



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](http://www.ellington-ct.gov)

TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

## ZONING BOARD OF APPEALS REGULAR MEETING AGENDA MONDAY, JANUARY 4, 2021, 7:00 PM **ZOOM MEETING**

**IN-PERSON PUBLIC ATTENDANCE IS LIMITED DUE TO COVID19 RESTRICTIONS,  
ZOOM ATTENDANCE INSTRUCTIONS PROVIDED BELOW**

### I. CALL TO ORDER:

### II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):

### III. PUBLIC HEARING(S):

1. V202011 – Gladys Prouty, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.10-Highway Clearance Setbacks and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Maple Street from 60ft to 21ft for an addition, partial second story addition, and dormer at 11 Berr Avenue, APN 072-027-0000 in a Residential (R) zone. (*Notice requirements met, hearing may commence*)

### IV. ADMINISTRATIVE BUSINESS:

1. Approval of the December 7, 2020 Regular Meeting Minutes
2. Correspondence/Discussion:
  - a. Cease and Desist Order - 15 Green Street Re: Violation of the Zoning Regulations

### V. ADJOURNMENT:

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#### Join Meeting via ZOOM Video Communications:

In order to comply with COVID-19 limited in-person meetings and social distancing requirements, this meeting will be conducted using the online video conferencing service provider Zoom. Meeting details will be provided on the Agenda and posted on the Ellington webpage ([www.ellington-ct.gov](http://www.ellington-ct.gov)), Agenda & Minutes, Zoning Board of Appeals.

#### Join Zoom Meeting via link:

<https://zoom.us/j/94945093777>

Meeting ID: 949 4509 3777

Password: 074269

#### Join Zoom Meeting by phone:

1 646 558 8656 US (New York)

Meeting ID: 949 4509 3777

Password: 074269

# Town of Ellington Zoning Board of Appeals Application

Application #  
**V202011**  
Date Received  
**12-03-2020**

Type of Application: ☒ Variance ☐ Appeal of Decision ☐ Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

### Owner's Information

Name: Gladys Prouty  
Mailing Address: 11 BERR AVE  
ELLINGTON, CT 06029  
Email: gpprj22@gmail.com

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

Primary Contact Phone #: 860-986-2329

Secondary Contact Phone #: \_\_\_\_\_

Owner's Signature: Gladys Prouty Date: 11/16/20

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 Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

Notices associated with this application will be sent to the applicant unless otherwise requested.

### Applicant's Information (if different than owner)

Name: \_\_\_\_\_  
Mailing Address: SAME as owner  
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 #: \_\_\_\_\_

Applicant's 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 Board have been submitted.

RECEIVED

Street Address: 11 BERR AVE ELLINGTON CT 06029

Assessor's Parcel Number (APN): 072-027-0000 Zone: R

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

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 Conn. Gen. Stat. §8-3(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.

Previous Variances related to this property? ☐ Yes ☒ No If yes, specify date \_\_\_\_\_

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 2.1.10 + 3.2.3

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)

Reduce front yard setback from 60' to 21' for  
3'8" x 8'9" addition, partial second story addition  
and dormer

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

NON SAFE CONDITION. A LOT A DRAFT OF COLD AIR  
INCREASING HEATING COST. OLD BUILDING, NON CONFOR-  
MING WITH REGULATIONS.

DEC 03 2020

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

Variance of the property:

Property: 11 Berr Ave, Ellington CT06029

Owner: Gladys Prouty

1.- FIRST LEVEL: Pantry:

Existing area built with no adequate foundation currently crumble out, non-safe and deteriorated condition, it needs to be removed/replace.

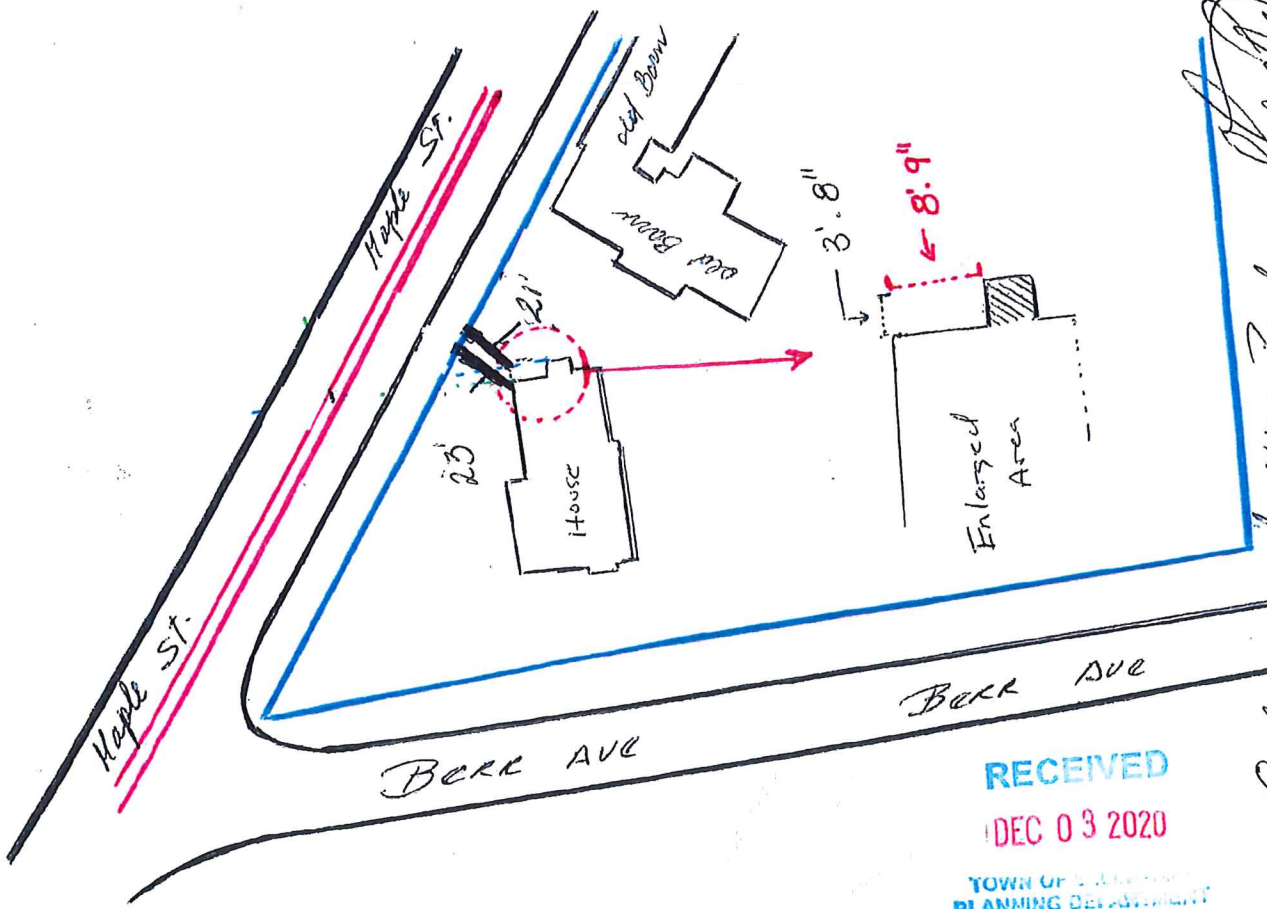
- New area will have a proper support, insulation, and elements protection, (whether, insects-pest). This new area will be squared exactly to the length of the back side of the house as 12 feet and 10 inches approximately, (12'10", externally measured). This new area will be built Per the plan develop by structure engineering.

RECEIVED

DEC 03 2020

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

Town of Ellington CT "11 Berr Ave"

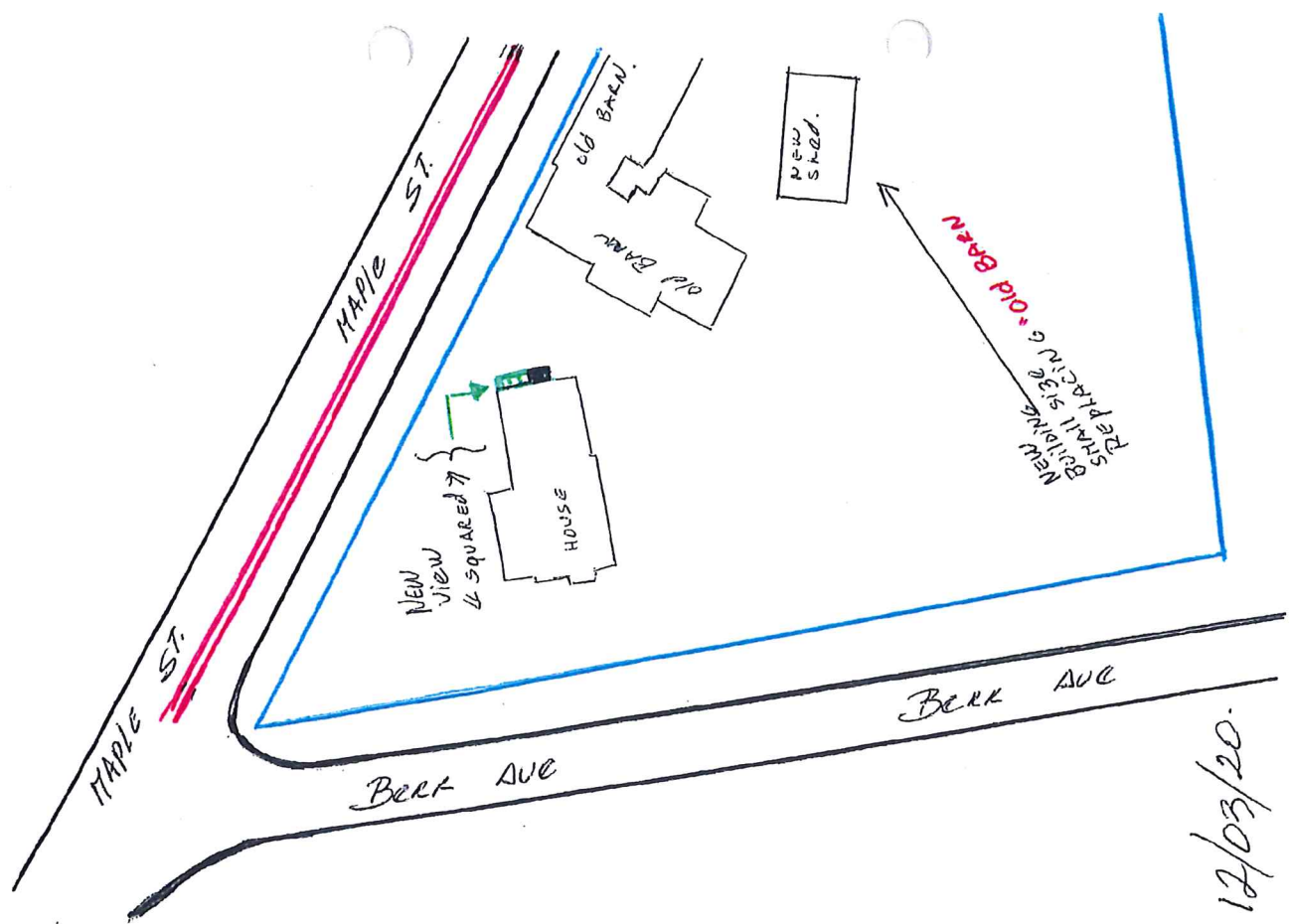


RECEIVED  
DEC 03 2020  
TOWN OF ELLINGTON  
PLANNING DEPARTMENT

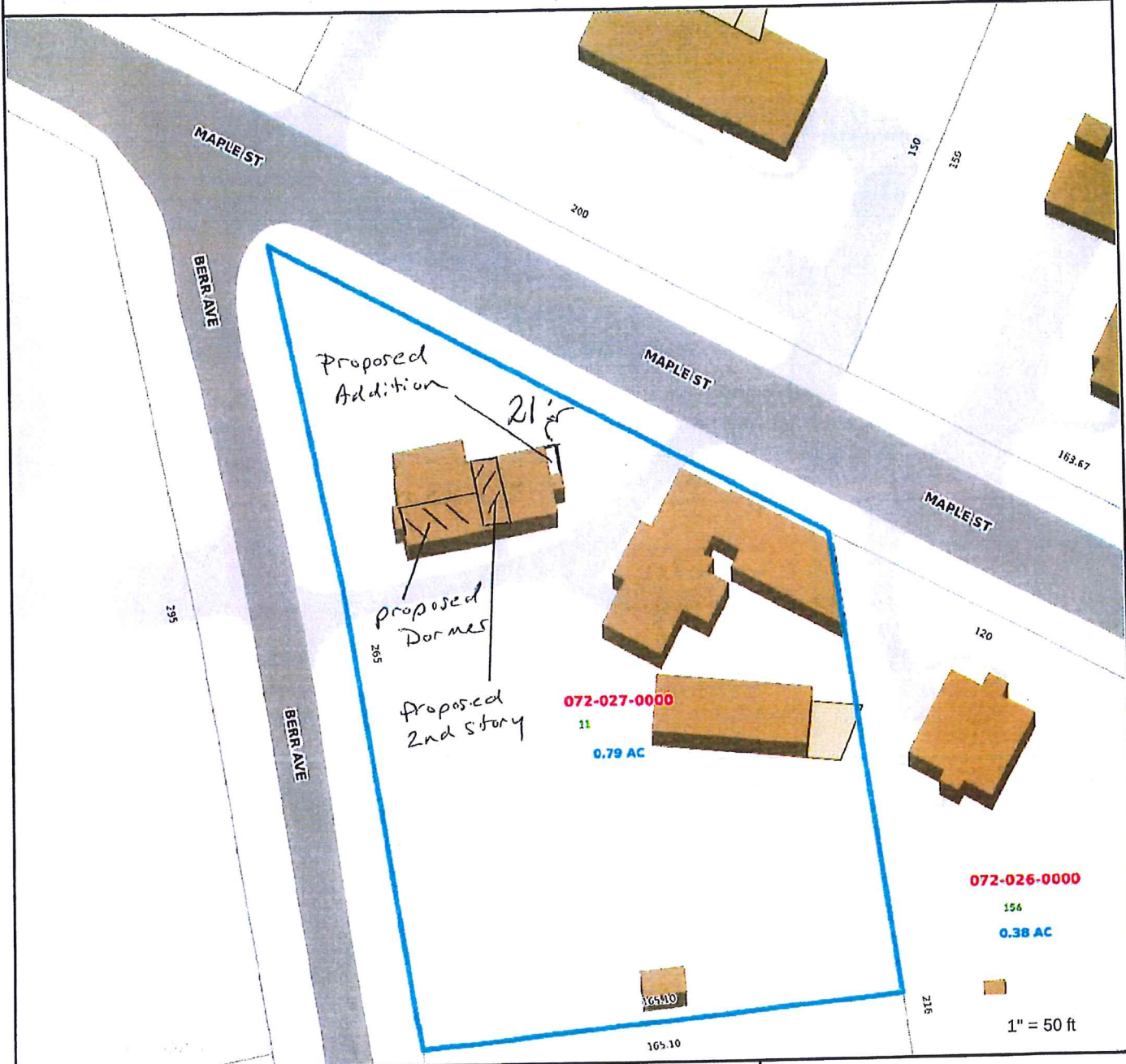
Submitted by: *Shops Family*

12/03/20

NEW AREA SQUARED







Property Information

Property ID 072 027 0000  
 Location 11 BERR AVE  
 Owner PROUTY GLADYS



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

Town of Ellington, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 7/23/2020  
 Data updated 7/23/2020

RECEIVED

DEC 03 2020

TOWN PLANNING





Pg 1063





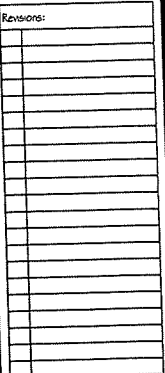












**DIBATTISTO ASSOCIATES, llc**  
Design & Engineering  
5 Creamery Brook, East Granby, Ct. 06026  
860-653-4432, [www.dibattisto.com](http://www.dibattisto.com)

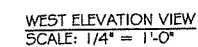
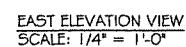
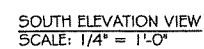
Prouty Residence  
11 Berr Avenue  
Ellington, CT 06029

Architectural Plan  
Floor Plans

A2.0

\*FOR QUOTATION USE ONLY



TOWN OF ELLINGTON  
PLANNING DEPARTMENT

\*FOR QUOTATION USE ONLY

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PROFESSIONAL STAMP

Prouty Residence  
11 Berr Avenue  
Ellington, CT 06029

Project: DA20-121  
Prepared By: RJB  
Reviewed By: LAD  
Date: November 11, 2020

Architectural Plan  
Elevation Views

A3.0





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## ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, DECEMBER 7, 2020, 7:00 PM ZOOM MEETING

**PRESENT:** Chairman Art Aube, Vice Chairman Ken Braga and Alternate Ron Stomberg; Present via ZOOM meeting: Regular members Sulakshana Thanvanthri and Erin Stavens, Alternates Ron Brown (Joined meeting 7:09 pm) and Rodger Hosig

**ABSENT:** Regular member Mort Heidari

### STAFF

**PRESENT:** John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Present via ZOOM meeting: Barbra Galovich, Recording Clerk

### I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

### II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, explained general procedures for how the meeting will be conducted.

### III. PUBLIC HEARINGS:

1. V202007 – Pamela Peters, owner/ Carl Sallstrom, dba Creative Decks, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 7ft for a deck at 149 West Shore Road, APN 169-010-0000 in a Lake Residential (LR) zone.

**TIME:** 7:03 pm

**SEATED:** Aube, Braga, Thanvanthri, Stavens and Stomberg

Pamela Peters, 28 Samuel Lane, Mansfield, CT and Carl Sallstrom, 426 Hunter Road, Tolland, CT were present to represent the application.

Mr. Sallstrom stated they reduced the size of the proposed deck from what was originally submitted after they had the property pins located with the hope of gaining an approval to construct. The new plan shows the deck going straight back from the house. The side property line is on an angle making it difficult to maintain the setback requirement. He noted



he met with Mr. Colonese and took measurements on site and they measured from the proposed location to the property pin and the closest portion of the deck is seven to eight feet from the property line. Commissioner Thanvanthri asked about the Health Department requirement. Mr. Colonese said North Central District Health Department (NCDHD) requested the applicant show the location of the water line on their plan for approval. Mr. Sallstrom explained he could see in the basement where the water line is located and also see the pipe at the edge of the lake, and so he added the information to the plan.

No one from the public spoke regarding the application.

**MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202007.**

**MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202007** – Pamela Peters, owner/ Carl Sallstrom, dba Creative Decks, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 7ft for a deck at 149 West Shore Road, APN 169-010-0000 in a Lake Residential (LR) zone.

**HARDSHIP:** House was built prior to zoning regulations; lot configuration.

2. V202009 – JLM Associates, LLC, owner/ Ky Jensen, Budget Auto Repair, LLC, applicant, request for location approval for dealing in and repairing motor vehicles pursuant to Conn. Gen. Stat. Section 14-54 at 360 Somers Road, APN 105-002-0000 in an Industrial (I) zone.

**TIME:** 7:09 pm

**SEATED:** Aube, Braga, Thanvanthri, Stavens and Stomberg

Ky Jensen, 161 Leonard Road, Stafford, CT was present to represent the application.

Mr. Jensen said he is seeking location approval for dealing in and repairing motor vehicles. He is only requesting a name change for the existing business as it will be under new ownership. Commissioner Stavens stated she does not see any reason for denial as the new business name is filed with the state. Alternate Brown asked if any other businesses are changing within the building, and Mr. Jensen replied that they are not.

**MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202009.**

**MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202009** – JLM Associates, LLC, owner/ Ky Jensen, Budget Auto Repair, LLC, applicant, request for location approval for dealing in and repairing motor vehicles pursuant to Conn. Gen. Stat. Section 14-54 at 360 Somers Road, APN 105-002-0000 in an Industrial (I) zone.

3. V202010 – Adam Piader, owner/applicant, request for variances of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 50ft to 27ft for a high tunnel agricultural structure and from 50ft to 43ft for a chicken coop at 66 Burbank Road, APN 128-003-0000 in a Rural Agricultural Residential (RAR) zone.

**TIME:** 7:13 pm



**SEATED:** Aube, Braga, Thanvanthri, Stavens and Stomberg

Adam Piader, 66 Burbank Road, Ellington, CT was present to represent the application.

Mr. Piader said they are requesting a variance for a chicken coop and greenhouse within the front yard setback requirements. He noted they are proposing this location because it is a high spot on the hayfield and will minimize damage to the existing hayfield. Commissioner Stomberg asked what the proposed dimensions of the greenhouse will be and what the floor will be made out of. Mr. Piader stated they are proposing a 26 foot by 48 foot structure with a dirt floor.

Mr. Colonese said the application was sent to the Connecticut Water Company for comments, since the project is within a public water supply watershed. He received a letter dated December 7, 2020 from the Connecticut Water Company that was sent the Agency members and the applicant. Mr. Piader said the water company had been out to the site in the past and reviewed their method of composting manure. Commissioner Brown asked if the chicken coop would be covered, Mr. Piader responded that the coop will have a roof.

Mr. Colonese read an email in support of the application into the record from Jeffrey & Patricia Folger of 67 Burbank Road. No one from the public spoke regarding the application.

**MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202010.**

**MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V202010** – Adam Piader, owner/applicant, request for variances of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 50ft to 27ft for a high tunnel agricultural structure and from 50ft to 43ft for a chicken coop at 66 Burbank Road, APN 128-003-0000 in a Rural Agricultural Residential (RAR) zone.

**HARDSHIP:** Location of structures is beneficial to the management of the hayfield.

#### **IV. ADMINISTRATIVE BUSINESS:**

1. Approval of the November 2, 2020 Regular Meeting Minutes.

**MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE NOVEMBER 2, 2020 MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. Letter to owner of 9 Deborah Drive Re: Pending Enforcement Matter.

Mr. Colonese stated a letter was sent to the owner of the new property. The new owner visited the Planning & Building Departments after receipt of the letter and said he was aware of the violation but would like to keep the structure and apply for a variance. He was informed that he would need to hire a certified land surveyor in order to locate his property line prior to completing the application for a variance.



**V. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE  
ZBA MEETING AT 7:22 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk



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TEL. (860) 870-3120

TOWN PLANNER'S OFFICE

FAX (860) 870-3122

## CEASE AND DESIST ORDER

December 11, 2020

Susann T. McCarthy  
11 Winchester Court  
Farmington, CT 06032

Delivery by: State Marshal,  
Certified Mail R/R 70162710000114698845  
US POSTAL SERVICE & First Class Mail

Re: 15 Green Street (Assessor Parcel No. 129-043-0000)  
Violation of the Ellington Zoning Regulations

Dear Ms. McCarthy:

On October 7, 2020, you were issued a Notice of Violation for storing junk outdoors, and constructing stockade fences approximately six feet in height along Sweeney Street at the subject property. The notice asked you to remove the stockade fences from the building setback line to the street on Sweeney Street or obtain a variance from the Ellington Zoning Board of Appeals. The notice also asked you to remove all the junk from the subject property. Please see the notice enclosed.

To date, subsequent inspections have found that junk (as defined by the Ellington Zoning Regulations) continues to be stored outdoors creating a junk yard and stockade fences approximately six feet in height are still located within the front yard setback area on the subject property in violation of the following Ellington Zoning Regulations:

- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk outdoors and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk outdoors and a junk yard is not permitted in the Lake Residential Zoning District.
- Pursuant to Section 2.1.7 Construction in Required Yards: "Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height." Therefore, a fence constructed within the front yard setback area over 2½ feet in height that provides more than fifty percent obstruction of vision through the fence, such as a stockade fence, or any fence over four feet in height is a violation.



By the powers vested in me, you are hereby **ORDERED TO CEASE AND DESIST THE ABOVE VIOLATIONS AND TAKE PROPER CORRECTIVE ACTION TO BRING YOUR PROPERTY INTO COMPLIANCE WITH THE TOWN OF ELLINGTON ZONING REGULATIONS WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS ORDER. TO REMEDY THIS SITUATION YOU MUST (1) REMOVE THE STOCKADE FENCES WITHIN THE FRONT YARD SETBACK AREA OVER 2½ FEET IN HEIGHT THAT PROVIDE MORE THAN FIFTY PERCENT OBSTRUCTION OF VISION THROUGH THE FENCE AS WELL AS ANY FENCE OVER FOUR FEET IN HEIGHT OR OBTAIN A VARIANCE FROM THE ELLINGTON ZONING BOARD OF APPEALS, AND (2) REMOVE ALL THE JUNK FROM THE SUBJECT PROPERTY,** certifying agreement with the Town of Ellington's Zoning Regulations.

*Junk is defined by the Zoning Regulations as any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors. Junk yard is defined as the use of any area, whether inside or outside of a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.*

Pursuant to Section 8-7 of the Connecticut General Statutes, you may appeal this Order to the Zoning Board of Appeals (hereinafter "ZBA"), specifying the grounds of your appeal, within thirty (30) days of receipt of this Order.

If compliance to this Order is not met or an appeal to the ZBA is not taken within thirty (30) days from the day of receipt of this Order, **A CITATION AND FINE CAN BE ISSUED TO YOU** in accordance with Town of Ellington Code Chapter 48: Citations for Wetland and Zoning Violations in addition to any other legal remedies as prescribed by law. Citations can include fines of one hundred and fifty dollars (\$150.00) for each day a zoning violation continues.

Questions regarding this Order may be directed to the Planning Department at (860) 870-3120.

Thank you in advance for your prompt attention to this matter.

Respectfully,



John D. Colonese, CZEO  
Assistant Town Planner/Zoning Enforcement Officer

cc. Zoning Board of Appeals  
Susann T. McCarthy, 15 Green Street, Ellington, CT (Delivery by: State Marshal)



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

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## NOTICE OF VIOLATION REQUEST FOR VOLUNTARY COMPLIANCE

October 7, 2020

*Copy sent to owner  
via first class mail  
on 10/7/20 JAC*

Susann T. McCarthy  
P.O. Box 9404  
Bristol, CT 06011

Certified Mail R/R 70162710000114698937  
US POSTAL SERVICE

Re: 15 Green Street (Assessor Parcel No. 129-043-0000)  
Violation of Ellington Zoning Regulations

Dear Ms. McCarthy:

Recently, you and I spoke about complaints that were received by the Ellington Planning Department regarding articles and materials being stored outdoors and the installation of stockade fences along Sweeney Street at 15 Green Street. In response to the complaint, an inspection of the subject property was conducted. It appears junk (as defined by the Ellington Zoning Regulations) is being stored outdoors, and stockade fences approximately six feet in height have been installed along Sweeney Street at the subject property in violation of the following Ellington Zoning Regulations:

- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk outdoors and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk outdoors and a junk yard is not permitted in the Lake Residential Zoning District.
- Pursuant to Section 2.1.7 Construction in Required Yards: Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height.



**In order to remedy this situation and bring the subject property into compliance with the Town of Ellington Zoning Regulations you must (1) remove the stockade fences from the building setback line to the street on Sweeney Street or obtain a variance from the Ellington Zoning Board of Appeals to allow the stockade fence along Sweeney Street, and (2) remove all the junk from the subject property.** *Junk is defined by the Zoning Regulations as any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors. Junk yard is defined as the use of any area, whether inside or outside of a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.*

**This is not a Cease and Desist Order** however failure to correct this situation and bring your property into compliance with the Town of Ellington Zoning Regulations may necessitate the issuance of such an order and/or the issuance of a municipal citation and fine. **A re-inspection of the property will be conducted no sooner than 15 business days from the date of receipt of this letter.**

Please feel free to contact me at (860) 870-3120 with any questions regarding this notice.

Thank you in advance for your prompt attention and anticipated voluntary compliance to this matter.

Respectfully,



John D. Colonese, CZEO  
Assistant Town Planner/Zoning Enforcement Officer