



TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, OCTOBER 26, 2020, 7:00 PM
TOWN HALL MEETING ROOM, 55 MAIN ST, ELLINGTON, CT
IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS
ZOOM ATTENDANCE INSTRUCTIONS PROVIDED**

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

MEMBERS ABSENT: NONE

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

I. CALL TO ORDER: Chairman Hoffman called the meeting to order at 7:02 PM.

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

BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER TO ADDRESS ITEM #1 OF OLD BUSINESS.

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)

Jeff Clark, 94 Wapping Wood Road and Joseph Boucher, Towne Engineering, Inc., 1 Richmond Lane, Willimantic, CT were present to represent the application.

Lisa Houlihan, Town Planner, stated since the last PZC meeting the owner's representatives provided a chain of title, summary of deed history, parcel history sketch, a boundary map, and revised letter from Towne Engineering, Inc. She said the Town Attorney reviewed the information and found that had Lot 2 and 3 been divided from 78 Wapping Wood Road as one lot in 2007 it would have qualified as a first-cut and been exempt from subdivision. However, since the 2007 subdivision was approved 78 Wapping Wood Road has been conveyed and its title is tied to the 2007 approval and therefore the subdivision cannot be dissolved. Ms. Houlihan noted since the owner wants to combine the parcels and one lot would've qualified as a first-cut in 2007, it's appropriate for the commission to waive the fee-in-lieu-of open space and release the drainage easements not associated with 78 Wapping Wood Road.

Mr. Boucher and Mr. Clark agreed with Ms. Houlihan's summary and had no additional comments.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO WAIVE FEE-IN-LIEU-OF OPEN SPACE AND RECOMMEND RELEASE OF THE DRAINAGE EASEMENTS NOT TIED TO 78 WAPPING WOOD ROAD TO THE BOARD OF SELECTMEN CONDITIONED UPON THE FILING OF A DEED MERGING LOTS 2 & 3, ANY OTHER LEGAL DOCUMENT REQUIRED BY THE TOWN ATTORNEY, AND PAYMENT OF LEGAL CONSULTANT REVIEW FEES, PURSUANT TO THE ELLINGTON LAND USE FEE ORDINANCE FOR S200701 - 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.

BY CONSENSUS, THE COMMISSION WENT BACK TO THE ORIGINAL AGENDA ORDER.

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.

TIME: 7:13 PM

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

Ms. Houlihan noted the following items were provided to the commission for their review:

- Draft regulation amendment;
- Relevant pages from the 2019 Plan of Conservation and Development;
- Copy of the Town of Manchester's code regarding sidewalks and curbs;
- Ellington Zoning Regulations 3.1.4 community/institutional uses, and 2.1.10 highway clearance setbacks;
- Route 83 sidewalk concept plan, and
- Town map showing developments along certain roadways in which the regulation is applicable.

Ms. Houlihan said in accordance with statutory procedure, the text amendment was referred to the Capitol Region Council of Governments (CRCOG). CRCOG reviewed the proposal and provided a report dated October 22, 2020. The report states "The staff of the Regional Planning Commission of the CRCOG has reviewed the zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. Incorporating and encouraging sidewalks where appropriate supports the regional plan of conservation and development goals to coordinate land use and transportation by supporting livable communities, complete streets, and context sensitive solutions, and encouraging the implementation of sidewalks as a means of environmentally-friendly transportation."

Ms. Houlihan also provided the commission with a marked-up version of the draft regulation amendment dated October 21, 2020 which represents changes to the draft proposal recommended by the Town Attorney. Upon review and discussion, the commission agreed to the changes recommended by the Town Attorney. The commission round tabled and agreed on the following modifications to the draft text amendment:

- Add Tomoka Avenue and Meadow Brook Road to 6.5.A & 6.5.E;
- Section 6.5.B strike "for good cause shown" and replace with "in the opinion of the commission";
- In Section 6.5.E at the end of the first sentence add "for property fronting on arterial and collector streets listed in section 2.1.10 (highway clearance setback), except for Hopkins, or on Lower Butcher Road, Tomoka Avenue and Meadow Brook Road".

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202014 - Text amendment to add new Section 6.5 to the Ellington Zoning Regulations regarding sidewalks and fee-in-lieu-of sidewalks.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATIONS RECOMMENDED BY THE TOWN ATTORNEY DATED OCTOBER 21, 2020 AND DISCUSSED BY THE COMMISSION OCTOBER 26, 2020 FOR Z202014 - Text amendment to add new Section 6.5 to the Ellington Zoning Regulations regarding sidewalks and fee-in-lieu-of sidewalks.

OCTOBER 26, 2020 MODIFICATIONS:

- **ADD TOMOKA AVENUE AND MEADOW BROOK ROAD TO 6.5.A & 6.5.E;**
- **SECTION 6.5.B STRIKE “FOR GOOD CAUSE SHOWN” AND REPLACE WITH “IN THE OPINION OF THE COMMISSION”;**
- **IN SECTION 6.5.E AT THE END OF THE FIRST SENTENCE ADD “FOR PROPERTY FRONTING ON ARTERIAL AND COLLECTOR STREETS LISTED IN SECTION 2.1.10 (HIGHWAY CLEARANCE SETBACK), EXCEPT FOR HOPKINS, OR ON LOWER BUTCHER ROAD, TOMOKA AVENUE AND MEADOW BROOK ROAD”.**

EFFECTIVE DATE: NOVEMBER 1, 2020

IV. 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.

Ms. Houlihan explained the Trails Committee is looking to build an amphitheater on the property and the proposed activity is consistent with the Plan of Conservation and Development. Commissioner Hirth asked who would maintain the amphitheater and Chairman Hoffman explained the Public Works Department would maintain it. Alternate Moser added that he feels the project is a great idea.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE REFERRAL to the Board of Selectmen pursuant to CGS §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. In granting positive referral the commission finds the improvements to the Batz property consistent with the Plan of Conservation and Development by enhancing recreational opportunities for residents.

DISCUSSION: THE AMPHITHEATER WILL REQUIRE A SITE PLAN REVIEW BY THE COMMISSION PRIOR TO CONSTRUCTION.

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.

In accordance with standard procedures, the request to accept public infrastructure was shared with the Town Engineer and DPW Director. The Assistant Planner has provided the developer with a letter listing the administrative items that need completion prior to acceptance. An inspection of the subdivision will be scheduled between town representatives and the developer. In accordance with state statute, the commission has 65 days to process the request and either recommend acceptance or provide instruction describing what work needs to be complete to prepare for positive

recommendation to accept the public improvements. She anticipates the request to be ready for action by the next meeting.

BY CONSENSUS, TABLED DISCUSSION TO THE NEXT PZC MEETING SCHEDULED FOR NOVEMBER 23, 2020 FOR 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.

Ms. Houlihan stated the letter requesting acceptance of public infrastructure for this subdivision was received on October 17, 2020. She reiterated standard operating procedures and explained that the request is not ready for action by the commission.

BY CONSENSUS, TABLED DISCUSSION TO THE NEXT PZC MEETING SCHEDULED FOR NOVEMBER 23, 2020 FOR 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)

Ms. Houlihan said the proposed draft new section of the Zoning Regulations is a referral from the Economic Development Commission (EDC) and is one of the recommendations from the 2019 Plan of Conservation and Development (POCD). Commissioner Kelly noted the proposed section of the regulations is an effort to promote agri-tourism and traditional farming. Commissioner Hogan inquired about the parking calculation, as well as deliveries and pickups. Upon a brief discussion, it was decided to formalize the proposal and move forward with the public hearing process.

BY CONSENSUS, RECEIVE APPLICATION AND SCHEDULE A PUBLIC HEARING FOR NOVEMBER 23, 2020, 7PM, VIA ZOOM AND PHYSICAL LOCATION AT 55 MAIN STREET, ELLINGTON, CT, for a regulation amendment to add a new regulation for Farm Brewery, Cidery, Distillery and Winery to Section 7.14 of the Ellington Zoning Regulations.

5. Review and discuss memo from Lisa Houlihan, Town Planner, dated October 20, 2020, regarding draft Access Management Regulations.

Ms. Houlihan stated the proposal advances a recommendation from the last two POCD's and the Route 83 Corridor Study. The commission round tabled and agreed to continue discussion at their next meeting before formalizing the proposal.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CONTINUE DISCUSSION TO THE NEXT PZC MEETING SCHEDULED FOR NOVEMBER 23, 2020 for a regulation amendment to add Section 6.6 Access Management to the Ellington Zoning Regulations.

6. Z202016 – Doug Miller, owner/ Anna Pinette, applicant, Request for Special Permit for a restaurant and associated signage at 292 Sandy Beach Road, APN 128-032-0000, in the Commercial (C) and Rural Agricultural Residential (RAR) Zones. (For receipt and scheduling a public hearing)

BY CONSENSUS, RECEIVE APPLICATION AND SCHEDULE A PUBLIC HEARING FOR NOVEMBER 23, 2020, 7PM, VIA ZOOM AND PHYSICAL LOCATION AT 55 MAIN STREET, ELLINGTON, CT, FOR Z202016 – Doug Miller, owner/ Anna Pinette, applicant, Request for Special Permit for a restaurant and associated signage at 292 Sandy Beach Road, APN 128-032-0000, in the Commercial (C) and Rural Agricultural Residential (RAR) Zones.

V. ADMINISTRATIVE BUSINESS:

1. Approval of September 28, 2020 Regular Meeting Minutes

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE SEPTEMBER 28, 2020 REGULAR MEETING MINUTES AS WRITTEN.

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.

Ms. Houlihan explained the procedure for Capital Improvements Budget proposals. When submitting a request for funds, it needs to be accompanied with three quotes to complete the project. After discussion, the commission requested Ms. Houlihan to proceed with the village district concept and request funding for consultant services.

- 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:

MOVED (SWANSON) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:57 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk