



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

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 AGENDA MONDAY, OCTOBER 26, 2020, 7:00 PM

ZOOM MEETING

**IN-PERSON PUBLIC ATTENDANCE NOT PERMITTED DUE TO COVID19 RESTRICTIONS,
INSTRUCTIONS TO JOIN VIRTUAL MEETING PROVIDED BELOW**

I. CALL TO ORDER:

II. PUBLIC COMMENTS (On non-agenda items):

III. PUBLIC HEARING(S):

1. Z202014 - Text amendment to add new Section 6.2.9 to the Ellington Zoning Regulations regarding sidewalks and fee-in-lieu-of sidewalks. (Hearing may commence.)

IV. OLD BUSINESS:

1. S200701 - Pursuant to a letter from Towne Engineering, Inc., dated September 14, 2020 and revised October 12, 2020, request to modify Clark Subdivision, approved February 26, 2007, to dissolve lot line, release fee-in-lieu-of open space, and release drainage easement rights granted to the Town of Ellington for property located at 74, 76 & 78 Wapping Wood Road. (Continued from 9/28/2020)

V. NEW BUSINESS:

1. Z202015 – Referral from the Board of Selectmen, dated October 6, 2020, for a Connecticut General Statute Section 8-24 review to consider and act on improvements to town-owned property for an amphitheater at 97 Shenipsit Street, APN 030-005-0000, in the R-Residential Zone. (For receipt and action)
2. S201802 – Letter from Nutmeg Construction, submitted September 30, 2020, request for acceptance of public infrastructure for Crestwood V, extension of Ellsworth Lane and Brooks Crossing.
3. S200502 – Letter from Opportunity Real Estate Equities, LLC, dated October 17, 2020, request for acceptance of public infrastructure for Crystal View Estates Subdivision, Grassy Hill Road.
4. Referral from the Economic Development Commission proposing to amend Section 7.14 of the Ellington Zoning Regulations to add a new regulation for Farm Brewery, Cidery, Distillery and Winery. (For receipt and discussion)
5. Review and discuss memo from Lisa Houlihan, Town Planner, dated October 20, 2020 regarding draft Access Management Regulations.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of September 28, 2020 Regular Meeting Minutes

VI. ADMINISTRATIVE BUSINESS continued:

2. Correspondence:

- a. Pursuant to a memo dated October 5, 2020 from First Selectman Lori Spielman, request for Capital Improvement Budget proposals due November 2, 2020.
- b. Correspondence dated September 21, 2020 from the Department of Transportation for the realignment of Route 140 between Pinnacle Road and Teaberry Ridge Road.

VII. ADJOURNMENT:

Next PZC Regular Meeting is scheduled for November 23, 2020

Join Meeting via ZOOM Video Communications: Due to COVID-19 limited in-person meetings and social distancing requirements, public attendance to this meeting will be conducted using the digital service Zoom. Meeting details provided on the Agenda and posted on the Ellington webpage (www.ellington-ct.gov), Agenda & Minutes, Planning & Zoning Commission.

Join Zoom Meeting via link:
<https://zoom.us/j/99676700078>
Meeting ID: 996 7670 0078
Password: 953704

Join Zoom Meeting by phone:
1-646-558-8656 US (New York)
Meeting ID: 996 7670 0078
Password: 953704

Town of Ellington Planning & Zoning Commission Application

Type of Application: <input type="checkbox"/> Zone Change <input checked="" type="checkbox"/> Amendment to Regulation <input type="checkbox"/> Site Plan Approval <input type="checkbox"/> Special Permit <input type="checkbox"/> Modification <input type="checkbox"/> CGS 8-24	Application # <u>Z 202014</u> Date Received <u>10/6/2020</u>
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Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

Owner's Information

Name: Ellington Planning & Zoning Commission

Mailing Address: 55 Main Street, PO Box 187
Ellington, CT 06029

Email: planner@ellington-ct.gov

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU? Yes No

Primary Contact Phone #: 860-870-3120

Secondary Contact Phone #: N/A

Signature: _____ Date: _____

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Commission have been submitted. Moreover, by signing above I/we expressly provide written consent to the

Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

Applicant's Information (if different than owner)

Name: Town of Ellington

Mailing Address: _____

Email: _____

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU? Yes No

Primary Contact Phone #: _____

Secondary Contact Phone #: _____

Signature: _____ Date: _____

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Commission have been submitted.

Street Address: N/A

Assessor's Parcel Number (APN): _____ - _____ - _____ Existing Zone: _____ Proposed Zone: _____
(If unaware of APN, please ask staff for assistance) (If none, insert "N/A")

Public Water: Yes No Public Sewer: Yes No *If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).*

Is parcel within 500' to any municipal boundary? Yes No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin? Yes No *If yes, pursuant to state law application must be made to the Inland Wetlands Agency prior to or simultaneously with application to the Planning and Zoning Commission.*

Is the project in a public water supply watershed area? Yes No *If yes, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail return receipt within 7 days of application (§8-3i(b)). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.*

Description of Request (If more space is needed, please attach additional sheets)

Proposed regulation amendment to add a new section to the Ellington Zoning Regulations to require installation of sidewalks or fee-in-lieu-of installation of sidewalks for certain developments along certain arterial and collector streets. See enclosed draft regulation amendment.

Town of Ellington Planning Department



55 Main Street, PO Box 187, Ellington, CT 06029/Phone: 860-870-3120/ Email: lhoulihan@ellington-ct.gov

DATE: October 6, 2020

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner

SUBJECT: Proposed regulation amendment to **add a new section** to the Ellington Zoning Regulations, Article 6 Land Use & Site Development Regulations regarding Sidewalks & Fee-in-lieu-of Sidewalks

Enclosed is a draft regulation amendment to add a new section to the Ellington Zoning Regulations regarding sidewalks and fee-in-lieu-of sidewalks. Also attached is:

- November 2019 Plan of Conservation and Development - Pages 106 & 107;
- Town of Manchester Code 279-31 - Sidewalk and curb installation on existing streets simultaneous with building construction;
- Ellington Zoning Regulation 3.1.4 Community/Institutional Uses;
- Ellington Zoning Regulation 2.1.10 Highway Clearance Setback;
- Route 83 Sidewalk Project Concept Plan, October 1, 2017;
- Town map showing applicable arterial and collector streets;

The proposal is set for public hearing on October 26, 2020.

Town of Ellington

Planning Department



55 Main Street, PO Box 187, Ellington, CT 06029/Phone: 860-870-3120/ Email: lhoulihan@ellington-ct.gov

DRAFT ZONING REGULATION AMENDMENT - NEW SECTION

SECTION 6.2.9 SIDEWALKS & FEE IN LIEU OF SIDEWALKS

- A. The owner of land or developer for which a commercial, industrial, mixed-use, high density residential development or use listed in Section 3.1.4 (Community / Institutional Uses) is hereafter approved or approved for modification for property fronting on arterial and collector streets listed in Section 2.1.10 (Highway Clearance Setback), except for Hopkins Road but including Lower Butcher Road, shall be required to install five (5) foot wide concrete sidewalks along the entire road frontage of the land approved for development in accordance with Town standards. When approved for modification to an existing development, installation of sidewalks or fee-in-lieu-of sidewalks shall apply when either of the following is present:
1. an increase in floor area by 25% or more accumulatively effective mm/dd/yyyy
 2. an increase in parking by 30 or more spaces accumulatively effective mm/dd/yyyy
- B. Sidewalks shall be installed concurrently with construction. When, for good cause shown or the installation of sidewalks is not advisable or desirable, the commission shall require the owner of land to make a payment to the Town in lieu of the installation of sidewalks. If sidewalks exist along a portion of road frontage of the land approved for development, this section shall apply only to the portion of the lot's road frontage where sidewalks do not exist. The commission shall not make such determination until it has received a recommendation from the Director of Public Works and the Town Engineer on the advisability of installing sidewalks.
- C. When considering whether to require installation of sidewalks or pay a fee-in-lieu-of sidewalks, the commission and staff shall consider the following:
1. potential to connect to existing or planned sidewalks;
 2. evidence of existing pedestrian traffic (e.g. goat paths);
 3. the need to provide suitable surface and safe means for pedestrians;
 4. opportunity to provide pedestrian access to community buildings or schools, parks or other recreational assets, or to connect residential and non-residential areas;
 5. recommendations of the Plan of Conservation and Development;
 6. Route 83 Sidewalk Project concept plans dated October 1, 2017, as may be amended; and,
 7. recommendations from other relevant plans or studies endorsed by the commission.
- D. When payment in lieu of installation of sidewalks is required, payment shall be in an amount based upon the prevailing costs to construct said improvements as determined by the Director of Public Works and the Town Engineer.
- E. Payment in lieu of installation of sidewalks shall be deposited to a dedicated fund to be used solely for installing new sidewalks. Said payment shall be made prior to completion of site improvements or occupancy.

- b. File easements on the land records in favor of the abutting property owners and/or the Town of Ellington to facilitate interconnections with adjacent properties, as shall be acceptable to the Commission and the Town Attorney.
- c. In their review of future applications for adjacent properties, the Commission may at its discretion, require these properties to also convey an easement to accomplish these connections. These easements shall be exchanged at no cost to either party. For the purposes of these regulations, it shall be assumed each property receives an equal benefit. The cost of making physical improvements to accomplish the interconnection, including any work which may be required on the adjoining parcel, shall be borne by the developer of the most recently approved property.

Alternative Modes of Transportation

Ellington, because of its rural-suburban character, is dependent on the private automobile for meeting most of its transportation needs. While technology and lifestyle may impact how we own, access, and use automobiles, it is likely that the automobile will remain Ellington's predominant means of transportation. In addition, and related to this, it is unlikely that public transit (bus and/or rail) will be available or is viable in Ellington at this time. However, whenever possible, the Town should pursue opportunities for public transit, especially bus service from Vernon Center. Currently, walking and biking are the most realistic and feasible transportation alternatives in Ellington.

Ellington's subdivision regulations require that in new subdivisions sidewalks be installed on at least one side of the street. This requirement has not been consistently applied. It is understandable that under certain conditions sidewalks may be neither needed nor desired. However, the general rule should be that sidewalks be installed. In order to have a consistent policy on sidewalk installation, the Subdivision Regulations should be modified to provide specific standards applicable to any site waiver. Considerations such as drainage, overall size of the subdivision, and connectivity to other existing or future sidewalks would be appropriate criteria within which to consider a waiver. The Planning and Zoning Commission may also want to differentiate the need for and waiver of sidewalks within the sewer service area and along arterial and collector road—as these may be areas not to waive the installation of sidewalks.

Extensive sidewalks exist in the center of town along Main Street and Maple Street and the Town has been working to implement the recommendations of the '*Ellington Town Center Walkway: Creating a Walkable Environment*' strategy that includes sidewalk additions and improvements in and near town center.

The Town may want to consider reviewing the need for sidewalks in existing residential areas to determine where sidewalk installation may be appropriate. This would be especially advantageous if new sidewalks could provide pedestrian access to existing schools, parks, or commercial areas.

New commercial development should be reviewed relative to the need for sidewalk access to nearby residential areas. Pedestrian traffic does exist within the Route 83 corridor and there are virtually no sidewalks in the area. It is recommended that sidewalks be provided on Route 83

from Main Street south to the Meadowview Plaza. In addition, new development along Route 83 should be required to provide sidewalks. New commercial, multi-family, and mixed-use developments should be required (by zoning) to provide sidewalk construction as part of the site-plan approval process. Sidewalks could be provided on private property (with easements) as to not interfere with future needs of State roads and make it clear that maintenance and repair is the obligation of the private property owner.

Overall, Ellington should consider shifting the focus away from simply providing sidewalks, to providing a town-wide network of walking and biking trails. Trails could be provided in new residential developments in-lieu-of-sidewalks and overroad connections could be made with the addition of bike lanes. Once again, priority should be given to the sewer service areas, arterials, and collector roads. In addition, the creation of town-wide network of trails should be recognized as an amenity to the quality of life in Ellington, not simply as a means or mode of transportation.

Considerations/Strategies

- Evaluate the parking requirements by use and adjust as necessary to ensure adequate yet efficient numbers of parking spaces.
- Modernize site design requirements (landscaping, parking, lighting, stormwater management (LID), etc.) in the Zoning Regulations.
 - Reduce impervious surfaces: use of porous pavement systems, deferred parking, and shared parking requirements where appropriate.
 - Implement access management and consolidated parcel requirements
- Continuously work toward creating a connected road network to ensure circulation and flow—including road extensions and cul-de-sac connections (continue to require temporary cul-de-sacs).
- Create a comprehensive sidewalk and trails plan aimed at creating a town-wide network.
 - A cycling network, on roads and trails, should be included as part of the sidewalk and trails plan.
- Create flexible local road design standards that allow road width reductions and incorporate LID approaches to stormwater management.
- Adopt the '*Ellington Town Center Walkway: Creating a Walkable Environment*' and '*Route 83 Corridor Study*' as addendum to the Plan of Conservation and Development.
- Amend Zoning Regulations to require sidewalks in new develop in the Route 83 corridor and Town Center.

§ 279-31. Sidewalk and curb installation on existing streets simultaneous with building construction. [Amended 7-22-2003]

- A. The owner of lands on which any structure is hereafter erected, fronting on public highways or streets in the Town, shall install concrete sidewalks and granite curbs in accordance with the public improvement standards of the Department of Public Works, if such installation is in conformance with the sidewalk and curb plan of the Town as approved by the Town Planning and Zoning Commission. Said walks and curbs shall be installed concurrently with the construction of said structure. When, for good cause shown, the installation of either sidewalks or curbs is not advisable or desirable, the Planning and Zoning Commission may allow and/or require the owner of said lands to make a payment to the Town in lieu of the installation. The Planning and Zoning Commission shall not make its determination until it has received a recommendation from the Director of Public Works on the advisability of installing the sidewalks and/or curbs. The Director of Public Works shall make his recommendation no later than 20 working days from the receipt of the request for an opinion from the Planning and Zoning Commission or its designated staff. **[Amended 3-3-2009]**
- B. When payment in lieu of installation is required, payments shall be in an amount based upon the prevailing costs of said improvements as determined by the director of public works. If a substitute material for granite curbing is required temporarily for good cause, the cost of the substitute material shall be deducted from the cost of the granite, and the balance will constitute the payment in lieu of installation.
- C. Payments in lieu of installation shall be deposited into a dedicated fund to be used solely for the installment of new sidewalks and curbs. A record of all property owners and properties subject to the payment in lieu of installation shall be kept by the Planning Department, and said property owners shall not be liable for any fee or assessment for the installation of sidewalks or curbs in front of their property in the future.
- D. The Planning and Zoning Commission shall prepare and adopt a sidewalk and curb plan for the Town. The plan shall set forth the policies for determining where sidewalks and curbs would be installed; enumerate examples of what constitutes good cause for allowing or requiring payment in lieu of installation; and recommend priority locations for the extension or removal of

sidewalks, The sidewalk and curb plan shall be reviewed and amended as appropriate every five years. The plan shall be so revised and adopted within six months of the adoption of this section and every five years thereafter. Before adoption, the plan shall be submitted to the Board of Directors for review and comment, and at least one public hearing shall be held.

- E. If concrete sidewalks, concrete curbs or granite curbs are in existence abutting the land on which any structure is hereinafter erected, fronting on public highways or streets in the Town, the owner of such lands shall repair said sidewalks and curbs to the satisfaction of the Director of Public Works or his designated representative. Existing bituminous curbs shall be removed and replaced with granite curbs. **[Amended 3-3-2009]**
- F. The Building Department shall affix a copy of this regulation to all building permits issued by it.
- G. From the effective date of this section forward, any previously granted deferments may be called by the Board of Directors, and the then-owner of the property shall be required to pay the cost of said installation. Before calling a deferment, the Board of Directors shall request a written recommendation from the Planning and Zoning Commission and Director of Public Works on the advisability of calling said deferment.

ARTICLE 3 RESIDENTIAL ZONES

3.1.3 ACCESSORY USES / STRUCTURES	Rural Agricultural / Residential	Residential	Lake Residential
5. Horses subject to the conditions of Section 7.14	P	P	P
6. Home occupations in compliance with Section 7.7 – Home Occupations	P	P	P
7. Home occupations NOT in compliance with Section 7.7	SP	SP	SP
8. Bed-and-breakfast operations subject to the conditions of Section 7.2	SP	SP	SP

3.1.4 COMMUNITY / INSTITUTIONAL USES	Rural Agricultural / Residential	Residential	Lake Residential
1. Public parks	SP	SP	SP
2. Playground, recreation area, athletic field or expansion	SP	SP	SP
3. Public beach			SP
4. Public schools with building coverage of 30 percent allowed by granting of a Special Permit	SP	SP	SP
5. Private schools and colleges including dormitories and acc. buildings	SP	SP	SP
6. Churches and similar places of worship, parish houses, convents, monasteries	SP	SP	SP
7. Community buildings and other public buildings	SP	SP	SP
8. Cultural, Educational Center	SP	SP	SP
9. Cemeteries	SP	SP	
10. Hospitals, convalescent homes and nursing homes	SP	SP	

3.1.5 OTHER USES	Rural Agricultural / Residential	Residential	Lake Residential
1. Commercial camp, club and clubhouse, including accessory building, structures and uses.			SP
2. Golf course (9-hole, 18-hole, par-3), public or private, including clubhouse, swimming pool, tennis courts and other sports.	SP	SP	
3. Community fairs under local sponsorship	SP	SP	
4. Communication tower, subject to the restrictions and conditions of Section 7.3	SP	SP	

ARTICLE 3 RESIDENTIAL ZONES

Section 3.1 Permitted Uses

The following table establishes those uses allowed in the residential zoning districts.

P	Permitted Use	SP	Use Allowed by Special Permit
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3.1.1 AGRICULTURAL USES (See Section 7.14)	Rural Agricultural / Residential	Residential	Lake Residential
1. Agriculture	P	P	P
2. Farm Stand, seasonal	P	P	P
3. Farm Store	SP	SP	SP
4. Horse Boarding / Riding Arena	SP	SP	SP
5. Related & Agricultural Uses	SP	SP	SP
6. Dormitories for farm help accessory to an agricultural operation in Ellington	SP		

3.1.2 RESIDENTIAL USES	Rural Agricultural / Residential	Residential	Lake Residential
1. Dwelling - One single family detached dwelling on one lot	P	P	P
2. Dwelling – Two-family on a lot of record		SP	
3. Dwelling - Conversion of pre-1950 dwelling to multi-family (Lot area 30,000 sq ft minimum plus additional 5,000 sq ft for each family in building; fire escapes and outside stairways to be located on rear of building and away from view from streets where practical; must maintain one-family dwelling overall appearance.		SP	
4. Accessory apartment in accordance with Section 7.1	SP	SP	

3.1.3 ACCESSORY USES / STRUCTURES	Rural Agricultural / Residential	Residential	Lake Residential
1. Garages for 3 cars or less per family unit	P	P	P
2. Garages (attached) for more than 3 cars per family unit	SP	SP	SP
3. Garages (detached) for more than 3 cars per family unit	SP	SP	SP
4. Garages (total) attached and detached for more than 6 cars per family unit	SP	SP	SP

2.1.8 Through Lots and Corner Lots

On a through and corner lots, front yard setback requirements apply to all street frontages. *(Amended: 15 June 2008)*

2.1.9 Measurement of Required Yards on Irregular Lots

Where the front line is an arc and the sidelines converge toward the front lot line, typically considered a "pie-lot", the required frontage may be measured along the front yard setback line for that particular zone and any increased setback requirement in accordance with Highway Clearance Setbacks. *(Amended: 15 June 2008)*

2.1.10 Highway Clearance Setback

A. In order to protect the property owner from possible future highway widening, all required front yard depths for all zones shall be computed as the distance specified in the appropriate tables (Residential Minimum Yard Setbacks Section 3.2.3, Designed Multi-Family – Dimensional and Area Standards Section 3.6.6, or Commercial and Industrial Lot Area, Width & Yard Requirements Table 4.2.) plus a distance for the specific streets as follows:

1. Arterial Streets include: Connecticut Routes 30, 32, 74, 83, 140 and 286. Along these streets increase front yard setback by 25 feet.
2. Collector Streets include: Abbott Road, Broad Brook Road, Middle Road, Frog Hollow Road, Pinney Road, Windsorville Road, Job's Hill Road, Hoffman Road, Tolland Turnpike, Ellington Avenue, Pinnacle Road, Muddy Brook Road, Hopkins Road, and Butcher Road. Along these streets increase front yard setback by 20 feet.
3. Along Egypt Road, Buff Cap Road, Shenipsit Street, Burbank Road and Mountain Street increase front yard setback by 15 feet.
4. All other streets are Local Streets and require a front yard setback as indicated in the appropriate tables (Residential Lot Area, Width & Yard Requirements Table 3.2.3, Designed Multi-Family – Dimensional and Area Standards Section 3.6.6, or Commercial and Industrial Lot Area, Width & Yard Requirements Table 4.2.), unless otherwise specified in these regulations.

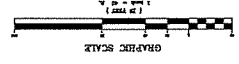
B. Notwithstanding any provisions of these regulations to the contrary, these provisions shall not require a setback from any road or roadway greater than 100 feet measured from the property/highway line.

2.1.11 Elevation of Foundation

- A. Wherever possible, foundations should be designed so that the top, measured at the center of the building, is 2 feet or more above the center of the road. The Zoning Enforcement Officer shall refuse to issue permits unless this is done.
- B. Where the slope of the land is away from the road and this makes compliance with sub-paragraph (1) impractical, a permit may be issued at a lower elevation provided the owner includes upon his application a drainage plan, existing or to be constructed by the owner at his expense and as part of the required construction under the permit, which will insure that surface water from the road and adjacent lots will be carried away from the proposed building and into suitable areas.

2.1.12 Unregistered Vehicles Requirements

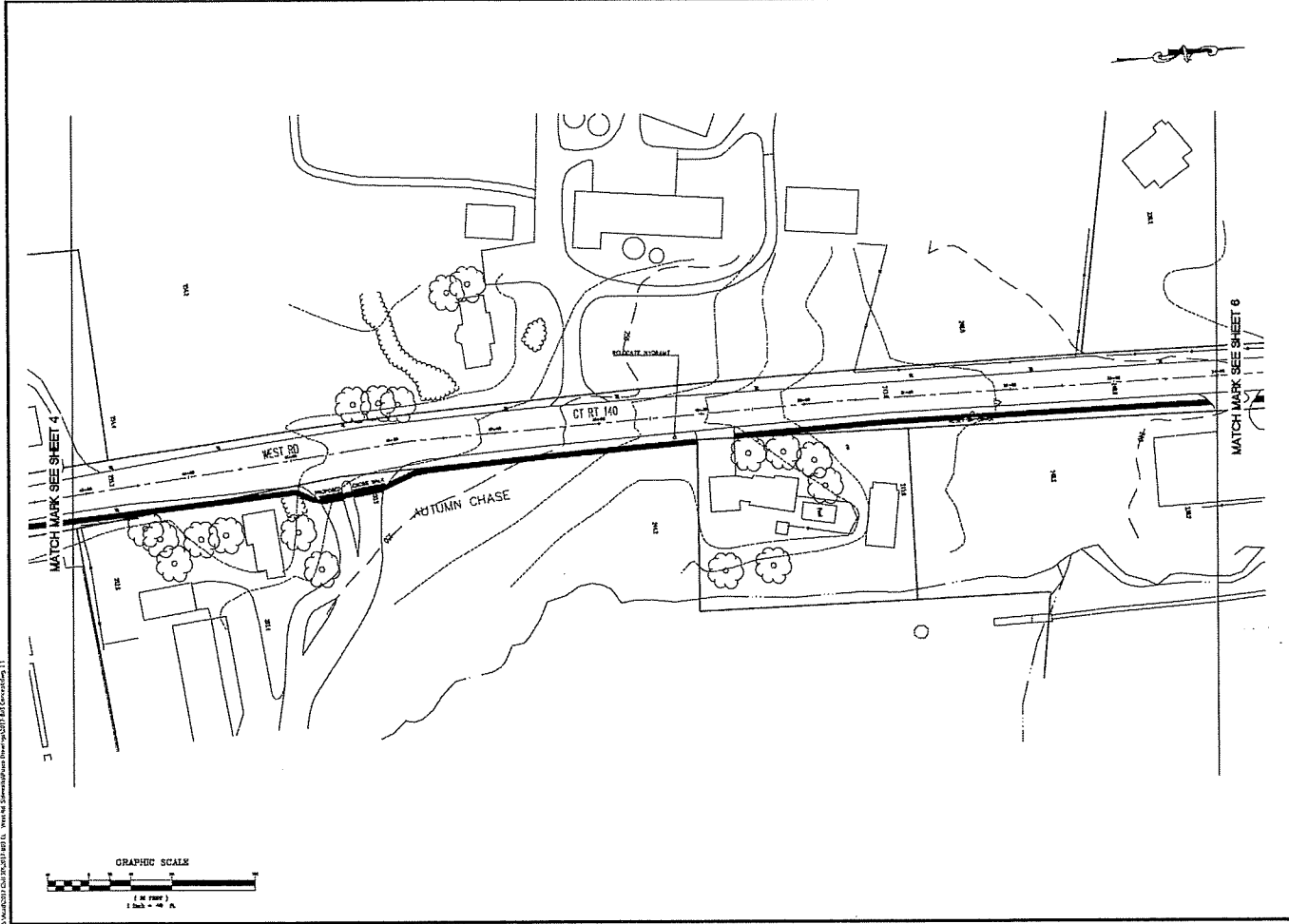
- A. The keeping of two or more ungaraged unregistered motor vehicles in any zone shall require a Special Permit.
- B. In considering the Special Permit application, the Planning and Zoning Commission shall be guided by the location of vehicles (permitted in rear yard only), number of vehicles, screening from public view and purpose of keeping vehicles.



2 of 11	DATE	1/20/17
REV	DESCRIPTION	
1	ISSUED FOR PERMIT	
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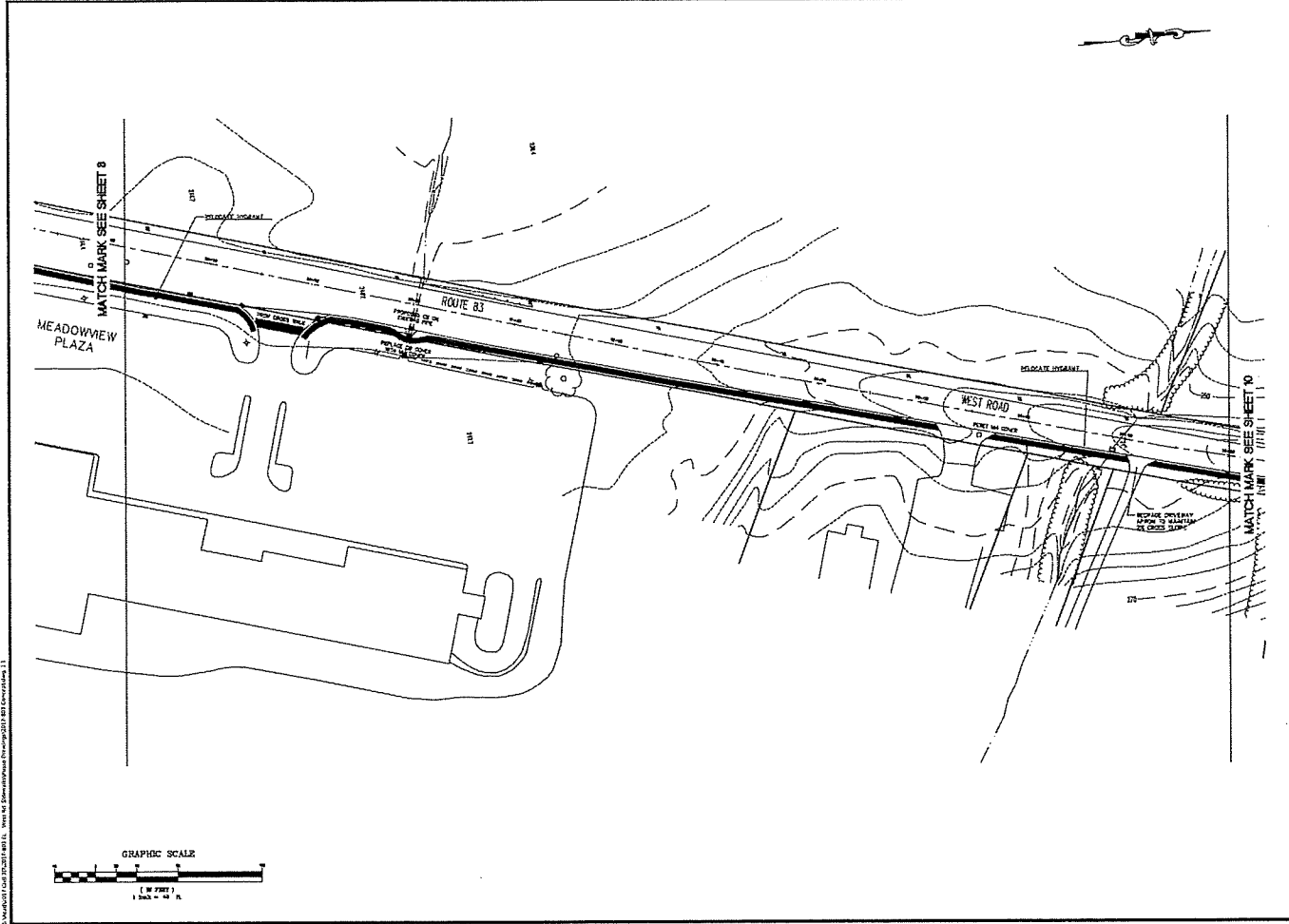
ROUTE 83 SIDEWALK PROJECT
 EASTINGTON DEPARTMENT OF PUBLIC WORKS
 WEST STREET (PL. A3)
 EASTINGTON, CONNECTICUT

RUSO
 CIVIL ENGINEERING & ARCHITECTURE, LLC
 100 WEST STREET, SUITE 200
 EASTINGTON, CT 06027
 TEL: 860.439.1234
 FAX: 860.439.1235
 WWW.RUSOENR.COM



3/14/2017 10:00 AM 11. W:\14. Sidewalk\Plan\Sheet\14. Sidewalk\11

Route 83 Sidewalk Project Ettington Department of Public Works West Street (Rt. 83) Ettington, Connecticut	
Concept Plan	
DATE October 1, 2017	SCALE 1"=40'
DRAWN BY JRM/2017	CHECKED BY JRM/2017
5 of 11	



RUSSO
SURFACE SOLUTIONS
CONSULTANTS

18 Russco Avenue, LLC
1000 Main Street, Suite 100
Elliott, Connecticut 06039

Route 83 Sidewalk Project
Elliington Department of Public Works
West Street (Rt. 83)
Elliington, Connecticut

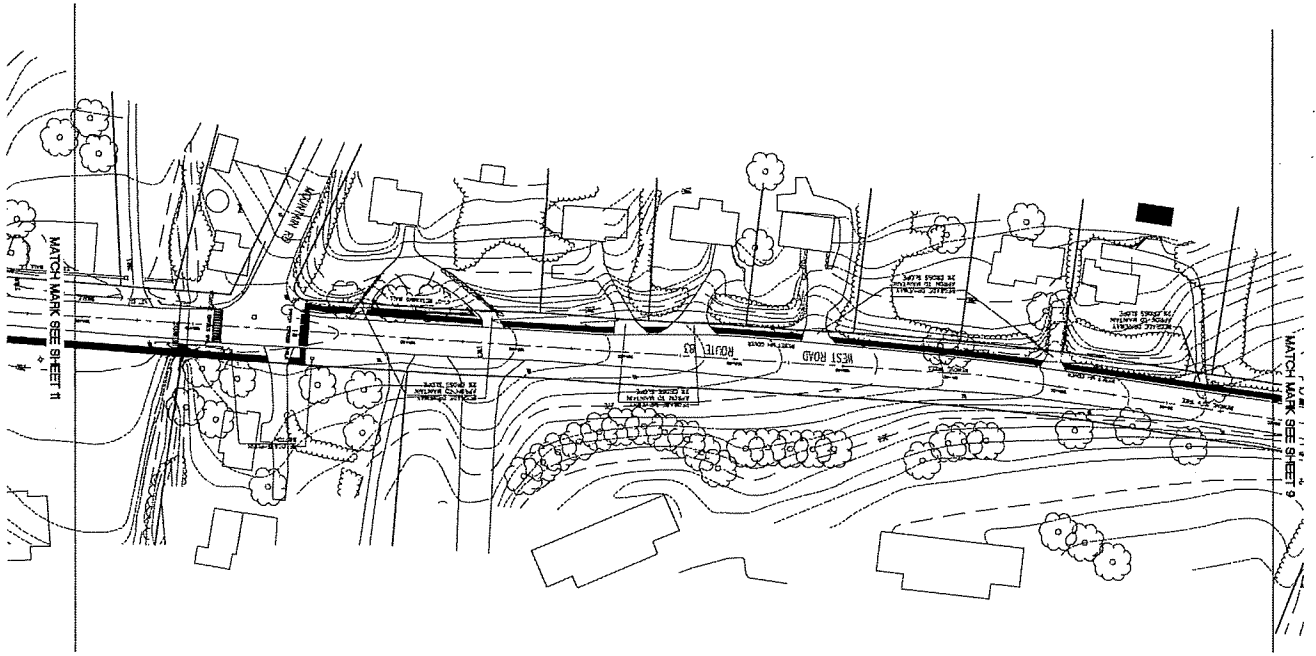
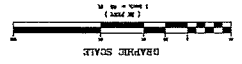
Concept Plan

DATE
October 1, 2017

SCALE
1" = 40'

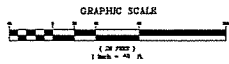
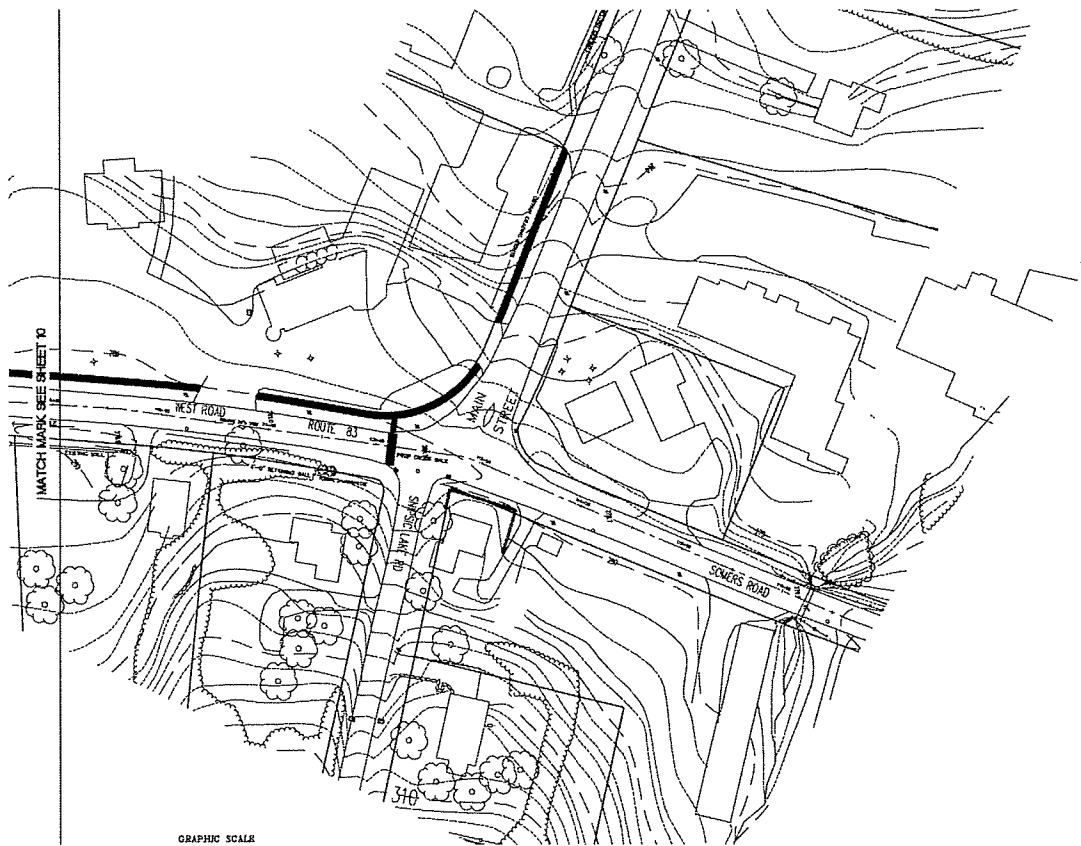
PROJECT NO.
8017-803

SHEET
9 of 11



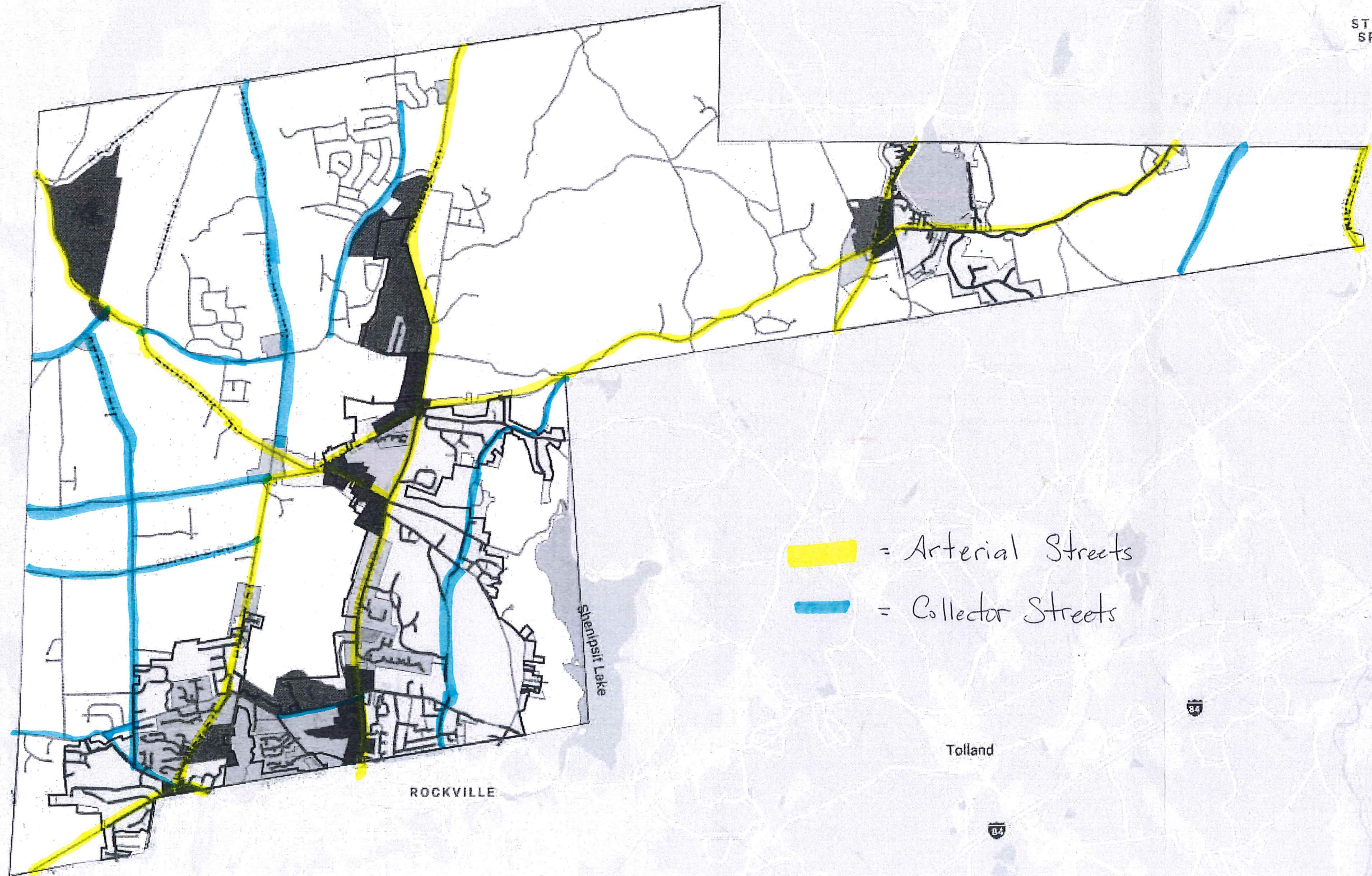
10 of 11	DATE	10/11/13
REV	DESCRIPTION	
1	ISSUED FOR PERMIT	
2	REVISED	
3	REVISED	
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8	REVISED	
9	REVISED	
10	REVISED	
11	REVISED	
<p>Route 83 Sidewalk Project Ellington Department of Public Works West Street (Rt. 83) Ellington, Connecticut</p>		
<p>CONCEPT PLAN</p>		
<p>RUSO ENGINEERING 1000 Main Street, Suite 100 Ellington, CT 06029 Tel: 860.261.1234 Fax: 860.261.1235 www.russoeng.com</p>		

3/24/2017 1:54:07 PM C:\Users\j... West Hill Street\... 83 Concept Plan 1.1





Route 83 Sidewalk Project
 Ellington Department of Public Works
 West Street (Rt. 83)
 Ellington, Connecticut

Concept Plan
 DATE: October 11, 2017
 SCALE: 1"=40'
 PROJECT: 2017-803
 SHEET: 11 of 11



STAFFORD
SPRINGS

-  = Arterial Streets
-  = Collector Streets

Stamford Lake

ROCKVILLE

Tolland

84

34

37

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.

September 14, 2020

REVISED October 12, 2020

Lisa Houlihan, Town Planner
Town of Ellington
P.O. Box 187
Ellington, CT 06029

Re: Clark Subdivision
74, 76, & 78 Wapping Wood Road
TEI Job #20-044

Dear Ms. Houlihan,

Jeffrey Clark currently owns the vacant approved lots known as 74 & 76 Wapping Wood Road along with his sister, Cynthia McClaran. He has asked us to review the possibility of combining 74 & 76 Wapping Wood Road with the hope of dissolving the subdivision approval granted by the Planning and Zoning Commission on February 26, 2007 (#S200701).

The former Clark family childhood home which is currently known as 78 Wapping Wood Road was the third lot (Lot #1) of the 2007 subdivision. This lot has been sold to others and will remain as a separate parcel which in my opinion would be the first or 'free cut' if the subdivision is dissolved.

The house known as 78 Wapping Wood was conveyed out of the larger subdivision tract by Harold & Rose Hincks (Jeff & Cynthia's grandparents) to Elaine and Charles Clark (daughter and son-in-law of Harold and Rose Hincks) on June 26, 1963 (volume 68 page 191). The 78 Wapping Wood Road lot as laid out in 1963 was bounded on three sides by the land that comprised the 2007 subdivision. In 1993 through a number of conveyances the land now known as 74 & 76 Wapping Wood Road was combined with 78 Wapping Wood Road (see volume 196 page 886, volume 196 page 890, volume 196 page 889, volume 196 page 888 and a map prepared by David Smith Engineering and Surveying Associates which is filed as map H-121).

As part of the 2007 subdivision the configuration of the 78 Wapping Wood Road parcel was slightly changed but remained Zoning compliant.

The land that comprised the 2007 subdivision was three parcels (1st tract volume 57 page 429 [northwesterly corner] + ~~volume 47 page 380~~ ERROR volume 58 page 57 [northeasterly corner] + volume 62 page 489 [southerly portion]).

September 14, 2020

REVISED October 12, 2020

Lisa Houlihan, Town Planner Town of Ellington
Clark Subdivision 74, 76, & 78 Wapping Wood Road
TEI Job #20-044
Page 2 of 3

The southerly part of 74, 76, & 78 Wapping wood Road was conveyed to Hincks by Lucy Natsisky, Joseph Natsisky, and Werner Knuzli on July 8, 1959 (see volume 62 page 489) which was the Ellington portion of land that was subdivided in South Windsor.

To the west the 3 parcels currently known as 80, 82, & 84 Wapping Wood Road were subdivided by Eldredge Yost (see Town Clerk Map #943) and were comprised of land of that once was owned by the Five Corners Community Congregational Church. The Five Corners Community Congregational Church acquired their land from Fred Blankenburg (3½ acres) and land acquired from Harold & Rose Hincks (¾ acre) (see map 6-325). The land from Hincks was the second piece described in a deed from the Estate of Edith Bretnall in volume 57 page 429 on May 12, 1955.

None of the Golemba land to the east (54 and 60 Wapping Wood Road and parcel 002-27-0000) was part of the 74, 76, & 78 Wapping Wood Road property since the adoption of Subdivision.

On February 26, 2007 the Planning and Zoning Commission approved a 3 lot subdivision under application #S200701 which divided the 6.89 acre tract into 3 lots.

I have reviewed the land records history of this parcel (74, 76 & 78 Wapping Wood Road) back to and beyond the date of adoption of subdivision in the Town of Ellington on December 1, 1954. No conveyances out of the 3 tracts which combined compromise the 6.89 acre parcel subject to the Subdivision approval S200701 on February 26, 2007 were found of record.

As part of the conditions of approval of the 2007 Subdivision easement rights were granted in favor of the Town of Ellington to access and maintain as necessary the 2 storm water basins that were required at that time by the Town Engineer (see volume 382 page 776 dated May 25, 2007).

When 78 Wapping Wood Road was conveyed out of the family holdings in 2014 (see volume 456 page 692) it was conveyed "Together with a right to drain over Lots 2 & 3 as shown on said map". Obviously the right to drain in favor of 78 Wapping Wood Road would remain.

On behalf of Jeffrey Clark and Cynthia McClaran we would want to make application to the Planning and Zoning Commission to:

- Dissolve the subdivision approval S200701
- Release the fee-in-lieu of open space in the amount of \$16,750.00
- Release the easement rights granted to the Town of Ellington in volume 382 page 776.

We understand that if the PZC approves the requested action that it will be necessary to prepare a map showing that Lot #2 and Lot #3 have been combined.

September 14, 2020

REVISED October 12, 2020

Lisa Houlihan, Town Planner Town of Ellington

Clark Subdivision 74, 76, & 78 Wapping Wood Road

TEI Job #20-044

Page 3 of 3

After you have had a chance to review this commentary and request; if you have any questions I would be happy to speak with you.

If you feel that it would be helpful for me to make a presentation to the PZC to review this request I am more than happy to do that at their convenience.

Respectfully Submitted,

Joseph H. Boucher, M.S., L.S.

For: Towne Engineering, Inc.

Enc.

Cc: Jeffrey Clark

Z 202015

**TOWN OF ELLINGTON
FIRST SELECTMAN'S OFFICE**



MEMO

DATE: October 8, 2020
TO: Arlo Hoffman, Chairman, Planning and Zoning Commission
FROM: Lori L. Spielman, First Selectman *LS*
SUBJECT: Batz Property Amphitheater Project – 8-24 Report Referral to P&Z Commission

The following will confirm the action taken by the Board of Selectmen at the October 5, 2020 meeting:

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REFER THE BATZ PROPERTY AMPHITHEATER PROJECT TO THE PLANNING AND ZONING COMMISSION TO SUBMIT A REPORT TO THE BOARD OF SELECTMEN IN ACCORDANCE WITH CONNECTICUT STATE STATUTE SECTION §8-24.

Please place this topic on the next Planning and Zoning Commission agenda for consideration. I've attached the back-up material that was provided to us. Thank you.

cc: Lisa Houlihan, Town Planner
Barbra Galovich, Planning and Zoning Commission Recording Secretary

**TOWN OF ELLINGTON
FIRST SELECTMAN'S OFFICE**



MEMO

DATE: October 7, 2020
TO: Lauren Desrocher, Chairman, Ellington Trails Committee
FROM: Lori L. Spielman, First Selectman *LS*
SUBJECT: Batz Property Improvements

The following will confirm the action taken by the Board of Selectmen at the October 5, 2020 meeting:

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPROVE THE INSTALLATION OF A VIEWING PLATFORM AND WILDFLOWER/POLLINATOR FIELD AT THE BATZ PROPERTY, 97 SHENIPSIT STREET, AS ENDORSED BY THE INLAND WETLANDS AGENCY.

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REFER THE BATZ PROPERTY AMPHITHEATER PROJECT TO THE PLANNING AND ZONING COMMISSION TO SUBMIT A REPORT TO THE BOARD OF SELECTMEN IN ACCORDANCE WITH CONNECTICUT STATE STATUTE SECTION §8-24.

Thank you for all you do!

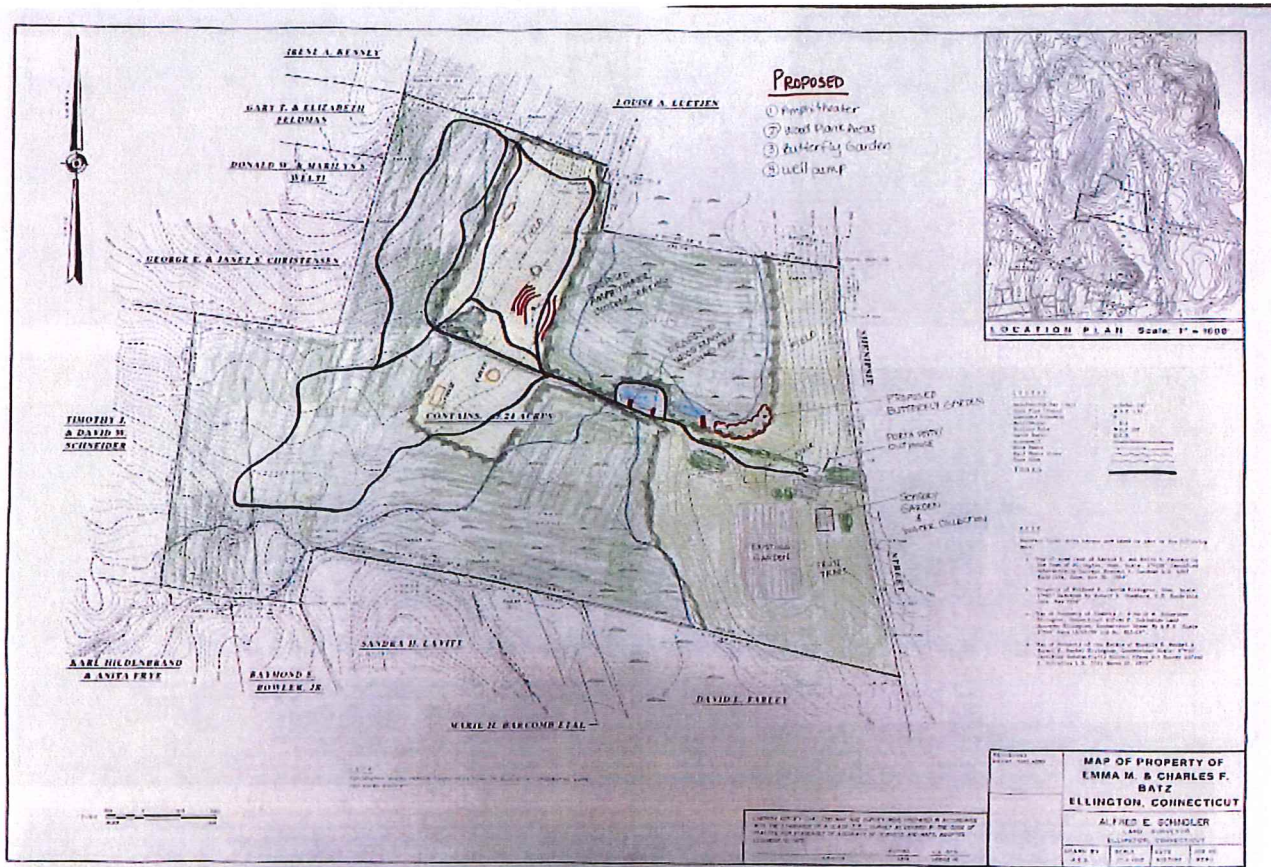
cc: Lisa Houlihan, Town Planner
Arlo Hoffman, P&Z Chairman

/jc

RECEIVED
OCT 08 2020
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Proposed improvements for the Batz Property

The Batz property was given to the town as land to be preserved for conservation and education. We are looking for conceptual approval on this project. We will be looking to the town engineer and public works for their expertise and advice on how to complete this project once we have secured town approvals and funding. We are proposing an amphitheater, wood plank viewing areas, a hand pump well, and wildflower and butterfly garden areas.



Proposed Amphitheater

We are proposing an area at the Batz property that lends itself to a natural amphitheater. Our ideas run along the lines of something built into the existing contours to give us a place to hold outdoor educational programs with seating and a presentation area. Below are some pictures to help clarify our ideas. Right now, we are looking at conceptual approval to move forward on the project. We will be looking to the town engineer and public works for their expertise and advice on how to complete this proposal once we have secured town approvals and funding for the project.



Barbra Galovich

From: Timothy Webb
Sent: Tuesday, October 13, 2020 2:39 PM
To: Barbra Galovich; Dana Steele; James York; Kim Bechard; Lori Spielman; Mike Caronna; Raymond Martin; Sydney Kern; Westford Lirot
Cc: Lisa Houlihan
Subject: RE: Staff Review - Z202015 CGS 8-14 - 97 Shenipsit Street Amphitheater project

Only concern is long term maintenance.

From: Barbra Galovich
Sent: Tuesday, October 13, 2020 2:31 PM
To: Dana Steele <dsteELE@jrrusso.com>; James York <JYork@ELLINGTON-CT.GOV>; Kim Bechard <KBechard@ELLINGTON-CT.GOV>; Lori Spielman <lspielman@ELLINGTON-CT.GOV>; Mike Caronna <mcaronna@ncdhd.org>; Raymond Martin <Rmartin@ELLINGTON-CT.GOV>; Sydney Kern <skern@ELLINGTON-CT.GOV>; Timothy Webb <twebb@ELLINGTON-CT.GOV>; Westford Lirot <wlirot@ncdhd.org>
Cc: Lisa Houlihan <LHoulihan@ELLINGTON-CT.GOV>
Subject: Staff Review - Z202015 CGS 8-14 - 97 Shenipsit Street Amphitheater project

Hi,

Hope you are doing well. Please see the attached documentation with Staff Review Sheet. This application will be discussed at the PZC meeting on Monday, October 26, 2020.

Please provide your comments/concerns on or before October 20, 2020.

Thank you in advance for your review.
Barbra

Barbra Galovich, CZET
Land Use Assistant
Town of Ellington
55 Main Street
Ellington, CT 06029
(860) 870-3120

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S201802

NUTMEG CONSTRUCTION

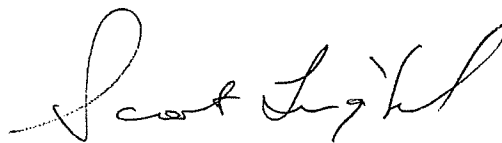
Scott Luginbuhl
5 Benjamin Drive
Ellington, CT

Dear P & Z,

I have finished the final blacktop coat for subdivision plan APN 118-003-00000 Crestwood Estates 'V' Ellsworth Lane and Brooks Crossing Extension, Owner JoAnn Luginbuhl. At the next P & Z meeting I would like the town of Ellington to accept this subdivision. Thank you.

Sincerely,

Scott Luginbuhl



RECEIVED
SEP 30 2020
TOWN OF ELLINGTON
PLANNING DEPARTMENT



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

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 FAX (860) 870-3122

October 9, 2020

Scott Luginbuhl
Nutmeg Construction
5 Benjamin Drive
Ellington, CT 06029

RE: Crestwood Estates V Subdivision S201802 (Ellsworth Lane & Brook Crossing Extension)

Dear Mr. Luginbuhl:

The Planning Department received your request for acceptance of the Crestwood Estates V Subdivision. In order to facilitate an inspection of the public improvements to be accepted by the Town of Ellington please submit for review detailed “as-built plans” certified as accurate with a separate or special certification that the layout of the line and grade of all public improvements and as-built topography of all drainage basins is in accordance with construction plans (or note any deviations), and certification from a surveyor that all pins and monuments required by the approved plan are installed. Once submitted the Director of Public Works and Town Engineer will review the plans and inspect the improvements.

In order to facilitate the final release of the performance bond the following conditions must be met in accordance with Section 3.05 & 3.07 of the Ellington Subdivision Regulations:

1. The Town Engineer finds the public improvements, surveyor and/or engineer certifications, and as-built plans to be satisfactory.
2. The applicant has paid the Town for the cost of inspections and snow removal.
3. The applicant shall file a Maintenance Bond, and financial guarantee as provided for in Section 3.01.2 with the Town prior to acceptance, in order to assure the satisfactory condition of the required improvements, for a period of one (1) year after the date of their acceptance by the Town. The guarantee shall be no less than equal to 15% of the original cost of improvements.
4. All public improvements, including roads, called for in the final plan have been accepted by the Town and all conditions and requirements of the Planning & Zoning Commission's approval of the subdivision application have been satisfied.
5. Provide a Preliminary Certificate of Title to be approved by the Town Attorney prior to filing the warranty deed for the roadway.

6. The warranty deed shall be filed on the Ellington Land records along with the submittal of real estate conveyance tax forms. (NOTE: The executed warranty deed will be released to the applicant for recording on the land records once the Board of Selectmen accepts the subdivision and the Preliminary Certificate of Title has been approved by Town Attorney).
7. Provide a Final Certificate of Title to be approved by the Town Attorney after all recordings have been made.

Please note that additional items may be required upon further review, inspection, and in accordance with the subject subdivision approval. Feel free to contact me to discuss this letter. Thank you.

Respectfully,



John D. Colonese, CZEO
Assistant Town Planner

- cc. Lisa Houlihan, Town Planner (via email)
Dana Steele, Town Engineer (via email)
Tim Webb, Director of Public Works (via email)
Tom Modzelewski, Public Works Foreman (via email)
Russ Heintz, Tarbell Heintz & Assoc. (via email)

S200502

Barbra Galovich

Subject: FW: Crystal View Estates Road Repairs
Attachments: 2nd scan .pdf; Houlihan_Letter.pdf

From: WILLIAM COONS [<mailto:william9954@sbcglobal.net>]
Sent: Monday, October 19, 2020 11:19 AM
To: Lisa Houlihan <LHoulihan@ELLINGTON-CT.GOV>; Brian Wilcox <bwilcox.oree@gmail.com>
Subject: Crystal View Estates Road Repairs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa Houlihan, Town Planner

Good morning

We wanted to send you this letter to memorialize our position as it pertains to the road at Crystal View Estates.

Also we will send this letter certified mail, but I wanted you to have it first to reaffirm my desire and commitment to work with the Town of Ellington for a mutually agreeable solution.

Thank you and I look forward to next steps at our next meeting.

Bill Coons
9179226939

Town of Ellington Planning Department



MEMORANDUM

DATE: March 29, 2017

TO: Lisa Houlihan, Town Planner
cc: Crystal View Estates Subdivision File S200502

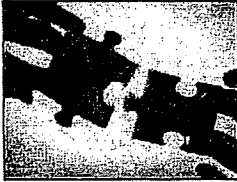
FROM: John D. Colonese, Assistant Town Planner/ZEO

SUBJECT: Crystal View Estates Subdivision (aka Grassy Hill Road) PZC File S200502
Outstanding Requirements – Subdivision Acceptance

Outstanding requirements for acceptance of the subject subdivision are as follows:

- Roadway repair of sub-base prior to overlay of the top pavement course;
- Roadway pavement top course to be installed;
- All driveway aprons to be paved 15 feet in from the road edge;
- Curbs to be installed, backfilled, graded and seeded;
- Any required street signage to be installed;
- Catch basins and detention basin to be cleaned of sediment and debris;
- Top of bank and surrounding perimeter of the detention basin to be mowed;
- Installation or verification of installation of the "Wetlands Emergent Plants for Storm Water Basins" and "Seed Mixture" as specified on Detail Sheet D-1;
- Footing Drain of 15 Grassy Hill Road to be cut back (removed) from 17 & 19 Grassy Hill Road, or the proper drainage and maintenance easements are to be obtained between owners;
- A professional surveyor shall provide written verification that all pins and monuments have been installed, in accordance with the approved plans;
- Written verification shall be submitted from a professional engineer certifying that the detention basin and dam are built in conformance with the approved plans, along with the submittal of compaction tests and certified as-built plans of the basin.
- Two sets of paper check print as-built plans of the road, drainage and buried utilities are required for review by the Town Engineer and the Department of Public Works Director. When the plans have been approved, two sets of Mylar as-built plans are required;

- Payment of any outstanding snow plowing fees;
- A Road Warranty/Quit Claim Deed(s) is required for the portion of the lots fronting on Newell Hill Road, pursuant to Section 4.02(i) Lot Improvements of the Ellington Subdivision Regulations;
- A one year maintenance bond for the public improvements and a capitalized cost for maintaining the detention basin are applicable pursuant to General Note #18 on Sheet GU-3 as recorded on the land records;
- Real Estate Conveyance Tax Form for Grassy Hill Road and the recording of the Warranty Deed (NOTE: The Deed is currently maintained by the Town and will be released to the developer for recording on the land records once the Board of Selectmen accepts the subdivision.);
- Final Certificate of Title after all recordings have been made.



OPPORTUNITY REAL ESTATE EQUITIES, LLC

PO Box 3
80 Shunpike Road
Cromwell, CT 06416

October 17, 2020

Town of Ellington Planning Department
Attn: Lisa Houlihan, Town Planner
57 Main Street
PO Box 187
Ellington, CT 06029

Dear Mrs. Houlihan,

Please consider this as Crystal View Estates Subdivision (aka Grassy Hill Road) PZC file S200502, request for subdivision acceptance.

I thought it would be appropriate to notify the Town of Ellington of the scope of work Quantum of Ellington, LLC is willing to perform and to request a meeting to discuss the shift of work demands presented by Timothy Webb, WPCA administrator.

First, please let me know when you and your team are available to discuss Quantum of Ellington, LLC's request for subdivision acceptance. I am currently available at the towns convenience on the following dates: October 20th, 21st, 22nd, 23rd, 29th and 30th.

Second, with regard to the scope of the work, I stand ready to reclaim half of the roadway, repaved with 1 ½ inch riding coarse over a 2 inch binder. I will install curbs and two driveway aprons as well as saw cut the other driveways installed by home owners to blend their driveways into the finishing of the road.

Once curbs are installed, they will be backfilled and seeded. Any required street signage will be installed. Catch basins will be fixed and replaced where needed from damage the town caused during plowing season. A professional surveyor shall provide written verification that all pins and monuments have been installed in accordance with the approved plans. Two sets of paper check print as-built plans of the road, drainage and buried utilities are required for review by the Town Engineer and Department of Public Works Director.

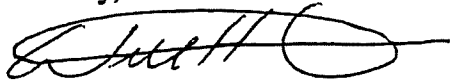
When the plans have been approved, two sets of Mylar as-built plans are required. A Road Warranty/Quit Claim Deed(s) is required for the portion of the lots fronting on Newell Hill Road, pursuant to Section 4.02(i) Lot Improvements of the Ellington Subdivision Regulations.

Third, my meeting Friday, October 16th, 2020 was not as productive as I would have hoped. I brought my engineer with me, John Wagenblatt, owner of LRC Group. Tim Webb asked him who he was and John explained that and Tim said: "I will not listen to anything you have to say." I still proceeded with a respectful meeting, knowing facts could not be introduced.

Currently, the Bond being held is \$96,000, not enough to do the work Tim Webb required. The position Tim Webb took brings me back to the WPCA's, incorrect evaluation of my other long standing subdivision in town, Quantum of Ellington II, LLC aka Windermere Village, I understand mistakes have been made and I have made my share of them, but having to defend the correctly installed sewer line cost me and my company over \$100,000 in third party engineering, legal, time, labor, etc. In the end, I still had to pay the Town of Ellington \$10,000 for proving my position correct. I know and understand Timothy Webb is the authority on the topic. I also know and understand it would be very difficult for me, maybe not a different builder, to deliver any product that would meet his standards. When I was right in the past I was taxed to prove it and still had to pay a \$10,000 penalty.

It has been 14 years that we have been at Crystal View Estates. We have \$96,000 to spend. I am willing to pay \$111,000 to do the scope of work in the March 29th, 2017 letter, but not willing to pay the \$149,000 to redo the entire road. I suggest two things: (1) do this work in 2021 when Tim Webb retires, (2) accept my scope of work or (3) pay the paver directly the \$38,000 difference to reclaim the entire road.

Sincerely,



William Coons
Quantum of Ellington, LLC
A wholly owned subsidiary of OREE, LLC

Town of Ellington

Planning Department



55 Main ST., PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120/Fax: 860-870-3122/lhoulihan@ellington-ct.gov

DATE: October 19, 2020

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner on behalf of the Economic Development Commission

SUBJECT: Draft Proposal to Add Section 7.14.3D Farm Brewery, Cidery, Distillery and Winery

On October 14, 2020, the Economic Development Commission (EDC) endorsed a draft regulation amendment to add a new section to the Ellington Zoning Regulations for Farm Brewery, Cidery, Distillery and Winery and requested the proposal be forwarded to you for consideration. The draft regulation meets recommendations from Chapter Six of the Plan of Conservation and Development (POCD) to promote agritourism. To assist in developing the proposal, the EDC referred to the following:

- POCD Page 95 - Agriculture as an Economic Sector;
- Public Act 17-160 An Act Establishing a Manufacturer Permit for Farm Breweries;
- Agricultural regulations from Tolland, Stafford, South Windsor and East Windsor.
- Draft new Section 7.14.3 D Farm Brewery, Cidery, Distillery and Winery regulation

I look forward to discussing this with you.

Agriculture as an Economic Sector

Agriculture is a meaningful and viable economic sector in Ellington. With many working farms and over 5,000 acres of active agricultural land—approximately 25% of the total land area of Ellington—the agricultural sector must be considered and nurtured as viable means of economic development. In addition, the best way to preserve farmland is to preserve farming and the farmer. Most important, Ellington has some very enthusiastic, creative, and hard-working young farmers—a unique and advantageous circumstance that is not often the case for most communities. Therefore, it is imperative that Ellington work with its agricultural sector to ensure that it remains viable, has the support it needs, and can possibly even grow.

In the context of growing Ellington’s agricultural sector, changes in consumers behaviors, preferences for locally sourced products, and shifts in consumption toward experiential activities has given rise to new opportunities in agriculture, most notably the growth in agritourism. While Ellington have a more robust agricultural sector than most farming communities, it has little in the way of agritourism. The rise of agritourism and Ellington’s lack of agritourism presents an opportunity that should be explored, and if possible, exploit the opportunity. To accomplish this, Ellington should consider the following strategies.

Considerations/Strategies

- The creation of an Agriculture Advisory Commission. The committee should be made up of key stakeholders, including local farmers.
- Review all Town regulations and ordinances with the aim of removing barriers to farming to ensure that the Town is not closing-down opportunities.
- Amend the Zoning Regulations to allow agritourism and specific agritourism uses. This may include banquet spaces or functions, farm-to-table dinners, tasting rooms and restaurants, vineyard, breweries, tours, outdoor activities, bakeries, etc.
- Amend the Zoning Regulations to allow small country inns, and/or other forms of hospitality that may be reasonably associated with farms.
- Create and/or organize harvest events, fairs, and festivals that highlight local farms, their work and products, and draw positive attention to Ellington’s agricultural community.

Site Design Standards

The last area of focus regarding commercial and industrial development is site design. Site design is not simply about parking, stormwater management, landscaping, and lighting. Site design, collectively, is also about the aesthetic qualities and visual appeal of development. In the context of economic development, site design contributes to community character and the image



House Bill No. 5928

Public Act No. 17-160

AN ACT ESTABLISHING A MANUFACTURER PERMIT FOR FARM BREWERIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsections (f) and (g) of section 30-16 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f)(1) A manufacturer permit for a farm brewery shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to the production of not more than seventy-five thousand gallons of beer in a calendar year. As used in this section, "farm brewery" means any place or premises that is located on a farm in the state in which beer is manufactured and sold.

(2) Such permit shall, at the single principal premises of the farm brewery, authorize (A) the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of a wholesaler permit issued pursuant to section 30-17; (B) the offering and tasting of free samples of beer manufactured by the farm brewery permittee, dispensed out of bottles or other sealed containers to visitors and prospective retail customers for consumption on the premises of the farm brewery permittee; (C) the sale at retail from the premises of not more than nine liters of such beer to any person per day, in sealed bottles or other sealed containers, for consumption off the premises; and (D) the sale at retail from the premises of beer by the glass and bottle to visitors on the premises of the farm brewery permittee for consumption on the premises. Notwithstanding the provisions of subparagraphs (A) to (D), inclusive, of this subdivision, a town may, by ordinance or zoning regulation, prohibit any such offering, tasting or selling at retail at premises within such town for which a manufacturer permit for a farm brewery has been issued.

(3) The farm brewery permittee shall use not less than twenty-five per cent of a combination of hops, barley, cereal grains, honey, flowers or other fermentables grown or malted within the state of Connecticut in the manufacture of the farm brewery permittee's beer for the first year of issuance for any such permit and not less than fifty per cent of such hops, barley, cereal grains, honey, flowers or other fermentables in the manufacture of the farm brewery permittee's beer for the second and any subsequent year of issuance for any such permit. Any such beer may be advertised and sold by the farm brewery permittee as "Connecticut Craft Beer".

(4) A holder of a manufacturer permit for a farm brewery may sell beer manufactured from such brewery at a farmers' market, as defined in section 22-6r, that is operated as a nonprofit enterprise or association, provided such farmers' market invites such holder to sell beer at such farmers' market and such holder has a farmers' market beer sales permit issued by the Commissioner of Consumer Protection in accordance with the provisions of subsection (a) of section 30-37r.

(5) The annual fee for a manufacturer permit for a farm brewery shall be three hundred dollars.

Town of Tolland - Zoning Regulations

Section 16-13. Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery

10. Utility Notification – No small wind energy system shall be installed until evidence has been submitted to the Town that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. Abandonment – If a wind turbine is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the system to operating condition. If the owner fails to restore the system to operating condition within the time frame, then the owner shall be required, at his or her expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind generator removed at the owner's expense.
12. Special Permit – In granting a Special Permit for a wind system, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purpose of these regulations.

Section 16-13. Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery

A. Intent

The intent of these regulations is to support agriculture in Tolland by allowing expanded economic enterprises on farms while ensuring that activities are compatible with residential zones and minimizing potential impacts to nearby residences. The activities and uses permitted in this Section are intended to be accessory to a farm operation.

B. Permitted Uses

In addition to the farming operation, the following uses are permitted on the premises of any farm brewery, cidery, distillery or winery:

1. Tastings, for free or for a fee.
2. Tours.
3. Retail and wholesale sales of the products grown or manufactured on the premises.
4. Retail sales of beer-, cider-, wine- and alcohol- related merchandise, such as glasses, mugs, and items that promote the product or are directly related to the use of the product. Merchandise unrelated to the products produced on site may be offered for sale provided that the amount offered is clearly subordinate to related merchandise. In general, no more than 25% of merchandise displayed for sale shall be unrelated merchandise.
5. Other uses customary and incidental to a farm.

C. Dimensional Requirements

1. Minimum lot size: 15 acres.
2. All buildings, structures and parking related to the brewery, cidery, distillery, or winery operation shall be located a minimum of 100 feet from all property lines. If the front property line is located on a state route, the Commission may reduce the front yard setback to 50 feet provided it determines such a reduced setback does not impact adjacent residential uses.
3. All refuse areas shall be located a minimum of 100 feet from all property lines.
4. Areas used for outdoor seating and outdoor tastings shall be located at least 200 feet from all property lines.

D. Standards

1. The following requirements for local ingredients shall be met:
 - a. For a farm brewery, a minimum of 20% of ingredients, excluding water, shall either be grown on the site or grown within 60 miles of the premises.
 - b. For a farm winery or farm cidery, the amount of the fruit grown on site shall meet that required by state statutes except that only fruit grown on the premises or on a farm elsewhere in Tolland shall count toward the minimum amount required.
 - c. The Commission shall determine which of the above requirement shall be met for a distillery based upon the type of ingredients distilled.
2. The establishment shall not sell, serve, or offer tastings of alcoholic beverages that were not manufactured on the premises.
3. Unless otherwise restricted by state law, hours open to the public are limited to:
 - a. Sunday, noon to 6 p.m.
 - b. Monday through Wednesday, noon to 8 p.m.
 - c. Thursday through Saturday, noon to 9 p.m.
4. Additional screening may be required for areas used for outdoor tastings or seating in order to reduce disturbances to adjacent residential uses.
5. No more than three (3) food trucks are permitted. On parcels at least two (2) times the minimum lot size, the Commission may allow additional food trucks as part of the Special Permit Process. Establishments may permit visitors to bring food or may serve snacks. The preparation and serving of meals is prohibited, other than by food trucks.

6. To the extent practicable, truck deliveries and pick-ups between 10 p.m. and 6 a.m. should be avoided.
7. There shall be no amplified music or amplified sound.

Section 16-14. Licensed Medical Marijuana Dispensaries or Production Facilities

A. Intent

The purpose of this section is to regulate the location and operation of medical marijuana dispensaries or production facilities. The intent is to minimize any adverse impacts of such facilities and to protect and preserve Tolland's neighborhoods, commercial districts, property values and quality of life.

B. Separation Requirements

Uses identified in this section shall be subject to the following separation restrictions:

1. No licensed medical marijuana dispensary or production facility shall be located closer than 100 feet from any public school or child daycare center, which are in existence as of the effective date of this regulation.
2. No licensed medical marijuana dispensary or production facility shall be located within the same building or structure that is used for residential purposes.
3. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

C. Additional Requirements

1. Prior to the issuance of a Zoning Permit, the applicant shall provide:
 - a. A copy of a Medical Marijuana Dispensary or Producer License issued under the authority of the Commissioner of the Department of Consumer Protection.
 - b. Proof of conformance to all site and location requirements and personnel limitations contained within the said state granting license.
2. No medical marijuana dispensary or production facility shall operate without a valid, current license.

Section 16-15. Pre-Development Site Grading

A. Purpose

The purpose of these regulations is to allow property owners to prepare their property for future development in the absence of a specific development plan, for a limited duration and only to the

- iv. A stabilization/re-vegetation plan shall be submitted along with the Site Plan application.

b. **Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Stafford Planning and Zoning Commission. If the owner or operator of the large- scale ground-mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

7.19 **Accessory Agricultural Activities**

A. **Accessory Agricultural Activities (Ag-tivities)** - The following fee-based activities are considered to be accessory to an established agricultural operation. A Site Plan Review shall be required when the following uses may reasonably be expected to require parking for twenty (20) or more motor vehicles, used by visitors to the farm, at any given time. Otherwise, such uses require only an Agricultural Activity “Ag-tivity” Permit.

1. **Agricultural Engagement-** The opening to the public of a working farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation, including (but not limited to) “U-Pick”, Community Supported Agriculture (CSA), Wine tours & associated tastings, agricultural workshops, classes, and demonstrations.
2. **Agricultural Events-** Events of limited duration on a farm that are incidental to agricultural uses, including (but not limited to) hayrides, corn mazes, festivals, petting zoos, and other similar activities.

B. **Non-agriculturally Related Uses-** Fee-based activities that are part of an agricultural operation’s overall offering, but are not incidental to agriculture, are allowed by permit. Such uses may include (but not limited to) outdoor recreation such as bird watching, snow-shoeing, cross country skiing, mountain biking, and other passive recreational activities, as well as rental of farm property for small and large-scale events, such as parties, weddings, and other non-agricultural events.

1. **“Small-scale Farm Events”** are allowed with an Agricultural Activity “Ag-tivity” Permit. Only low-volume amplified sound or music (as determined by the ZEO) will be allowed during these events. A Site Plan Review will only be required if these events happen more than ten (10) times per year, or they require parking for more than twenty (20) vehicles, at any given time.

2. **“Large-scale Farm Events”** at which the use of loud amplified music is planned, and more than twenty (20) vehicles are expected, require a Special Permit. In order to satisfy the conditions of a Special Permit, the Planning & Zoning Commission may limit the number of events per year. The Planning & Zoning Commission may also impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm is given written notice that the noise levels, or other factors, are causing a nuisance to nearby properties. The ZEO retains the right to meet annually with the farm owner to discuss any possible concerns. In the case of events when more than twenty (20) vehicles are expected, but loud amplified music is not a consideration, only a Site Plan Review is required.

C. General Requirements

1. **Parking.** Parking for all permitted agricultural accessory uses shall, to the maximum extent possible, be located in areas on the site where they will be the least visible from access roads and adjoining properties but must allow for adequate sightlines for drivers traveling on the adjacent road and entering and exiting such spaces from such road. Setback requirements apply to all parking areas. Due consideration shall be given to the posted speed limit and other pertinent factors. The ZEO and/or Commission may require additional buffering to meet the intent of the parking and landscaping regulations.
2. **Location, Lighting and Noise.** The location of outdoor events and activities associated with “Ag-tivities” on the farm shall take into consideration the current use of surrounding properties. The Commission and/or ZEO may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties. If the proposed activity or agricultural use regularly employs the use of an amplified sound system, there shall be a sound-absorption plan in place that confirms compliance with the State of Connecticut DEEP noise standards (§22a-69-1 through §22a-69-7-4) as amended. All lighting must be shielded so that it does not impact neighboring properties. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm is given written notice, the noise levels are causing a nuisance to nearby properties.

ARTICLE 5 – OVERLAY ZONES

B. The following uses shall be allowed by Special Exception:

1. Municipal facilities and uses;
2. Day care facilities;
3. Offices – professional, commercial, corporate and business;
4. Personal service shops;
5. Recreational facilities (shall not include adult-oriented entertainment establishments as defined by Section 7.2.3). Permitted accessory uses for indoor recreation may include:
 - a. Entertainment including music, sporting events and dancing;
 - b. Areas primarily dedicated to serving, preparation, sales and consumption of food and beverages, including alcoholic beverages for special events; and
 - c. Auctions;
6. Riding academies, barns and stables;
7. Home occupations, home office, professional office (major), including landscape contractor businesses and similar uses (see Table 3.1.1A and Article 7 Special Regulations).

5.8.5 Site Appearance and Performance Standards

1. Existing trees and hedgerows shall be incorporated into site design and preserved to the maximum extent possible.
2. All parking areas shall be a minimum of 25 feet from the front property line.
3. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provision of Section 6.2.4 Buffers shall not apply.
4. All outdoor storage must conform to Section 2.11 Commercial and Industrial Storage and Display.
5. Loading areas, truck parking, HVAC equipment, outdoor storage areas, trash collection areas and other such service functions shall be incorporated into the overall design of the site and landscaping so that the visual impacts and noise on surrounding residential properties are minimized.

Section 5.9 Agri-Tourism Overlay Zone

5.9.1 Purpose

The purpose of the Agri-Tourism Overlay Zone is to allow by special exception additional agricultural related activities to facilitate the preservation of farms by allowing them to diversify the use of structures and conduct on-site activities (e.g. corn maze, sales of farm produce, weddings, educational events, special events, wineries with wine tastings) where deemed appropriate by the Commission, taking into consideration such factors as proximity to existing uses in the area, traffic volumes, amount of commercial traffic anticipated, and the suitability of the land for proposed business, hours of operation, and impact on future farming use of the property.

ARTICLE 5 – OVERLAY ZONES

5.9.2 Permitted Uses

- A. All uses permitted in the underlying zone
- B. Agri-tourism uses shall be permitted by Special Exception

5.9.3 Special Exception Criteria

Special Exception for Agri-tourism may be granted subject to public hearing and the review of criteria of Section 8, submission of a site plan of development, and the following conditions:

1. The farm is a minimum of 5 acres.
2. The lot has to have frontage for access from a public road. Adequate line of sight entering and exiting the site shall be demonstrated based on Connecticut Department of Transportation standards and able to accommodate anticipated traffic volumes.
3. Adequate internal access thereto and be provided with sufficient parking to accommodate projected visitors. Pervious parking areas are encouraged.
4. Any building proposed for commercial use shall be located not less than 100 feet from any street or property line.
5. Maximum impervious coverage shall be 25%.
6. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provisions of Section 6.2.4 Buffers shall apply.
7. All local, state, and federal applicable regulations must be complied with prior to the issuance of a zoning permit.
8. Activities are generally conducted during day time hours. The Commission may set restrictions on entertainment to mitigate the potential noise to surrounding properties. Limitations may include, but are not limited to, time of day, limitation on outdoor entertainment, and use of amplified equipment.

Section 5.10 Sullivan Avenue Mixed-Use Development Overlay Zone (SAMUD-OZ)

5.10.1 Purpose

The purpose of this section is to allow, by Zone Change/General Plan of Development and then by Special Exception/Site Plan of Development approvals, mixed-use developments containing compatible and complimentary commercial and multi-family residential uses in the General Commercial Zoning District fronting on Sullivan Avenue (Route 194). Such SAMUD developments are intended to revitalize substandard and/or blighted areas, to provide high quality development, to increase housing options for town residents (including affordable housing), and to substantially add to the community's economic base and employment opportunities.

SECTION 10 - AGRICULTURAL ZONE (AG)

10.0 INTENT

The intent of this zone is to retain suitable areas for agriculture because of its irreplaceable value for providing locally grown agricultural products and visual open space; its role in the economic diversity and cultural heritage of the community; and where appropriate, to allow low-density transitional residential uses.

10.1 AREA, BULK, DENSITY, AND YARD STANDARDS

- Density of occupancy - 0.3 dwelling units per acre of developable land
- Minimum lot area allocated to one family - 3 acres
- Minimum lot width - 150 feet
- Minimum front yard - 40 feet
- Minimum front yard, flag lot - 80 feet
- Minimum side yard - 15 feet
- Minimum rear yard - 25 feet
- Maximum building coverage - 15% of the site
- Maximum building height - 2-1/2 stories or 35 feet

10.2 MISCELLANEOUS STANDARDS

- 10.2.1 Living area requirements and allowable lot reductions shall comply with the AA Residential Zone.
- 10.2.2 The applicable requirements of Section 4.2 shall apply to any residential use or structure.
- 10.2.3 Easements as per Sections 14.1.4 and 14.1.22.

10.3 PERMITTED USES

- 10.3.1 Growing field crops, flowers, fruit, nursery stock, or seeds; raising livestock and poultry, limited to no more than three pigs over six months old for any purpose; and commercial nurseries.
- 10.3.2 Dwellings occupied by the owner, a member of the owner's family employed on the farm, or by a permanent paid employee.
- 10.3.3 Veterinarian offices, not to include the incidental boarding of animals during their treatment and recovery (see also ANIMAL HOSPITAL).

Permitted, Special, and Accessory Uses - Land uses and structures fall into three main categories: permitted, accessory, and special uses. Permitted uses (e.g. growing field crops) are allowed by-right anywhere in the Agricultural Zone. Special uses are uses that have unique characteristics that make them unsuitable for all locations (e.g. commercial kennels) and the Commission has the discretion to determine whether a special use is suited to a particular property. Accessory uses are ancillary to either a permitted or special use, meaning that they support those uses but are not permitted to stand alone on a property (e.g. farm stands).

Commercial Nurseries - Commercial nurseries are a permitted use and the sale of nursery stock is a special use in the AG Zone, creating confusion. The reason for the confusion is that the permitted commercial nursery is intended for the production and wholesaling of nursery stock, not retail sales. Retail sales of nursery stock and the operation of a landscaping business that might frequent a commercial nursery for wholesale plants are permitted as special uses in Sections 10.5.8 and 10.5.12.

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Accessory Building Size - The Agricultural Zone also allows single-family dwellings as well as agricultural uses. The line between these uses is often blurred, leading to confusion with respect to accessory structures. For buildings that are accessory to an agricultural use, such as a barn or greenhouse, there is no maximum floor area. However, if the building is accessory to a dwelling and not the agricultural use, such as a garage or gazebo, the Residential Zone standards apply, which has benefits as well as restrictions. The benefit is that the garage or gazebo can go as close as six feet from a property line, whereas a barn or stable has to be at least 50 feet away. On the other hand, accessory residential structures are limited to 580 square feet and 1.5 stories in height.

Special Uses - In addition to any use-specific considerations and regulations associated with the following special uses, Section 15.1.3 contains general considerations that the Commission must consider on each special use application and Section 15.1.4 contains general conditions that may be applied to mitigate any concerns of the Commission or neighbors.

Section 15.2 contains additional special uses that may be permitted in any zone.

Section 10.4 [\[Ctrl\]+\[left mouse click\] to follow an external link](#)

10.4 ACCESSORY USES

The following accessory uses are allowed subject to the conditions specified below, including that for Sections 10.4.1 through 10.4.4, no building shall be located closer than 50 feet to any property line.

- 10.4.1 Buildings that are customarily a part of the use such as barns, greenhouses, sheds, silos, stables, chicken-houses, garages for vehicles, and farm machinery.
- 10.4.2 Pumping stations and water lines for irrigation purposes and private roads for access and fire protection to all parts of the cultivated land.
- 10.4.3 Warehouses, processing plants, refrigeration plants, and other secondary uses incidental to the primary agricultural use.
- 10.4.4 Housing for permanent workers and camps or living quarters for temporary workers, not exceeding the ratio of two workers per cultivated acre. Nothing shall prohibit cooperative action by a group of farm owners or an association representing farm owners from jointly providing housing for temporary (seasonal) workers, provided that the ratio of two workers per cultivated acre is maintained.
- 10.4.5 Farm stands of mobile or temporary construction, as per Section 14.1.12.
- 10.4.6 Accessory uses associated with single-family dwellings, as per the applicable provisions of Section 4.4.

10.5 SPECIAL USES

The following uses are allowed subject to the applicable provisions of Section 15 and this Section.

10.5.1 Single-Family Cluster Subdivisions

At the discretion of the Commission, a developer may be allowed to reduce lot requirements in the AG Zone, provided that the following conditions are met.

A

The Commission shall find that the plan is designed appropriately in relation to soil types, wetland areas, watercourses, topography, natural features, and scenic vistas and that there is land on the site that is desirable for open space or other public purposes.

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B

All standards of Section 10.1 shall be met, except that the density of occupancy shall be 0.6 dwelling units per acre of developable land and that a minimum lot area of one-acre shall be required.

C

For a subdivision to be developed in accordance with this Section, the developer shall dedicate open space in an amount equal to the percentage by which the cumulative residential lot areas have been reduced, multiplied by the total area of the development (e.g., if the average lot size is reduced from three acres to one acre, the amount of open space would be two-thirds of the total area of the development). At the discretion of the Commission, the open space can be dedicated to the Town as provided in Section 14.1.21; to another grantee acceptable to the Commission, such as the State of Connecticut, Windsor Land Trust, a wildlife association or other nonprofit entity, whose main purpose is to convey a public benefit; or where continued farming is desirable and public access is not desirable, it can be left in private ownership and protected by a permanent conservation easement.

D

Scenic or conservation easements may be required as per Section 14.1.22.

10.5.2 Nursing Homes

Provided that there is sufficient parking to accommodate the additional traffic, the Commission may permit a nursing home to extend in-patient dialysis services to non-residents on an out-patient basis as a special use.

10.5.3 Places of Assembly and Congregation

As per Section 4.5.7 B, C, and D (see also Section 10.5.6).

10.5.4 Commercial Kennels or Animal Hospitals

Commercial kennels and/or animal hospitals located 500 feet or more from a residential or NZ Zone and subject to all applicable codes and regulations of local and state agencies.

10.5.5 Riding Clubs or Stables

Lots containing riding clubs or stables shall have a minimum lot size of ten acres.

10.5.6 Cemeteries

Cemeteries subject to the following requirements.

Why Open Space Subdivisions?

Open space subdivisions can create a win-win situation for the town and developers. By reducing the minimum lot area from three acres down to one acre, the length of roads and other infrastructure can be reduced by up to 66%, decreasing development costs for the developer and future maintenance costs for the town as well as reducing the environmental impact of the subdivision. The reduction of up to 66% of the three-acre minimum lot area from each lot is added to the mandatory open space set-aside of 15% of the overall property, significantly increasing the amount of open space, benefiting all residents in the subdivision and beyond. The preserved open space can even be farmed, preserving over two-thirds of an existing farm, perhaps providing a captive market for community supported agriculture (CSA).

Kennels - Commercial kennels generally have a commercial element to them, and in the case of personal dogs, there has to be more than four adult dogs used for commercial gain. Boarding, grooming, and training are clear examples of commercial activities but it has become increasingly blurry with breeding and fostering dogs.

Fostering rescued dogs is not a commercial enterprise but can become intensive. Therefore, the definition of commercial kennel technically includes the boarding of any dogs not owned by the owner of the premises. Fostering a dog or two is not likely to be noticed, but could be enforced as a kennel in response to a complaint, so being a responsible foster home and neighbor would be wise

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Nightclubs - Nightclubs are not permitted clubs, whether limited to private members or not. As a special use, restaurants with liquor licenses can provide limited entertainment as an accessory use to the service of food.

Riding Clubs - Horseback riding clubs and stables are not included in Clubs, Social, or Fraternal Organizations, but may be approved as a special use under Section 10.5.5.

Section 10.5 [Ctrl]+[left mouse click] to follow an external link

A
 A 20-foot wide, heavily landscaped buffer shall be provided along all property lines, except for the frontage of the lot abutting a public right-of-way.

B
 The lot shall have a minimum frontage of 50 feet on a public right-of-way.

10.5.7 Clubs, Social, or Fraternal Organizations

Clubs, social, or fraternal organizations, including those utilizing hardware or paraphernalia such as guns, racing or show automobiles, snowmobiles, or motorcycles on-premises, and including those serving alcoholic beverages for on-premises consumption, subject to the following requirements.

A
 The Commission shall determine that the facility:

- (1) is needed in Windsor;
- (2) will be in harmony with adjacent uses and not create excessive nuisances; and
- (3) will not threaten the public health, safety, or welfare or diminish property values in the neighborhood.

B
 Structures and outdoor activity areas shall be at least 250 feet from any property line. This requirement shall not apply where a structure or outdoor activity area is located at least 250 feet east of the Connecticut River Stream Channel Encroachment Line and more than 250 feet from the nearest residential dwelling.

C
 The site shall be appropriately screened and shall have a paved driveway (asphalt or concrete) for at least the first 50 feet closest to the street unless the street providing access to the site is not paved.

D
 If approval of the serving of alcoholic beverages for on-premises consumption is requested, it may be granted provided it meets the requirements outlined in Section 4.5.7A.

10.5.8 Garaged or Open Storage of Commercial Vehicles

The garaged or open storage of commercial vehicles may be allowed subject to the following requirements.

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A

The storage area shall be set back at least 200 feet from streets providing access to the site.

B

A 50 foot landscaped buffer consisting of berms, fences, walls, and/or hedges shall be provided around the perimeter of the storage area. The Commission may allow the substitution of existing vegetation in lieu of the landscaped buffer, if it determines that it is of sufficient quality to provide comparable screening or can be enhanced, and measures are taken to ensure its survival.

C

Existing streets shall be capable of accommodating the increased traffic generated by the use.

D

The site shall have a paved driveway (asphalt or concrete) for at least the first 50 feet closest to the street unless the street providing access to the site is not paved.

E

No major maintenance and/or major repair work of vehicles shall be permitted.

F

Washing of vehicles shall comply with all local and state codes and regulations.

G

Wholesaling or retailing activities shall not be permitted.

10.5.9 Flag Lots

As per Section 4.5.14.

10.5.10 Transfer of Residential Density

The transfer of residential density shall be in accordance with Section 4.5.8, except as modified below.

A

Transfers of residential density to or within the AG Zone are only permitted under the following conditions:

- (1) if the receiving parcel is located in the AG Zone, the resulting development shall not significantly displace active farmland or destroy prime agricultural soils and other soils of statewide

Why are they Called Flag Lots?
 - The term flag lot refers to the shape of a typical rear lot, which resembles the shape of a flag on a pole.



Typical Flag Lot

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Section 10.5 [Ctrl]+[left mouse click] to follow an external link

Transfer of Residential Density
 - Transfer of Residential Density (TRD) may be unique to Windsor in the entire nation. Traditionally, development rights are bought, sold, banked, and traded through a process called transfer of development rights (TDR), which while more flexible, is cumbersome to administer, and unpredictable in its results due to no predetermined location to apply purchased development rights. In contrast, TRD cuts to the chase, by directly linking the parcel donating the residential density to the parcel receiving the residential density, eliminating middle men, land banks, and the leap of faith necessary to purchase development rights without an approved location to use them, which can be difficult in the face of public opposition of higher density housing. With TRD, the Commission simultaneously knows the value of the donor parcel as farmland or open space as well as the impact of the transferred residential density on the receiving parcel.

Because farms and prime farmland are finite non-renewable resources, their conservation and preservation are critical to providing local food, a diversified economy, and protecting community character. To preserve the most appropriate farmland, such as areas of prime agricultural soils that are being actively farmed, the TRD regulations in the AG Zone incentivize the preservation of both active farmland and prime agricultural soils up to a total of 1.3 dwelling units per acre, which is comparable to the AA Residential Zone (continued).

significance, as determined by the Connecticut Department of Agriculture (DOAG);

- (2) if the receiving parcel is located in the AG Zone, the resulting development shall be served by public water and sewer service; and
- (3) if the sending parcel is located in a residential zone, it shall contain significant areas of active farmland, prime agricultural soils, and/or other soils of statewide significance, as determined by the DOAG.

B
 The residential density that may be transferred from a sending parcel in the AG Zone shall be calculated as follows:

- (1) the base density shall be 0.3 units per developable acre;
- (2) for land containing steep slopes, inland wetlands, and/or floodplain desired for public access and ownership as part of a public trail system or other public purpose, the Commission may allow the transfer of 0.3 dwelling units per acre for an area of undevelopable land determined by the Commission to be sufficient for the intended purpose and dedicated to the Town;
- (3) for transfers of residential density to receiving parcels located outside of the AG Zone, the following density bonuses may be achieved:
 - (a) an additional 0.5 dwelling units per acre of developable active farmland;
 - (b) an additional 0.5 dwelling units per acre of developable prime agricultural soils and other soils of statewide significance, as determined by the DOAG;
 - (c) the density bonuses contained in (a) and (b) above are cumulative with the base density in (1) above for a maximum transferable density of up to 1.3 dwelling units per acre;
 - (d) active farmland shall have been either cleared and used for agricultural purposes and/or enrolled in the PA 490 farmland program for at least 10 years prior to any application for transfer of residential density.

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C

The residential density on a receiving parcel in the AG Zone shall not exceed 0.6 dwelling units per developable acre.

10.5.11 Farm Stands of Permanent Construction (see also Section 10.5.12)

Farm stands of permanent construction shall be subject to the following conditions.

A

Stands shall only be located on farms producing one-half or more of the total agricultural products being sold at the stand at any time.

B

Unless Christmas trees and related seasonal agricultural products are being sold, stands shall only be allowed to operate from May through November.

C

Compliance with parking and other the applicable site development requirements of Section 3.

D

Upon any change of zone of the property from AG, the farm stand shall be removed within a two-year period.

10.5.12 Sale of Nursery Stock and Related Products (see also Section 10.5.11)

Sale of nursery stock and related products shall be subject to the following conditions.

A

The sale of gardening/farming implements such as rakes, shovels, lawn mowers, or vehicles is prohibited.

B

Compliance with parking and other applicable site development requirements of Section 3.

C

No parking shall be allowed within the required front yard.

D

A small office may be allowed as incidental to the operation of this use.

Transfer of Residential Density (TRD) (continued) -The Commission can also assign the base density of 0.3 dwelling units per acre for undevelopable land if they determine that it can serve a valuable public purpose. To discourage the transfer of residential density within the AG Zone, the maximum density of a receiving parcel is capped at 0.6 dwelling units per acre, or twice the underlying density.

Commercial Nurseries and Landscapers - Nursery and landscaping operations come in many forms, from small commercial nurseries selling annual and perennial plants to wholesale suppliers; and from home-based landscapers to industrial-scale landscaping operations that bid on major construction and plowing contracts. Depending on the nature and zone of the business, one or more special use permits may be required. In the AG Zone, the commercial nursery is permitted by right, except that the garaged or open storage of commercial vehicles would require a special use under Section 10.5.8. However, in the I Zone, a large landscaping contractor storing bulk materials and equipment outdoors might need special uses for both the sale of nursery stock and limited outside storage under Sections 8.6J and 8.6B, while a similar operation

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Section 10.5 **[Ctrl]+[left mouse click] to follow an external link**

E
 The Commission may require that storage of bulk material and the overnight parking of vehicles be inside a building; otherwise, these shall not occur within 100 feet of any street or property line and shall be screened from abutting properties by berms, fences, walls, and/or hedges.

10.5.13 Congregate Housing

As per Section 4.5.12.

10.5.14 Home-Based Businesses

As per Section 4.5.4.

10.5.15 Ground-Mounted Dish Antennas

As per Section 5.9.

10.5.16 Temporary Conversions to Allow Accessory Apartments

As per Section 4.5.10.

10.5.17 Bed and breakfast Establishments

As per Section 4.5.11.

10.5.18 Farm Brewery

- (1) production on-site shall be limited to 15,000 barrels of beer per year;
- (2) the brewery shall be located on a working farm that produces 50 percent of its ingredients by weight, excluding water, within a fixed period of time from commencing operation, to be established by the Commission;
- (3) the facility may include a taproom in accordance with the applicable provisions of Sections 8.4C and 8.6V;
- (4) the retail sale of brewery merchandise is permitted as an accessory use, with or without facility tours or a taproom.

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Proposed new section of zoning regulations for Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery:

7.14.3 D. Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery

1. **Permitted uses** include tastings, tours, retail and wholesale sales of products grown or manufactured on the premises, sale of merchandise related to the products grown or manufactured on the premises or sale of merchandise unrelated to the products grown or manufactured on the premises when unrelated merchandise is no more than 40% of all merchandise displayed for sale.
2. **Minimum Lot Size:** 10 contiguous acres under single ownership and/or leasehold in any zone.
3. **Setbacks Requirements:** Buildings and structures shall be located a minimum of 100 feet from all property lines. Areas used for outdoor activities like outdoor seating and tastings shall be located a minimum of 200 feet from all property lines. However, buildings, structures and outdoor activities may be located 10' to a rear yard or a side yard when located adjacent to permanently protected farmland, open space, or forestland.
4. **Parking and Access Requirements:** Adequate off-street parking located 100' from adjacent properties and safe ingress and egress is provided. A reasonable parking area not to exceed three square feet for every one square foot of store area (where products are displayed for sale whether inside or outside of a structure), shall be provided. Permeable parking surfaces are recommended.
5. **Refuse areas** shall be properly screened from public view and shall be located adjacent to buildings and at least 100' from adjacent properties.
6. **Additional standards:** a vegetated buffer, fencing or combination thereof may be required to reduce disturbance to adjacent residential zones or residences.
7. **Hours of Operation:** Sunday, noon to 6pm; Wednesday noon to 8pm; Thursday - Saturday noon to 9pm.
8. **Food trucks** may be permitted, but shall be subordinate to the farm brewery, cidery, distillery or winery. Establishments may allow visitors to bring prepared food.
9. **Outdoor entertainment** shall not be amplified.
10. **Deliveries and pick-up** shall not occur between 10pm and 6am, when adjacent to a residence or residential zone unless located adjacent to a permanently protected farm, open space, or forest.

Town of Ellington Planning Department

55 Main ST., PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120/Fax: 860-870-3122/lhoulihan@ellington-ct.gov



MEMO

DATE: October 20, 2020

TO: Planning and Zoning Commission
cc: Dory Famiglietti, Town Attorney
Dana Steele, Town Engineer
Timothy Webb, Public Works Director & WPCA Administrator

FROM: Lisa M. Houlihan, AICP, Town Planner

SUBJECT: Rough Draft Access Management Regulations

The 2008 Plan of Conservation and Development (POCD), the 2019 POCD, and the 2015 Route 83 Corridor Study recommend implementing access management regulations to enhance safety and preserve the functionality of roadways for commercial areas and other heavily traveled roads. Enclosed is a rough draft Access Management Regulation, relevant sections of each referenced policy document, and copies of like regulations from two other Connecticut communities (South Windsor and East Granby). I share this to seek comment on the draft text and request authorization to process a formal amendment application at an upcoming meeting.

As always, thank you for your time and input. I look forward to discussing this with you.

DRAFT

6.2.10 ACCESS MANAGEMENT

- A. **Purpose** Traffic flow and safety can be significantly reduced from the proliferation of driveways (ingress and egress points) along roadways. Access management is a technique used to promote safe movement of vehicles, to preserve the capacity of roadways, and reduce vehicular congestion and conflicts. This regulation is intended to control the number, size and location of access points, and distance between access points, intersections and traffic signals, while allowing proper and adequate access from roadways to and from premises.
- B. **Applicability** This regulation shall apply to commercial, industrial, high density residential, mixed-use and other non-residential development and modification thereto for land along arterial and collector streets listed in Section 2.1.10-Highway Clearance Setback, except for Hopkins Road but including Lower Butcher Road, as follows:
1. A change in use from agricultural to non-residential;
 2. A change in use from residential to non-residential;
 3. A proposed subdivision of property;
 4. An increase in gross floor area by 25% or more or by 10,000 square feet or more; and,
 5. An increase in parking by 30 spaces or more.
- C. **General** In reviewing proposed new developments and changes to existing developments, the commission and/or its agent shall review road layout, parking layout and configuration, traffic circulation to and from the site, the number and location of access points to and from the site, the nature and type of traffic circulation on adjacent roadways, and the relationship of new access drives to adjacent driveways, roadways, intersections and traffic signals.

The commission may require a traffic impact analysis be prepared by a professional engineer with expertise in traffic management and licensed in Connecticut as part of an application for site plan or special permit for new proposals and modifications to existing developments or uses.

The commission may use the Interior Access Concept Plan for Route 83, as may be amended, when considering access management techniques for properties along Route 83.

- D. **Driveways & Interconnections** The commission may limit the number of driveways, the location of driveways, require the use of shared driveways, and/or require internal connections between adjacent properties. As part of the application review process, the commission and/or its agent shall be guided by the following:
1. The number of driveways shall be the minimum necessary to provide reasonable access.
 2. There shall be no more than one driveway for a pre-existing residential use or development in a commercial or industrial zone unless more than one driveway exists as of the effective date of this regulation (mm/dd/yy).
 3. There shall be no more than one access for a new development or modification to an existing development where a property has 450' of road frontage or less. Where a lot has more than 900' of road frontage, there shall be no more than 2 driveways.
 4. The commission may require a landowner to close an existing access or eliminate a proposed curb cut and utilize a mutual driveway or other easement that exists on abutting property. The commission may require a landowner to establish a shared driveway and other interconnection to provide a single point of access for two or more abutting properties in a location acceptable to the commission.
 5. In reviewing existing driveways and future curb cuts, proposed new driveways should generally be located opposite existing streets, major driveways or intersections. Where alignment is not possible, the new access shall be at least 200 feet from an existing street, major driveway or intersection or where designated by the commission.
 6. When required, easement shall be recorded on the land records in favor of the abutting property owner(s) and/or the Town of Ellington in a form acceptable to the town attorney.
 7. The cost of making physical improvements to accomplish an interconnection between two or more properties, including any work which may be required on the adjoining parcel, shall be borne by the developer and/or owner(s) of the property for the current application, unless a separate agreement is present sharing construction costs between property owners and/or developers.

Access Management

Access management is an important tool for promoting safe movement of vehicles and orderly movement of traffic. Regulation of vehicular access is necessary to maintain the efficient and smooth flow of traffic and to maximize the traffic capacity of streets. An access management plan functions by:

1. Limiting the number of driveways;
2. Choosing driveway locations to reduce conflicts;
3. Designing driveways to reduce conflicts and the severity of conflicts; and
4. Requiring roadway improvements that reduce or control conflicts.

Access management is most effectively used in commercial corridors and is implemented by the zoning regulations through the site plan review process. Route 83 from the Vernon town line to the Main Street intersection should be subject to access management regulations and it is recommended that the zoning regulations be modified to implement this.

One of the more challenging transportation issues in town is the configuration and vehicular flow in the Five Corners area. Traffic movement and safety at this location is an on-going problem. As noted in Chapter 3, the State of Connecticut has plans to improve this area and support on the Town's behalf should continue.

Alternative Transportation Modes

Ellington, because of its suburban nature, is heavily dependent on private motor vehicles for meeting most of its transportation needs. Sidewalks and bike trails/bike lanes would be the most feasible transportation alternatives under limited conditions.

The subdivision regulations require that in new subdivisions sidewalks be installed on at least one side of the street. This requirement has not been consistently applied. It is understandable that under certain conditions sidewalks may be neither needed nor desired. However, the general rule should be that sidewalks be installed. In order to have a consistent policy on sidewalk installation, the Subdivision Regulations should be modified to provide specific standards applicable to any sidewalk waiver. Considerations such as drainage, overall size of the subdivision, and connectivity to other existing or future sidewalks would be appropriate criteria within which to consider a waiver.

Extensive sidewalks exist in the center of town along Main Street and Maple Street. In some areas the walks are too narrow and should be upgraded.

The need for sidewalks in existing residential areas should be reviewed and sidewalks installed if appropriate. This would be especially advantageous if new sidewalks could provide pedestrian access to existing schools, parks, or commercial areas.

New commercial development should be reviewed relative to the need for sidewalk access to nearby residential areas. Pedestrian traffic does exist within

Strategy: Amend the zoning regulations to implement access management strategies for Route 83.

Strategy: Work with the State to resolve congestion and safety concerns at the Five Corners intersection.

Strategy: Use the recommendations of the Route 83 Corridor Study to maintain functionality of the corridor, to promote development that is attractive, and to protect interior residential areas.

Alternative modes of transportation can reduce dependency on private motor vehicles, promote a healthier lifestyle and reduce pollution.

Strategy: Expand the sidewalk network.

the Route 83 corridor and there are virtually no sidewalks in the area. It is recommended that sidewalks be provided on Route 83 from Main Street south to the Meadowview Plaza. New development along Route 83 should be required to provide sidewalks.

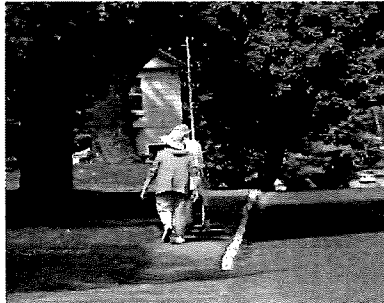
Strategy: Undertake a comprehensive study for locating bike lanes and trails.

As to bike lanes and trails, a comprehensive study of locating and installing bike facilities should be undertaken. Major destinations such as schools, parks, and commercial areas would be an important consideration in laying out a bike access system, as would be the ability of the Connecticut Department of Transportation in making and signing state roads for bike lanes.

Transportation Strategies

1. Work with the State to resolve congestion and safety concerns at the Five Corners intersection.
2. Reevaluate the parking requirements by use and make adjustments as necessary to ensure adequate yet efficient numbers of parking spaces.
3. Reduce impervious surfaces through the use of porous pavement systems, deferred parking and shared parking requirements where appropriate.
4. Provide for road extensions to enhance the overall road network.
5. Amend zoning regulations to implement access management strategies for Route 83. Consider other locations as traffic increases.
6. Expand sidewalk network.
7. Undertake comprehensive study for locating bike lanes and trails.
8. Use Recommendations of the Route 83 Corridor Study to maintain functionality of the corridor, to promote development that is attractive, and to protect interior residential areas.

Pedestrian Circulation



On-Demand Ride Service

Bicycle Accommodations



Multi-Use Trails

Access Management

Access management is an important tool for providing safe movement of vehicles and orderly movement of traffic. Regulation of vehicle access is necessary to maintain the efficient and smooth flow of traffic and to maximize the traffic capacity of arterial and collector roads. An access management plan functions by:

- Limiting the number of driveways (ingress and egress points)
- Choosing driveway locations to reduce conflicts
- Designing driveways to reduce conflicts and the severity of conflicts
- Required roadway improvements that reduce or control conflicts

Access management is most effectively used in commercial corridors and is implemented by the zoning regulations through the site plan review process. In accordance with the recommendations of the 2015 Route 83 Corridor study, assessment management regulations should be incorporated into the Zoning Regulations Site Development Standards and should be applicable to all developments along arterial and collector roads.

Exhibit 7-1 Access Management – Sample Regulation

Purpose: This section is intended to control the number, size, and location of driveways and access points for business uses in order to promote overall traffic control and promote public safety and welfare.

A. Commercial Access.

Commercial access is defined as an access way for vehicles providing a connection from a public or private roadway to parking area serving commercial, recreational, institutional, office, multi-family, mixed use, or industrial land uses.

B. Design Standards

1. Commercial access shall be designed to be as perpendicular to the street line as possible, and in no case, may the angle between the street line and the access-way centerline be less than 60 degrees.
2. Access shall be designed and located to provide a minimum sight distance clear of all obstructions, natural or man-made, for at least 250 feet in either direction in local access roads, 325 feet on collector roads, and 375 feet on arterial roads.
3. The portion of driveway through the right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way that is not part of a subdivision shall require a Zoning Permit and the approval of the Town Engineer.
4. Commercial access shall be placed so the following minimum distances are maintained to any street intersection, including a T-intersection on the opposite side of the street from a property where access is proposed.
 - a. Local access or low volume road: a minimum distance of 50 feet from driveway curve return to edge of right-of-way at the intersection, shall be maintained.
 - b. Collector or larger road: a minimum distance consisting of the left turn stacking distance plus 20 feet, as measured from intersection curve return to driveway curve return, shall be maintained.
 - c. The left turn stacking distance shall be calculated using the following formula (or based on a traffic study, if available or required):
 - i. Peak Hour Traffic = ADT/10
 - ii. Peak hour left turns = 1/6 of peak hour traffic for 4-way intersections
 - iii. Peak hour left turns = 1/4 of peak hour traffic for T-intersections
 - iv. $[1.5 \times \text{peak hour left turns} \times 20'] + 20' = \text{driveway to intersection spacing}$

C. Commission Authority:

Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:

- limit the number of driveways that serve a specific site;
- designate the location of any driveway;
- require the use or provision of a shared driveway with associated easements;
- limit access to a major street and require access from a minor street.

D. Requirements for Future Interconnections:

As part of application approval, the Commission may require an applicant or owner to:

- a. Prepare a site layout which allows for future connections to adjoining properties. This plan shall define easement areas to accomplish these connections.

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Consider Adding Standards For Access Management

The Commission may wish to consider adding the following as Section 6.8 – Access Management:

6.8 ACCESS MANAGEMENT

6.8.1 PURPOSE AND INTENT

1. This Section of the Regulations is intended to control the number, size, and location of driveways and access points, especially those that front on heavily trafficked roads and state highways, while allowing proper and adequate access to and from premises along such thoroughfares in order to promote overall traffic control, promote public safety and welfare, provide for safer and more efficient traffic operations along major roadways and protect the public safety through the management and reduction of vehicular congestion.
2. The provisions of this Section shall apply to all development along Route 83 in Ellington except the development of an individual single-family house on an existing lot or parcel.

6.8.2 REVIEW CONSIDERATIONS

In reviewing proposed developments, the Commission and/or its designated agent shall review road layout, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.

6.8.3 PROVISIONS

1. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may limit the number of driveways that serve a specific site, designate the location of any driveway, require the use or provision of a shared driveway to benefit abutting properties including the provision of associated easements, and/or limit access to a major street and require access from a minor street.
2. As part of application approval, the Commission or its designated agent may require an applicant or owner to establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority, file such easements on the land records in favor of the abutting property owners and/or the Town of Ellington as shall be acceptable to the Commission and the Town Attorney, and/or utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.
3. In reviewing existing and future curb cuts, the following guidelines shall be considered:
 - a. Proposed curb cuts should generally be located opposite existing streets and/or major driveways;
 - b. The number of site access points should be limited;
 - c. Internal connections between adjacent properties and the combination of access/egress driveways serving adjacent properties shall be required whenever practicable.

F. ACCESS MANAGEMENT

1. Purpose

This section is intended to control the number, size, and location of driveways and access points for business uses, especially those that front on heavily trafficked roads and state highways, in order to promote overall traffic control and promote public safety and welfare.

2. Considerations

The Commission shall review parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.

2. Requirements

- a. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
 - limit the number of driveways that serve a specific site,
 - designate the location of any driveway,
 - require the use or provision of a shared driveway with associated easements, and
 - limit access to a major street and require access from a minor street.
- b. As part of application approval, the Commission may require an applicant or owner to:
 - establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority,
 - file such easements on the land records in favor of the abutting property owners and/or the Town of East Granby as shall be acceptable to the Commission and the Town Attorney, and/or
 - utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.
- c. Any easements filed shall be unused by the owner or owners of abutting property, and shall not be deeded by the Town to the owner or owners of abutting property, until an abutting owner shall have paid:
 - the then-owner of the burdened premises the sum which the Town reasonably determines to be the fair share of the abutting owner with regard to the fair market value of the easement at the time of its use or transfer,
 - the Town of East Granby for the costs of any appraisal secured to determine fair market value if the owners are unable to agree on compensation, and
 - the Town of East Granby for such other transactional costs as may be incurred by the Town in effecting any transfer.

E. Granby

Section 5.5 Access Management

5.5.1 Purpose

Traffic flow and safety can be seriously reduced by the proliferation of driveways along major roads. The function of access management is to preserve the capacity and safety of the existing roadways. The regulations shall govern access provisions along Sullivan Avenue and Buckland Road between Route 5 and the South Windsor-Manchester Town Line, along Route 30 between the East Hartford Town Line and the Manchester Town Line, and along Route 5 between the East Hartford Town Line and the East Windsor Town Line. Developments along these roadways shall be governed by the specific provisions that follow. The intent is to provide and manage access to adjacent development while simultaneously preserving traffic flow in terms of safety, capacity, and speed.

5.5.2 Establishment of Zone

A Sullivan Avenue/Buckland Road Route 5-Route 30 Corridor shall be established. The Corridor encompasses the entire street right-of-way of Buckland Road and the entire street right-of-way of Sullivan Avenue between U.S. Route 5 and the Manchester Town Line; the entire street right of way of Route 5 between the East Hartford and East Windsor Town Lines; and the entire street right of way of Route 30 between the East Hartford and Manchester Town Lines. All properties that abut the street right-of-way of Sullivan Avenue, Buckland Road, Route 5, and Route 30 are subject to and must conform to the requirements of this regulation.

5.5.3 Applicability

- A. The provisions shall apply to new developments or to substantial changes in existing developments. A 'substantial change' shall involve:
1. A change in use from residential to commercial;
 2. A 25% or greater increase in gross floor area, required or provided parking spaces, employment, or traffic generation;
 3. A 10,000 square foot or greater increase in gross floor area;
 4. A 50 parking space or greater increase in the required or provided parking spaces; or
 5. A proposed subdivision of the property.
- B. The provisions do not apply to access drives existing on August 5, 2000, where no application for new development or substantial change in existing development has been submitted.

S. Windsor

ARTICLE 5 – OVERLAY ZONES

5.5.4 Access Provisions

A. Number of Driveways

1. The number of access drives and intersections permitted shall be the minimum necessary to provide reasonable access to abutting properties, not the maximum available to each parcel. Access drives shall also conform to specified access spacing requirements. When necessary to provide 'reasonable access', the following guidelines may be used:
 - a. There shall be no more than 1 driveway per residential property.
 - b. The maximum number of commercial or industrial driveways shall be 1 where the frontage of a lot is 450 feet or less; where the frontage of a lot exceeds 450 feet, there may be a maximum of 2 driveways.

B. Access Spacing

1. Access spacing for the specific corridor shall conform with (or be at least as great as shown on) the schedule below:
 - a. Traffic Signal Spacing: 40% through band based upon 85 to 90 second cycle and 35 to 40 mph speeds.
 - b. Unsignalized Intersection Spacing/Corner Clearances: 150 feet
2. Unsignalized intersection spacing and corner clearance distances shall be measured between the closest edges of the 2 pavements.
3. If the spacing requirements cannot be achieved, left turn restriction, joint-use driveways and cross-access easements may be required.
4. Variations may be permitted where they would enhance roadway operations or safety, for example, 2 one-way driveways in lieu of a two-way drive.
5. Lesser corner clearances may be permitted on a temporary or permanent basis only when:
 - a. No reasonable alternative access is available.
 - b. The proposed location does not create a safety or operating problem.
 - c. The access is located as far from the intersection as possible.
6. Safe stopping distances shall be provided for all driveways entering the highway.
7. The centerline of driveways on opposite sides of the roadway shall line up with each other or be separated by at least 150 feet.

C. Corner Clearances

1. Corner clearances shall meet or exceed the minimum unsignalized access spacing requirements.
2. New connections shall be permitted within shorter distances only where: (a) no reasonable access to the property is available, and (b) the proposed connection does not create a safety or operating problem.
3. Where no other alternatives exist, an access connection may be allowed along the property line farthest from the intersection. However, this access may be limited to right turns.

S. Windoor

ARTICLE 5 – OVERLAY ZONES

D. Property and Subdivision Access

1. New residential and commercial subdivisions with frontage along each corridor shall be designed to provide shared access wherever possible. The following additional property requirements shall also apply:
 - a. Direct access from each corridor to new individual dwelling units shall be prohibited.
 - b. The minimum lot frontage for all parcels along Sullivan Avenue/Buckland Road shall not be less than the minimum acceptable spacing of 150 feet.
 - c. When existing parcels are further subdivided, they shall provide access to Sullivan Avenue/Buckland Road via permitted access connections.
 - d. Existing parcels with frontage less than the minimum driveway spacing may not be permitted a direct connection where reasonable alternative access is available.

E. Shared Access (Joint or Cross-Access)

1. Adjacent commercial properties (e.g., retail or office) will provide an on-site cross-access drive and a pedestrian connection between the sites.
2. Joint-use and cross-access driveways shall incorporate:
 - a. A continuous service drive or cross-access corridor that extends the entire length required for driveway separation;
 - b. A design speed of 10 mph, and sufficient width to accommodate automobiles, service vehicles and loading vehicles;
 - c. Design features to make it clear that the abutting properties may be tied into the service drive; and
 - d. A unified access and circulation system that includes coordinated or shared parking areas where feasible.
3. Shared parking areas shall permit a reduction in the number of parking spaces if the peak demands for proposed land uses do not occur at the same time.
4. Property owners entering into joint access agreements shall:
 - a. Record an easement with the deed allowing cross access to and from other properties served by the cross-access drives.
 - b. Record an agreement with the deed that remaining access rights along Sullivan Avenue/Buckland Road will be dedicated to the Town and that preexisting driveways will be closed after the joint-use driveway is constructed.
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of individual property owners.

S. Windsor

ARTICLE 5 – OVERLAY ZONES

5. The Commission may reduce the required separation of access points where they prove impractical if all of the following requirements are met:
 - a. Joint-access driveways and cross-access agreements are provided wherever feasible.
 - b. The site plan incorporates a unified access and circulation system.
 - c. The property owner enters into a written agreement with the town. The deed shall state that the pre-existing connections will be closed after the joint use driveway is provided.
6. The Commission may modify or waive the requirements of this section, where the characteristics or arrangement of abutting properties make a unified or shared access and circulation system impractical.

F. Outparcels, Phased Development and Multiple Parcels

1. Development sites under multiple ownership, the same ownership or consolidated for the purposes of development, shall not be considered as separate properties for purposes of access spacing standards.
2. The number of driveways permitted shall be the minimum necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required under previous sections shall be met. These requirements shall also apply to phased development plans.
3. Where, by reason of property ownership or phased construction, it is not practical to construct an entire internal circulation system, then temporary driveway access may be allowed provided that the temporary access meets all spacing, location, and related requirements and that the temporary access will be removed once the internal circulation system is complete.
4. All access to the outparcel must be internalized by using the shared internal circulation system of the main development. Access shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driveway aisles.

G. Alternative Frontage

1. Access to lots that front on either Sullivan Avenue or Buckland Road and another roadway shall be provided from the other roadway.
2. When a proposed residential subdivision would abut the corridor, lots shall have access from an interior local road.
3. Access rights of these lots shall be dedicated to the Town, and recorded with the deed.

H. Roadway Requirements

1. Any parcel or use that will generate more than 100 trips in a peak hour shall submit a study of traffic impacts to the Commission as part of any application so that the Commission may evaluate and mitigate roadway impacts from the proposed development.
2. An applicant may be required by the Commission to complete improvements to roadways in order to accommodate the proposed development. Any improvements proposed or required shall be constructed in accordance with the Town of South Windsor Public Improvement Specifications (Buckland Road) or State of Connecticut design standards (Sullivan Avenue).

S. Windsor

ARTICLE 5 – OVERLAY ZONES

3. If the existing road right-of-way width is less than the recommended right-of-way width based upon relevant regulations (including the Subdivision and Public Improvement Specifications) and/or plans (including any adopted Access Management Plan), the Commission may require that additional right-of-way be deeded to the Town or the State in order to accommodate potential future roadway needs.

I. Modification to Requirements

1. An applicant may request modification of these requirements through submission of an access management plan that:
 - a. Encompasses a study area defined by the distance between intersecting streets or the length of the sites frontage plus the distance of the applicable spacing standard measured from the property lines;
 - b. Reviews existing and future access for all properties with the study area;
 - c. Evaluates the operational and safety impacts of any proposed modifications;
 - d. Includes a list of improvements and recommendations for implementation;
 - e. Demonstrates the need for modification; and
 - f. Maintains the functional integrity of the roadway.
2. The Commission may waive any requirement of this section when it finds that all of the following conditions have been satisfied:
 - a. The gravity of the waiver will be consistent with the purpose of these regulations.
 - b. The waiver has been specifically requested by the applicant.
 - c. Conditions exist which adversely affect the subject property and are not generally applicable to other property in the area.
 - d. In the absence of a waiver, no reasonable alternative access is available, will be available, or can be constructed.
 - e. The requested waiver is the minimum deviation necessary from this section to permit reasonable development of the subject property.
 - f. The granting of the waiver will not have a significant adverse impact on existing or future traffic operations, adjacent property, or on public safety or welfare.
3. An applicant shall not apply for a variance to any of the requirements of this section without first making an application for modification of the requirements of this section as allowed for under paragraph 5.5.4.I.1 above.

S. Windsor



TOWN OF ELLINGTON

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**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 to 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.

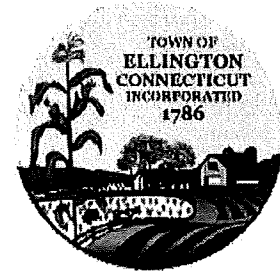
VII. ADJOURNMENT:

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

TOWN OF ELLINGTON FIRST SELECTMAN'S OFFICE



MEMO

Date: October 5, 2020
To: Agency Chairpersons and Department Heads
From: Lori L. Spielman, First Selectman *LS*
Subject: 2021-2022 Capital Improvements Budget Requests
2021 Meeting Schedules

2021-2022 Capital Improvements Budget Requests: Due November 2, 2020

Attached are the Capital Improvements Program Policy & Procedure and the Capital Improvement Survey Form to be used for budget request submittals. Include as much detail as possible in preparing Capital Improvement Budget requests. **Please be advised that a current quote must be included with Capital Improvement Program Survey forms when submitting a Capital Improvement budget request. Submissions received without the current quote will be returned to the Department Head.**

The deadline for submittal of Capital Improvement requests is **Monday, November 2, 2020**. Please fill out the attached Survey Form (*which is writeable and will auto-sum*) and email it, along with quote, no later than the deadline to:

Felicia LaPlante at	flaplante@ellington-ct.gov and
Tiffany Pignataro at	tpignataro@ellington-ct.gov and
Lori Spielman at	lspielman@ellington-ct.gov

2021 Committee/Commission/Agency Meeting Schedule – Due December 1, 2020:

In accordance with CT State Statutes, **every town agency is required to file with the Town Clerk** a schedule of regular meetings for the ensuing year; and no such meeting of any such public agency shall be held any sooner than thirty days after such schedule has been filed. Please be advised that compliance with this regulation is required in order to continue the regular operation of the town's boards, agencies and commissions. Since no meeting may be held any sooner than thirty days after the schedule has been filed, **please file your 2021 Meeting Schedule with the Town Clerk no later than Tuesday, December 1, 2020.**

Attached is a list of the 2021 holidays that will be observed by the Town of Ellington. No agency shall meet on any of the designated holidays. No meetings are scheduled at Town Hall on Friday evenings. **Per Town Charter, no meetings may be held on the evening of the Annual Town Budget Meeting which is Tuesday, May 11, 2021.**

FREEDOM OF INFORMATION ACT [FOIA]:

Please be reminded that any Town of Ellington "public agency" must file an agenda and minutes of its meetings with the Town Clerk. The FOIA definition of "PUBLIC AGENCY" for purposes of complying with the FOIA law includes: *ANY COMMITTEE, SUBDIVISION, AGENCY, DEPARTMENT, INSTITUTION, BUREAU, BOARD OR COMMISSION OF STATE AND LOCAL GOVERNMENT.*

We appreciate receiving copies of all agendas and minutes. This procedure has allowed the First Selectman's Office to be kept informed of important Town deliberations.

Thank you all for your continued support.

LS/lac
Attachments

cc: Board of Selectmen
Dr. Scott Nicol, Superintendent of Schools
Tiffany Pignataro, Finance Officer/Treasurer
Felicia LaPlante, Assistant Finance Officer/Treasurer

9/30/20 cc: T. Webb DPW
Rae B. Santa CT Police
L. Houlihan- PIZ
T. Pignataro- Fin.



STATE OF CONNECTICUT

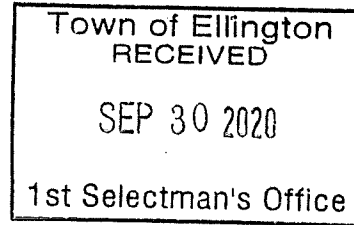
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546



September 21, 2020

The Honorable Lori Spielman
First Selectman
Town of Ellington
55 Main Street – P.O. Box 187
Ellington, Connecticut 06029



Dear First Selectman Spielman:

Subject: **Town Notification**
State Project No. 0047-0122
Federal-Aid Project No. 0140(008) PE
CT Route 140 Geometry Improvements
Town of Ellington and Tolland

The Connecticut Department of Transportation's (Department) Office of Engineering is developing plans to make improvements to CT Route 140 between Pinnacle Road and Teaberry Ridge Road, as depicted on the enclosed location plan. The purpose of this project is to improve substandard stopping sight distances and superelevation along this portion of CT Route 140, as well as the substandard intersection sight distances at both intersections. Proposed improvements include increasing the radii of horizontal curves of the roadway within the project limits and realigning the intersections of CT Route 140 at Pinnacle Road and Hopkins Road.

The present schedule indicates that the design will be completed in June 2022, with construction anticipated to start in spring 2023, assuming acceptance of the project, availability of funding, and receipt of any required right-of-way and environmental permits. This project will be undertaken with eighty percent (80%) Federal funds and twenty percent (20%) State funds.

Please advise this office of any work that may be contemplated along this route by any municipally owned utilities. By completing such work prior to or at the same time as the proposed construction, the traveling public can be better served upon completion of the project with a pavement that would not have to be disturbed for installations of this kind for many years.

It is the Department's policy to keep the public informed and involved when such projects are undertaken. It is important that the community share its concerns with the Department to assist in the project's development. A public informational meeting will be conducted upon the completion of the preliminary design. At this time, it is not anticipated that a formal public hearing will be necessary.

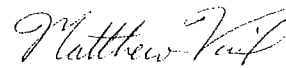
The Honorable Lori Spielman

- 2 -

September 21, 2020

If you have any questions or wish to assist the Department with this project, please contact me at the letterhead address.

Very truly yours,



Matthew R. Vail, P.E.

2020.09.18

13:53:38-04'00'

Matthew R. Vail, P. E.

Transportation Principal Engineer

Bureau of Engineering and Construction

Enclosures

cc: Mr. Lyle Wray, Executive Director, Capitol Region Council of Governments

PRESS RELEASE DISTRIBUTION

STATE PROJECT NO. 0047-0122
NEWS RELEASE DISTRIBUTION

The Honorable Richard Blumenthal, U.S. Senator

The Honorable Christopher Murphy, U.S. Senator

The Honorable Joe Courtney, U.S. Congressman

The Honorable Saud Anwar, State Senator, 3rd District

The Honorable Dan Champagne, State Senator, 35th District

The Honorable Christopher Davis, State Representative, 57th District

PRESS RELEASE

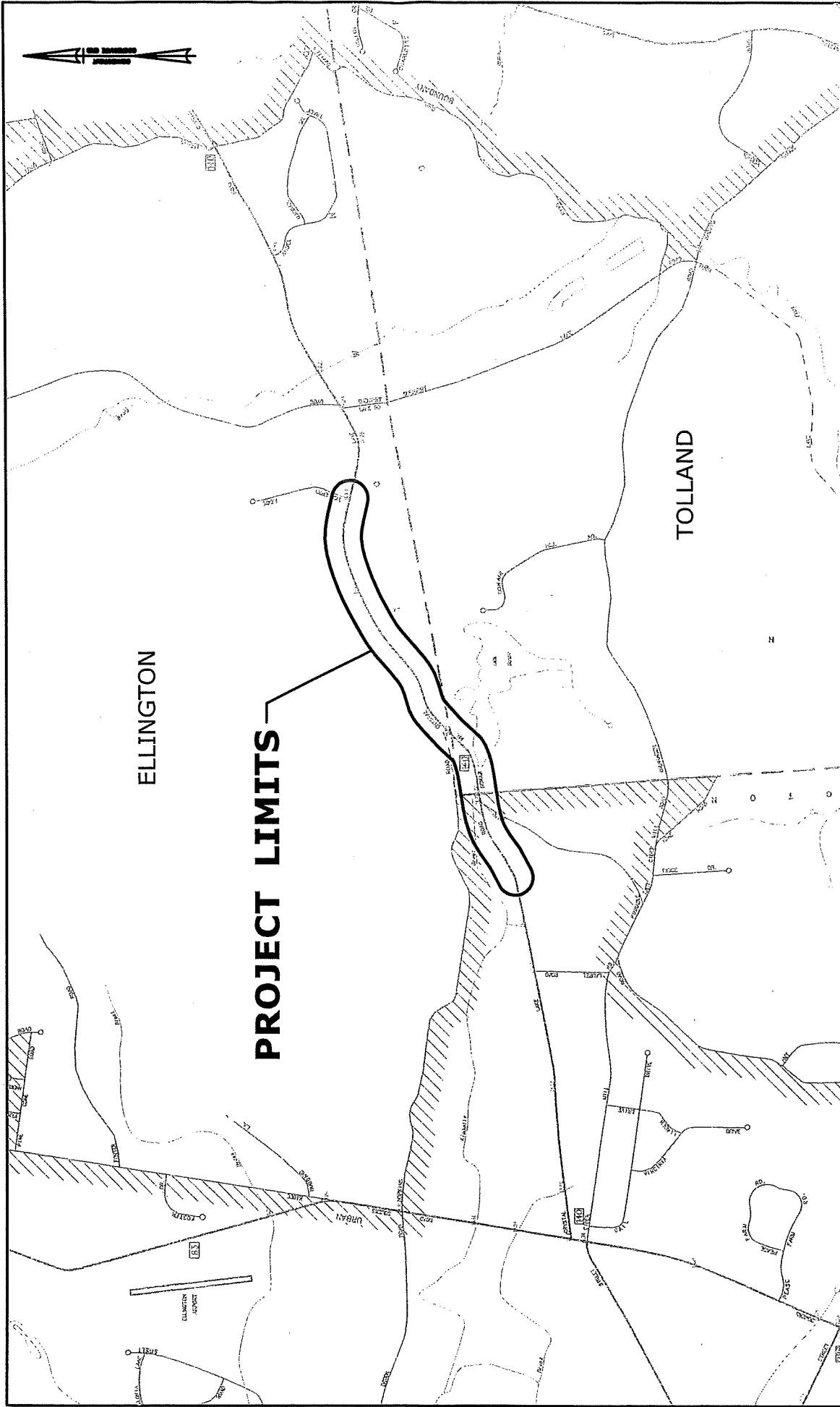
NEWINGTON, CT – The Connecticut Department of Transportation's (Department) Office of Engineering is developing plans to make improvements to CT Route 140 between Pinnacle Road and Teaberry Ridge Road, as depicted on the enclosed location plan.

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It is the Department's policy to keep the public informed and involved when such projects are undertaken. It is important that the community share its concerns with the Department to assist in the project's development. A public informational meeting will be conducted upon the completion of the preliminary design. At this time, it is not anticipated that a formal public hearing will be necessary.

If anyone has any questions or comments on this project, contact Matthew R. Vail, P.E., Principal Engineer, at (860) 594-3274 or by e-mail at Matthew.Vail@ct.gov. Please refer to State Project No. 0047-0122.



ELLINGTON

PROJECT LIMITS

TOLLAND



STATE PROJECT NO.:
047-122

CITY/TOWN:
ELLINGTON & TOLLAND

OFFICE OF
ENGINEERING



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

CT ROUTE 140
GEOMETRY IMPROVEMENTS

DATE:
JUNE 2020

