Alternate Keith Durao

Mr. Brian Frederich, 121 Melrose Road, Broad Brook, CT, was present to represent the project. He has met all requirements for the accessory apartment regulations, including obtaining approval from North Central District Health Department.

Acting Chairman Kelly asked the applicant if he was converting only a portion of the basement. Mr. Frederich answered that there will not be any additional construction to the outside and the apartment will have one bedroom and one kitchen.

Ms. Lisa Houlihan stated the proposal meets the regulations.

MOVED (FRANCIS) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z201817 – Wilhelm Frederich, owner/ Brian Frederich,

applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 1 Willi Lane, APN 181-047-0000, in a RAR (Rural Agricultural/Residential) Zone.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z201817 – Wilhelm Frederich, owner/ Brian Frederich, applicant, pursuant to Section 7.1 of the Ellington Zoning Regulations request for a Special Permit for an accessory apartment at 1 Willi Lane, APN 181-047-0000, in a RAR (Rural Agricultural/Residential) Zone.

V. NEW BUSINESS:

1. Z201818 - Douglas H. Miller, owner/ Anna Pinette, applicant, request for Special Permit for year round food service at 291 Sandy Beach Road (DM Auto Repair & Sales, LLC), APN 128-014-0000, in a C (Commercial) zone. (Received one year Special Permit via Z201718 that's set to expire December 31, 2018)

BY CONSENSUS, RECEIVED AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON NOVEMBER 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201818 - Douglas H. Miller, owner/ Anna Pinette, applicant, request for Special Permit for year round food service at 291 Sandy Beach Road (DM Auto Repair & Sales, LLC), APN 128-014-0000, in a C (Commercial) zone. (Received one year Special Permit via Z201718 that's set to expire December 31, 2018)

2. Z201819 - Roger Moser, owner/Brent Moser, applicant, request for a Special Permit for Contractor Storage and Site Plan Modification for expansion of parking, landscaping enhancements and associated site improvements at 43 Lower Butcher Road, APN 018-020-0000, in an IP (Industrial Park) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON NOVEMBER 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201819 - Roger Moser, owner/Brent Moser, applicant, request for a Special Permit for Contractor Storage and Site Plan Modification for expansion of parking, landscaping enhancements and associated site improvements at 43 Lower Butcher Road, APN 018-020-0000, in an IP (Industrial Park) Zone.

3. Z201820 – Judith Spielman, owner/Four Town Veterinary Hospital, applicant, request for a Special Permit for a veterinarian/small animal hospital facility and Site Plan Modification for the construction of a building addition, parking expansion and associated site improvements at 106 West Road, APN 028-011-0000, in a PC (Planned Commercial) and C (Commercial) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON NOVEMBER 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201820 – Judith Spielman, owner/Four Town Veterinary Hospital, applicant, request for a Special Permit for a veterinarian/small animal hospital facility and Site Plan Modification for the construction of a building addition, parking expansion and associated site improvements at 106 West Road, APN 028-011-0000, in a PC (Planned Commercial) and C (Commercial) Zone.

4. Z201821 – Allan & Jessica Hastillo, owner/applicant, pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations request for Special Permit for a detached garage for more than 3 cars at 100 Tripp Road, APN 023-002-0000, in a RAR (Rural/Agricultural Residential) Zone.

BY CONSENSUS, ADD TO THE AGENDA, RECEIVED AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON NOVEMBER 26, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z201821 – Allan & Jessica Hastillo, owner/applicant, pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations request for Special Permit for a detached garage for more than 3 cars at 100 Tripp Road, APN 023-002-0000, in a RAR (Rural/Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the September 24, 2018 Regular Meeting Minutes and October 9, 2018 Special Meeting Minutes.

MOVED (FRANCIS) SECONDED (STROM) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 24, 2018 REGULAR MEETING MINUTES AS WRITTEN.

MOVED (FRANCIS) SECONDED (STROM) AND PASSED UNANIMOUSLY TO APPROVE THE OCTOBER 9, 2018 SPECIAL MEETING MINUTES AS WRITTEN.

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

Acting Chairman Kelly explained discussion at the last meeting about housing. The number of children living at Autumn Chase is high in comparison to other multi-family developments. Acting Chairman Kelly said they need to be aware of the CGS 8-30g requirements.

3. Correspondence/Discussion:
 - a. Status update on barking dogs – 25 Glenwood Road

The email from Ms. Houlihan to First Selectman Spielman was reviewed. Setting a limit on the number of dogs allowed at a residence does not address barking and penalizes responsible dog owners. Residents of Glenwood Road recently submitted logs to Animal Control explaining barking activity at 25 Glenwood Road, but no action has been taken. Animal Control does not generally reply to barking complaints unless activity occurs during quiet times e.g. after 10PM and prior to 7AM. The pros and cons of establishing a noise ordinance was discussed. As the chief administrator, Ms. Houlihan's memo and the dog barking logs have been shared with the First Selectman.

- b. Oakridge Times – October 15, 2018

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (DURAO) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:18 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk