



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

FX (860) 870-3122

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 28, 2020, 7:00 PM
ZOOM MEETING**

MEMBERS PRESENT: **IN PERSON - CHAIRMAN ARLO HOFFMAN, SECRETARY ROBERT SANDBERG, JR, REGULAR MEMBERS RICCI HIRTH, F. MICHAEL FRANCIS AND MICHAEL SWANSON. VIA ZOOM - WILLIAM HOGAN AND ALTERNATE KEITH DURAO AND JON MOSER**

MEMBERS ABSENT: **VICE CHAIRMAN SEAN KELLY**

STAFF PRESENT: **LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK**

I. CALL TO ORDER: Chairman Hoffman called the meeting to order at 7:04 PM.

II. PUBLIC COMMENTS (On non-agenda items): **None**

Lisa Houlihan, Town Planner, explained general procedures for how the meeting will be conducted.

III. PUBLIC HEARING(S):

1. Z202010 – Todd McCann and Alicia Neville, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 118 Sandy Beach Road, APN 150-041-0000, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:06 PM

SEATED: Hoffman, Sandberg, Hirth, Francis, Swanson, Hogan and Moser

Todd McCann and Alicia Neville, 118 Sandy Beach Road, were present to represent the application. Ms. Neville stated that there is currently an attached garage and is proposing to have a 40'x60' detached garage.

Ms. Houlihan stated the house was built in 1946, living space is 2,141 sf with an attached two car garage. They are asking to erect a 60x40 garage and asked the applicants what the structure will be used for. Ms. Neville said for storage such as a lawn tractor and personal belongings. There will be electricity, but no water connected to the garage. Commissioner Hogan stated in looking at the plan provided it does not show abutting structures to their site and asked staff to provide that information with future applications.

In response to Chairman Hoffman, Ms. Neville confirmed that the detached garage is for personal use and not for business purposes.

No one from the public spoke regarding the application.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING for Z202010 – Todd McCann and Alicia Neville, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 118 Sandy Beach Road, APN 150-041-0000, in a RAR (Rural Agricultural Residential) Zone.

MOVED (SANDBERG) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO APPROVE Z202010 – Todd McCann and Alicia Neville, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 118 Sandy Beach Road, APN 150-041-0000, in a RAR (Rural Agricultural Residential) Zone.

2. Z202011 – Nick Sackandy, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 63 Crane Road, APN 078-003-0004, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:06 PM

SEATED: Hoffman, Sandberg, Hirth, Francis, Swanson, Hogan and Durao

Nick Sackandy, 63 Crane Road, was present to represent the application.

Mr. Sackandy said he will be removing the old shed from the property and replace it with the new structure. He plans on storing his personal belongings, such as a couple of ATV's and a camper along with pool supplies. He would like to create a small workshop area in the future. There will be no business conducted out of the barn, it will have electricity and no water supply in the structure.

No one from the public spoke regarding the application.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202011 – Nick Sackandy, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 63 Crane Road, APN 078-003-0004, in a RAR (Rural Agricultural Residential) Zone.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATION FOR Z202011 – Nick Sackandy, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 63 Crane Road, APN 078-003-0004, in a RAR (Rural Agricultural Residential) Zone.

CONDITION(S): No commercial or business use within the garage.

3. Z202012 – Brent Walder, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 50 Kibbe Road, APN 122-014-0000, in a RAR (Rural Agricultural Residential) Zone. (*Withdrawal request*)

TIME: 7:21 PM

SEATED: Hoffman, Sandberg, Hirth, Francis, Swanson, Hogan and Durao

Chairman Hoffman stated there is a request for withdrawal letter in the file.

BY CONSENSUS, ACCEPT WITHDRAWAL FOR Z202012 – Brent Walder, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars at 50 Kibbe Road, APN 122-014-0000, in a RAR (Rural Agricultural Residential) Zone.

4. Z202013 – Laura Gottier, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars and pursuant to Section 7.7 request for a Special Permit for a Home Occupation at 101 Webster Road, APN 145-006-0001, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:22 PM

SEATED: Hoffman, Sandberg, Hirth, Francis, Swanson, Hogan and Moser

Bruce and Laurie Gottier, 110 Pinnacle Road, Ellington, CT, were present to represent the application.

Ms. Houlihan summarized the application by stating they are looking for two Special Permits, one for the structure and the other for a Home Occupation not in compliance with Section 7.7. They propose to have 2 non-household employees and customers will visit one to two times a week to review design and pricing. The narrative states they expect three to four deliveries per month, cabinets are delivered pre-constructed and will be stored within the garage; there will be no outside storage. All visits to the office are by appointment only. The name of the company is Kitchens by Bruce. Ms. Houlihan noted she spoke with the Fire Marshal and he suggested that detached signage be required at the end of the driveway and additional directional signage within the site to identify which structure is the home and which is the home occupation to clearly direct emergency services; additional considerations like proper exits and outside lighting may be required at building permit stage. She noted that two addresses will not be required. Ms. Houlihan asked the applicants if there is going to be a bathroom in the proposed garage. Mr. Gottier stated there will be a bathroom. They are working with North Central District Health Department (NCDHD) pertaining to the septic system. The home occupation structure will need to be ADA compliant. Mr. Gottier explained that the house and detached garage are not visible from the street and are over 500' back.

Commissioner Sandberg inquired about any potential noise to the neighbors. Mr. Gottier explained he will not be building the cabinets on site.

Chris and Harry Wambolt, 108 Webster Road, stated the road is narrow and there's already a lot of traffic on Webster Road and is concerned with how much more Mr. Gottier's business will create. Mr. Gottier explained there may be one semi-truck on occasion, but most deliveries are made by box trucks and smaller trucks. Mr. Wambolt brought up the large amount of construction vehicles during the construction of the Gottier's house. Mr. Gottier noted that they had 217 tri-axle truckloads of fill brought in due to so much ledge on site. He said that part of the construction has been completed and apologizes for any inconvenience to the neighbors. He noted that only one employee will be coming into the office.

Deanna Wambolt-Gulick, 106 Webster Road, said her main concern is big trucks speeding on the road and ruining it, explaining edges of the road are in bad shape. She also mentioned noise concerns. Chairman Hoffman noted that the road is maintained by Public Works and feels the increase of traffic from Mr. Gottier's business is minimal. He asked Mr. Gottier how many vendors he works with. Mr. Gottier replied two to three different vendors. Mrs. Gottier stated they will be getting deliveries one to two times a month.

Commissioner Swanson suggested to the neighbors to contact the State Trooper's office with their concerns pertaining to vehicles speeding on the road. Ms. Wambolt-Gulick said she has reached out the State Trooper's office and nothing has been addressed. The commissioners briefly discussed the special permit process and requirement to file the Special Permit on the land records. Chairman Hoffman asked the applicants if they were acceptable to filing their project narrative with the Special Permit. Mrs. Gottier agreed.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202013 – Laura Gottier, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars and pursuant to Section 7.7 request for a Special Permit for a Home Occupation at 101 Webster Road, APN 145-006-0001, in a RAR (Rural Agricultural Residential) Zone.

MOVED (SANDBERG) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATION FOR Z202013 – Laura Gottier, owner/applicant, Request for Special Permit pursuant to Section 3.1.3 (3) of the Ellington Zoning Regulations for a detached garage for more than 3 cars and pursuant to Section 7.7 request for a Special Permit for a Home Occupation at 101 Webster Road, APN 145-006-0001, in a RAR (Rural Agricultural Residential) Zone.

CONDITION(S):

- a. Compliance with signage as recommended by staff.
- b. Structure with Home Occupation shall meet Americans with Disabilities Act (ADA).
- c. Subject to approval of North Central District Health Department's conditions.
- d. Project narrative provided with application shall be filed on land records with Special Permit.

IV. OLD BUSINESS: NONE

V. NEW BUSINESS:

1. Z201506 – Pursuant to a letter from Opportunity Real Estate Equities, LLC, dated August 28, 2020, for Quantum of Ellington II, LLC, request for bond reduction for Windermere Village a multi-family development on the west side of Windermere Avenue.

William Coons, 1155 Prospect Avenue, West Hartford, CT, was present to answer any questions from the commission. Mr. Coons said they are hoping the project will be completed by the end of the year. Ms. Houlihan briefly reviewed the bond reduction information provided by the Town Engineer, Dana Steele received on September 25, 2020. Mr. Coons agreed to the amounts established by the Town Engineer.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY to reduce the Erosion & Sediment Bond for Phases 5 & 6 from \$82,000.00 to \$12,000.00, additional Erosion & Sediment Bond per unit Phases 5 & 6 to \$10,200.00, Erosion & Sediment bond for Phases 1-4 & 7 from \$10,000.00 to \$8,000.00 and Site Improvements Completion Bond from \$289,000.00 to \$81,000.00.

2. S200701 - Pursuant to a letter from Towne Engineering, Inc., dated September 14, 2020, request to modify Clark Subdivision approved February 26, 2007, to dissolve lot line, release fee-in-lieu-of open space, and release easement rights granted to the Town of Ellington for property located at 74, 76 & 78 Wapping Wood Road.

Joseph Boucher, Town Engineering, Inc., P.O. Box 162, South Windham CT, stated the letter provided to the Planning Department is in reference to 74, 76 & 78 Wapping Wood Road. He has been working with the Clark family since 1991 and explained the history of the properties. There has been a dwelling on 78 Wapping Wood Road since 1963 and the parcel was subdivided into three separate lots in 2007 and easement rights were granted the Town to access and maintain proposed two storm water basins, which were required by the Town Engineer at that time. Mr. Boucher stated the two lots have not been sold and would like to combine the lots, release the fee-in-lieu of open space requirement and be considered for a free first lot cut. He noted that the subdivision required the easement on the land to be granted to the town and the fee in lieu of open space has not be paid.

Upon a brief discussion with Mr. Boucher, it was decided the commission would like to obtain an opinion from our Town Attorney before making any discussions.

BY CONSENSUS, tabled discussion to next PZC meeting scheduled for October 26, 2020.

3. Pursuant to a letter from REV LNG, dated September 23, 2020, request for advisory opinion to consider the construction of a manure digester for Oakridge Dairy at 11 & 33 Jobs Hill Road as a permitted agricultural use in a RAR (Rural Agricultural Residential) Zone.

Seth Bahler, Oakridge Dairy, 33 Jobs Hill Road, introduced Karl Czymmek, Sean Gleason and Jim Burdett, REV LNG, LLC, 1002 Empson Road, Ulysses, PA, and Ben Wheeler, Design Professionals, 21 Jeffrey Drive, South Windsor, CT were present to discuss next steps in the planning process.

Mr. Bahler explained that they have been working on the digester project since the original dairy barn project was started. He noted the Department of Energy and Environmental Protection (DEEP) process has been the most challenging to complete, they have hired REV LNG, LLC to work with them through the project. Mr. Czymmek gave a brief description of what the manure digester would do on the site and how they are looking to obtain the proper permits from the town. He said they are working with Eversource and DEEP. They feel that the biogas digester is part of the agricultural use on the property.

Commissioner Swanson asked if the digester would eliminate the current odor. Mr. Gleason explained the odor comes from the lagoon on site. Mr. Czymmek explained the proposed anaerobic digester project will process dairy manure produced by dairy cattle that are housed and cared for at Oakridge Dairy farm. The dairy cattle manure is a commodity that has fertilizer value and is recycled by the farm on crop fields to supply necessary nutrients to grow crops that are used to feed the cows. The anaerobic digester will be an integral part of the manure management system and enhance the value of the manure to the farm and to the community. Without the manure nutrients, the farm would need to purchase fertilizer to support good crop yields and maintain soil productivity. The proposed project is agriculture because it involves the processing of an agricultural product or commodity as set out in Town of Ellington Zoning regulations and Connecticut statutes. Commissioner Sandberg asked if there are any negatives to the project. Mr. Gleason doesn't see any negative effects with using the digester. Commissioner Swanson asked if the odor would be reduced, as well. Mr. Gleason stated the odor will be reduced and will not create additional traffic.

Commissioner Hogan and Alternate Durao like the concept of the digester, it's an agriculture use and feels comfortable with having the owner submit a site plan for approval. Commissioner Swanson asked if any noise would be produced when the digester is in operation. Mr. Gleason stated no additional noise is generated by the digester. The commission agreed Mr. Bahler can proceed with a site plan application, and special permit is not required.

4. Discuss draft regulation amendment to add a new section to the Ellington Zoning Regulations regarding sidewalks and fee-in-lieu-of sidewalks.

Ms. Houlihan explained by adopting the regulation it will grant the commission authority when reviewing site development plans and special permits. She said in the case of a subdivision application, statutory authority is limited to requiring installation of sidewalks when a development includes new roads. Ms. Houlihan asked the commission if they had any questions pertaining to the proposed new regulation section. Commissioner Sandberg complimented Ms. Houlihan on the hard work she has been doing and others were in agreement. The commission was in agreement to set and schedule a public hearing in October.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of August 24, 2020 Regular Meeting Minutes

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE August 24, 2020 REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence:
 - a. Revised List of Appraisers as approved August 24, 2020.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:50 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk