



TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, DECEMBER 17, 2018, 7:00 PM
TOWN HALL ANNEX, 57 MAIN 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 Alternates Jon Moser and Keith Durao

MEMBERS ABSENT: Vice Chairman Bill Hogan

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

I. CALL TO ORDER:

Chairman Arlo Hoffman called the December 17, 2018, meeting to order at 7:00 PM in the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARING(S):

1. Z201823 – Nicole Ford, owner/applicant, request for a Special Permit for construction of 30'X40' detached garage for more than 3 cars and associated site improvements at 311 Somers Road, APN 083-008-0000, in an RAR (Rural Agricultural Residential) Zone.

TIME: 7:01 PM

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

Ms. Nicole Ford and Mr. Chris Lemek of 311 Somers Road were present to represent the application. Ms. Ford stated they are looking to build a 30'x40' detached barn, which will be located behind the existing shed that is currently on the property. They will be rotating the existing shed 90 degrees within the same location.

Ms. Houlihan, Town Planner, explained that Ellington Zoning Regulations include two types of home occupation permits, one that can be approved by the Zoning Enforcement Officer and another that is outside of staff's purview and requires special permit approval from the Commission. She explained Mr. Lemek applied for a home occupation for his excavation and septic system company on the property. He was originally going to apply for a home occupation through the Planning & Zoning Commission due to the equipment listed on the project narrative being stored outside. After a brief discussion with the applicant, it was stated that all of the equipment will be stored in the proposed barn and Mr. Lemek only has one employee.

Mr. Lemek stated the existing gravel driveway will extend to the new barn. Commissioner Sandberg asked if there will be any deliveries to the house. Mr. Lemek stated there will be

no stockpiling of any materials on site and will be delivered to the job site or picked up at the vendor's location. Commissioner Francis asked what materials will be used to construct the barn, Mr. Lemek said the materials for the barn will match the materials of the existing shed.

No one from the public spoke on behalf of the application.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z201823 – Nicole Ford, owner/applicant, request for a Special Permit for construction of 30'X40' detached garage for more than 3 cars and associated site improvements at 311 Somers Road, APN 083-008-0000, in an RAR (Rural Agricultural Residential) Zone.

MOVED (SANDBERG) SECONDED (FRANCIS) TO APPROVE Z201823 – Nicole Ford, owner/applicant, request for a Special Permit for construction of 30'X40' detached garage for more than 3 cars and associated site improvements at 311 Somers Road, APN 083-008-0000, in an RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER TO NEW BUSINESS, ITEM #1 BEFORE ADDRESSING ITEM #2 OF PUBLIC HEARINGS.

1. Review and discuss draft Route 83 interior circulation plan.

Mr. Dana Steele, P.E., Ellington's Town Engineer, was present to discuss a draft Route 83 interior circulation plan with the Commission. He prepared a draft plan upon collaboration with Ms. Houlihan. The plan was an aerial of Route 83 from Johnny Appleseed parcel to Middle /Lower Butcher Road intersection. The concept plan showed boundary lines of the parcels and possible locations of internal access between abutting parcels rather than traveling along Route 83. He stated should the proposed access areas be utilized, each parcel owner will need to provide easements through the property and be filed on the land records. Mr. Steele stated the east side of Route 83 has more residential than commercial, which is on the west side.

Mr. Steele explained by adopting such a concept through their regulations, it will give the property owners guidance when designing development layout and provide the Commission authority to require interior connections along Route 83 in the future. The Commission discussed other connection options. The internal circulation road will not be a public road, but is intended to help control traffic circulation within the corridor as land develops.

The concept plan was drafted to coordinate a traffic light across from Autumn Chase and the parcel on west. Existing lights and future intersections was discussed. The Commission explored the idea of separating traffic in a boulevard fashion by having a potential access road along the western boundary of the lots fronting on Route 83 on the west side of the road.

BY CONSENSUS, THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER TO HEAR ITEM #2 OF PUBLIC HEARINGS.

2. Z201822 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Section 7.9 (A) Rear Lot Requirement to exempt lots subject to permanent easement for farmland preservation.

TIME: 7:48 PM

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

Ms. Houlihan briefly explained that lots permanently protected by formal easement as farmland preservation parcels should be exempt from Section 7.9 - Rear Lot Requirements, which was established to control the number of rear lots intended now or in the future for development. The Commission concurred.

Ms. Houlihan noted that the Capitol Regional Council of Governments (CRCOG) reported no issues with proposed regulations. No one from the public spoke on behalf of the application.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z201822 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Section 7.9 (A) Rear Lot Requirement to exempt lots subject to permanent easement for farmland preservation.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE Z201822 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Section 7.9 (A) Rear Lot Requirement to exempt lots subject to permanent easement for farmland preservation. **Effective date: December 30, 2018.**

3. Z201824 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Table 4.1 Permitted Uses & Uses Requiring Special Permit – Commercial & Industrial Zones to require special permit for Auto, Limited Repairer License; Glass Fabrication & Installation; Ice Manufacture – Storage & Sale; Jewelry Manufacture; Optical & Scientific Instrument Manufacture; Plumbing & Heating; Sales, Service, Storage; Public Garage, Bus, Taxi Service, Rentals; Radio and Television Studios; Retail Business; Theater, Indoors In Building; Wholesale, Business.

TIME: 7:52 PM

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

Ms. Houlihan read her memo to the Commission dated November 16, 2018: Route 83 is Ellington's main commercial corridor, and generally, land along Route 83 from the Vernon town line to Meadow Brook Road is zoned commercial (C) or planned commercial (PC). The two most significant differences amongst the two zones is minimum lot size and uses. The crux of this memo concerns uses.

Table 4.1 of the Ellington Zoning Regulations lists permitted and special permitted uses for commercial and industrial zones. Permitted uses are allowed as of right and are not subject to Commission review, however special permitted uses require Commission approval and are subject to suitability standards found in Section 8.3-Special Permit Standards and Procedures. Amongst the two commercial zones there are fifteen (15) uses permitted as of right in the C zone whereas they require a special permit and Commission approval in the PC zone. The Plan of Conservation and Development supports increasing regulatory oversight along Route 83 as a means to protect community character, and one way to increase regulatory oversight is through the special permit process. This proposal suggests amending Table 4.1 to require special permit approval for the following uses:

- Auto, Limited Repairer License;
- Glass Fabrication & Installation;
- Ice Manufacture – Storage & Sale;
- Jewelry Manufacture;
- Optical & Scientific Instrument Manufacture;
- Plumbing & Heating: Sales, Service, Storage;
- Public Garage, Bus, Taxi Service, Rentals;
- Radio and Television Studios;
- Retail Business;
- Theater, Indoors In Building;
- Wholesale, Business

The proposed change has been reviewed by the Town Attorney and Capitol Regional Council of Governments (CRCOG), and both report no issues with proposed regulation. After some discussion, the Commission decided they wanted more time to contemplate the proposal and to continue the application until next month's meeting.

MOVED (KELLY) SECONDED (STROM) AND PASSED UNANIMOUSLY TO CONTINUE THE HEARING TO JANUARY 28, 2019, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201824 – Ellington Planning and Zoning Commission for proposed amendment to Ellington Zoning Regulation Table 4.1 Permitted Uses & Uses Requiring Special Permit – Commercial & Industrial Zones to require special permit for Auto, Limited Repairer License; Glass Fabrication & Installation; Ice Manufacture – Storage & Sale; Jewelry Manufacture; Optical & Scientific Instrument Manufacture; Plumbing & Heating: Sales, Service, Storage; Public Garage, Bus, Taxi Service, Rentals; Radio and Television Studios; Retail Business; Theater, Indoors In Building; Wholesale, Business.

IV. NEW BUSINESS:

1. Review and discuss draft Route 83 interior circulation plan. – Addressed after Item #1 of Public Hearings.
2. Review and discuss draft Right to Farm Ordinance.

Ms. Houlihan informed the Commission that on April 16, 2018, the Ellington Board of Selectmen (BOS) resolved to become a Sustainable Connecticut town. She explained that Sustainable CT is a comprehensive, action-oriented, voluntary certification program to help make communities more vibrant, resilient, and livable. Sustainable CT offers best practices and grant funding to communities to help them equitably promote the health and well-being of current and future residents, and respect the finite capacity of the natural environment. She noted the Ellington Conservation Commission (CC) is working to advance Sustainable CT initiatives relating to natural resources, conservation, and agriculture. On December 4, 2018, the CC endorsed a draft Right to Farm ordinance and forwards it to the Commission for consideration. The ordinance will serve as a formal policy recognizing agriculture as a valuable part of Ellington's economy and culture, and a principal land use that should be protected.

If endorsed by the Commission, the draft ordinance will be forwarded to the BOS for further consideration.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ENDORSE THE RIGHT TO FARM ORDINANCE AS WRITTEN AND REFER IT TO THE BOARD OF SELECTMEN.

3. S201804 – Fly Boys Ink, LLC owner/applicant, request for a two lot subdivision for property at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JANUARY 28, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S201804 – Fly Boys Ink, LLC owner/applicant, request for a two lot subdivision for property at 240 Jobs Hill Road, APN 139-002-0000, in a RAR (Rural Agricultural/Residential) Zone.

4. S201805 – Kimberly Sullivan, owner/applicant, request for re-subdivision for 1 additional lot for property at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JANUARY 28, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S201805 – Kimberly Sullivan, owner/applicant, request for re-subdivision for 1 additional lot for property at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

5. Z201825 – Kimberly Sullivan, owner/applicant, request for a Special Permit for a rear lot for property at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JANUARY 28, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201825 – Kimberly Sullivan, owner/applicant, request for a Special Permit for a rear lot for property at 78 Hoffman Road, APN 120-026-0001, in a RAR (Rural Agricultural/Residential) Zone.

5. Z201826 – Al-Noor Islamic Center, owner/ Mohammed Fayazuddin, applicant, request for a Special Permit for a restaurant located at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

BY CONSENSUS, RECEIVE AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JANUARY 28, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201826 – Al-Noor Islamic Center, owner/ Mohammed Fayazuddin, applicant, request for a change of use Special Permit for a restaurant located at 4 West Road, APN 012-005-0000, in a C (Commercial) Zone.

V. ADMINISTRATIVE BUSINESS:

1. Approval of the November 26, 2018 Regular Meeting Minutes
MOVED (FRANCIS) SECONDED (KELLY) TO APPROVE THE NOVEMBER 26, 2018, REGULAR MEETING MINUTES AS WRITTEN.
2. Status of comprehensive review and updates to the 2008 Plan of Conservation and Development (POCD).

Ms. Houlihan stated the Plan of Conservation and Development Update Committee discussed transportation at their last meeting. The Committee is expected to receive a comprehensive draft POCD update in January for review and discussion in February.

3. Correspondence/Discussion:

a. Oakridge News updated 11/21/2018

VI. ADJOURNMENT:

**MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN
THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:26 PM.**

Respectfully submitted,

Barbra Galovich, Recording Clerk