



TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
www.ellington-ct.gov

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

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JANUARY 25, 2021, 7:00 PM
TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT**

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

MEMBERS PRESENT: IN MEETING ROOM: VICE CHAIRMAN SEAN KELLY, REGULAR MEMBERS F. MICHAEL FRANCIS, RICCI HIRTH, MICHAEL SWANSON AND ALTERNATE JON MOSER

MEMBERS ABSENT: CHAIRMAN ARLO HOFFMAN, SECRETARY ROBERT SANDBERG, JR. AND REGULAR MEMBER WILLIAM HOGAN

STAFF PRESENT: VIA ZOOM: LISA HOULIHAN, TOWN PLANNER; IN MEETING ROOM: BARBRA GALOVICH, RECORDING CLERK

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

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

III. PUBLIC HEARING(S):

1. Z202020 - Joseph & Mary Hollay and Heather Hollay-Farr & Christopher Farr, owners/ applicants, pursuant to Section 3.1 of the Ellington Zoning Regulations request for a Special Permit for a dormitory at 154 Crystal Lake Road, APN 095-021-0001, and 156 Crystal Lake Road, APN 095-021-0000, in the RAR (Rural Agricultural Residential) Zone.

TIME: 7:03 PM

SEATED: Kelly, Francis, Hirth, Swanson and Moser

Vice Chairman Kelly stated the Planning Department received an email from Attorney Bruce Fader requesting to table the opening of the public hearing to February 22, 2021.

BY CONSENSUS, TABLE THE OPENING OF THE PUBLIC HEARING TO FEBRUARY 22, 2021 FOR Z202020 - Joseph & Mary Hollay and Heather Hollay-Farr & Christopher Farr, owners/ applicants, pursuant to Section 3.1 of the Ellington Zoning Regulations request for a Special Permit for a dormitory at 154 Crystal Lake Road, APN 095-021-0001, and 156 Crystal Lake Road, APN 095-021-0000, in the RAR (Rural Agricultural Residential) Zone.

2. Z202024 – Schneider Brothers, LLC, owner/ Earthlight Technologies, LLC, applicant, request for Special Permit for business office, warehousing and storage, and storage yard for building materials and a ground mounted solar array pursuant to Section 7.15.7 and Site Plan Modification for the construction of a commercial building, parking, loading area, outdoor storage yard, common driveway and utilities, ground mounted solar array, and associated site improvements on properties located at 124 West Road, APN 037-003-0000 and 128 West Road, APN 037-003-0002 in a PC (Planned Commercial) Zone.

TIME: 7:04 PM

SEATED: Kelly, Francis, Hirth, Swanson and Moser

Guy Hesketh and Ken LaForge, F.A. Hesketh and Associates, Inc., 6 Creamery Brook, East Granby, CT, Everett Skinner, The Barn Yard, 120 West Road and Sam Schneider, Earthlight Technologies, LLC, 92 West Road were present to represent the application.

Mr. Hesketh stated the applicant is requesting a Special Permit for Earthlight Technologies which will include a business office, warehouse and storage, storage yard for building materials and a ground mounted solar array. They are also seeking approval for a Site Plan Modification for the construction of a commercial building, parking, loading area, outdoor storage yard, common driveway and utilities, ground mounted solar array, and associated site improvements. He noted the previous approvals obtained for the project. Mr. Hesketh said Phase I of the project has been completed and reviewed the proposed improvements such as the main access drive, building location, employee parking, customer parking, outside storage area and solar array. He reviewed the photometric plan, which includes the wall mounted lighting, parking area lighting for the Earthlight development area. Mr. Hesketh stated the pole lights are proposed to be 25' in height from grade and the driveway will be paved. He also noted that the Erosion & Sediment Control Plan is in accordance with the Department of Energy and Environmental Protection (DEEP) guidelines.

Mr. LaForge reviewed the proposed landscaping plan, which includes elm trees that will be 35' on center along the driveway and a variety of trees, such as elm, evergreen, and maple trees, that will be installed within the parking areas. They are planning on planting evergreens to the north side of the building and the outside storage area beyond the main building. He reviewed the landscape schedule and described the different plantings and shrubs to be used on site. Oriental plantings are proposed to be used between the building and the parking areas. Mr. LaForge explained the proposed landscape plan is designed to be consistent with other newer developments along Route 83. He noted they will be adding some split rail fencing around the outside employee's break area.

Everett Skinner reviewed the building design, explaining the applicant is proposing to construct a 20,690 sf two story office with a one story warehouse, noting the office portion of the building will be made of timber frame, stone and reclaimed barn board. The warehouse portion of the building will be constructed with steel with four overhead doors to the rear of the building, a covered loading dock area and solar panels on the roof. They are proposing to have an 80'x150' outside storage area that will be enclosed by an 8' chain-link fence, and a dumpster enclosure that will be completely screened from the public. Mr. Skinner stated the storm drainage will be in the back of the property.

Mr. Hesketh said this application does not include a detached sign request for approval due to the design of the sign is still to be determined. Mr. Schneider stated they will apply for the freestanding sign at a later date.

Vice Chairman Kelly asked if there will be any future curb cuts along Route 83. Mr. Hesketh clarified there will only be one shared access between Earthlight and The Barn Yard from Route 83, noting the plans provide for future internal connections to the north and south adjacent parcels. The Barn Yard will also have a connection by way of the proposed covered bridge on the south side of the parcel.

Commissioner Hirth asked if the driveway will be paved after construction has been completed. Mr. Hesketh stated it will be paved asphalt and not millings. Commissioner Hirth stated the plans look great. Commissioner Francis asked for clarification about solar panels on the roof of the warehouse, Mr. Hesketh verified. Commissioner Francis said he liked the plans.

Alternate Moser asked about any future development in front of the proposed Earthlight building. Mr. Schneider noted they will be leasing out the land, which will remain a hayfield for now and are not planning on developing in front of their proposed building at this time. Commissioner Swanson supports the application.

No one from the public spoke regarding the application.

Ms. Houlihan reviewed staff comments from the Fire Marshal, North Central District Health Department, Town Engineer, Department of Public Works, and Water Pollution Control Authority; noting staff comments were previously shared with the applicant. She discussed the favorable report from the Design Review Board (DRB), and suggested staff comments and recommendations from DRB be set as conditions of approval. Mr. Hesketh noted that they will work with Town staff to satisfy any of their comments/concerns.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202024 – Schneider Brothers, LLC, owner/ Earthlight Technologies, LLC, applicant, request for Special Permit for business office, warehousing and storage, and storage yard for building materials and a ground mounted solar array pursuant to Section 7.15.7 and Site Plan Modification for the construction of a commercial building, parking, loading area, outdoor storage yard, common driveway and utilities, ground mounted solar array, and associated site improvements on properties located at 124 West Road, APN 037-003-0000 and 128 West Road, APN 037-003-0002 in a PC (Planned Commercial) Zone.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR Z202024 – Schneider Brothers, LLC, owner/ Earthlight Technologies, LLC, applicant, request for Special Permit for business office, warehousing and storage, and storage yard for building materials and a ground mounted solar array pursuant to Section 7.15.7 and Site Plan Modification for the construction of a commercial building, parking, loading area, outdoor storage yard, common driveway and utilities, ground mounted solar array, and associated site improvements on properties located at 124 West Road, APN 037-003-0000 and 128 West Road, APN 037-003-0002 in a PC (Planned Commercial) Zone.

CONDITIONS OF APPROVAL:

1. **Subject to compliance with the report from the Fire Marshal dated January 6, 2021.**
 2. **Subject to compliance with the report from North Central District Health Department received January 6, 2021.**
 3. **Subject to comments from the Department of Public Works / Water Pollution Control Authority dated January 4, 2021.**
 4. **Subject to compliance with the report from the Town Engineer dated January 19, 2021.**
 5. **Approval does not apply to conceptual site improvements shown as Possible Future Development.**
 6. **Light duty pavement areas shall be constructed of material suitable for passage by emergency service vehicles and resurfaced as needed and maintained in perpetuity.**
 7. **Pavement markings should be repainted as needed and maintained in perpetuity.**
3. Z202025 – Stephen & Melissa Shepler owner/ Proulx Building & Remodeling, LLC, applicant, pursuant to Section 3.1.3 request for Special Permit for garages for more than 3 cars per family unit associated with the construction of an attached garage (30X30) at 11 Woodland Trail, APN 016-012-0006, in a R (Residential) Zone.

TIME: 7:57 pm

SEATED: Kelly, Francis, Hirth, Swanson and Moser

Stephen Shepler, 11 Woodland Trail and Rob Proulx, Proulx Building & Remodeling, LLC, 132B West Main Street, Stafford Springs, were present to represent the application.

Mr. Shepler explained he is looking to attach a two car garage to the existing house with an additional bedroom, bathroom and common area above the garage for a total of five car garages. He said he will be using the additional garages for his vehicles and no business will be conducted within the garages. Mr. Proulx briefly explained how the owners will have an enclosed catwalk from the second story of the home to the area above the proposed new garage. They will access the garage from ground level. It was stated for the record that no kitchen will be in the addition and the new space will not use as an assessor apartment. Commissioner Swanson asked if the driveway will be enlarged. Mr. Proulx confirmed that the driveway will be widened to 15 feet with asphalt to have access to the new garage.

No one from the public spoke regarding the application.

MOVED (FRANCIS) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202025 – Stephen & Melissa Shepler owner/ Proulx Building & Remodeling, LLC, applicant, pursuant to Section 3.1.3 request for Special Permit for garages for more than 3 cars per family unit associated with the construction of an attached garage (30X30) at 11 Woodland Trail, APN 016-012-0006, in a R (Residential) Zone.

MOVED (HIRTH) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR Z202025 – Stephen & Melissa Shepler owner/ Proulx Building & Remodeling, LLC, applicant, pursuant to Section 3.1.3 request for Special Permit for garages for more than 3 cars per family unit associated with the construction of an attached garage (30X30) at 11 Woodland Trail, APN 016-012-0006, in a R (Residential) Zone.

Conditions of approval:

- 1) **Garages shall not be used to conduct commercial operations.**
- 2) **Living area above garage shall not be used as an accessory apartment without prior approval from the Planning & Zoning Commission.**
4. S202004 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a re-subdivision of 61.56 acres for eleven (11) lots on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural Residential) Zone and request to waive Appendix C 3.13(a) to allow HDPE pipe.

TIME: 8:09 pm

SEATED: Kelly, Francis, Hirth, Swanson and Moser

Mark Peterson, Gardner and Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT and Michael Leaska, Leaska Construction Company, Inc., 22 Bittersweet Hill, Somers, CT were present to represent the application.

Mr. Peterson explained the location of the 61.56 acre parcel, which is located across from Standish Road on the west side of Tripp Road. The applicant is seeking a re-subdivision approval for eleven single family lots, and no rear lots are proposed with this application. He reviewed the drainage on the site, and stated the proposed homes will have access to public water. North Central District Health Department has provided a favorable review for the re-subdivision. He noted that there will be two fire hydrants installed, one at the beginning of the proposed road and another in front of proposed lot# 8. There will be a four way stop at the intersection of Tripp Road, Standish Road and proposed Garnet Lane, which will be 1,000 linear feet. Mr. Peterson stated that the open space requirements for the re-subdivision were previously met. He noted that they have addressed a few staff comments, such as modifying the street trees to both sides of the road a maximum of 50' on center and plantings

will meet requirements. There is a waiver submitted requesting to install HDPE pipe rather than RCP material of which is supported by staff and was approved by the commission during review of the last re-subdivision application.

Vice-Chairman Kelly asked how the drainage will work on site. Mr. Peterson explained there will be plantings within the basin and stone laying within the trench to help spread out the flow of water, along with a grassy area to help with drainage. The detent basin is 1-2' in depth. Vice-Chairman Kelly requested installing fencing around the area for safety of the public and to work with Public Works should approval be granted. Commissioner Swanson inquired about the proposed Cape Cod curbing and widening of the road. Mr. Peterson stated the applicant would prefer to use the Cape Cod curbing and will have grass between the road and sidewalks. He noted they are not asking to extend the road any further than 1,000 linear feet nor requesting to reduce the road pavement width. Alternate Moser stated that he likes the idea of the Cape Cod curbing and is safer for vehicles. Commissioners Francis and Hirth did not have any additional questions.

Alan Hastillo, 100 Tripp Road, questioned the groundwater on the site. He said past developments over many years increased the water table on adjacent land he farms in East Windsor and inquired about the flood plain. Mr. Peterson explained there is no proposed activity near the wetlands and they have addressed concerns from the Town Engineer. They were granted a positive referral from the Inland Wetlands Agency for the proposed eleven lots, indicating they are proposing to seed down grade from the proposed storm water basin and no earth activity within the upland review area. Ms. Houlihan explained the role the Inland Wetlands Agency has when reviewing a proposed subdivision and all construction activity is outside of the upland review area. Mr. Peterson noted the wetlands and flood plain designations are on the plans. The wetlands were flagged in 2019 and they used the latest available FEMA map that is available.

No other individuals from the public commented on the application.

MOVED (HIRTH) SECONDED (MOSER) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR S202004 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a re-subdivision of 61.56 acres for eleven (11) lots on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural Residential) Zone and request to waive Appendix C 3.13(a) to allow HDPE pipe.

MOVED (HIRTH) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO GRANT A WAIVER OF APPENDIX C 3.13(A) TO ALLOW HDPE PIPE FINDING THE CHANGE IN MATERIAL CONSISTENT WITH SOUND CONSTRUCTION PRACTICES AND SUPPORTED BY PERTINENT TOWN DEPARTMENTS INCLUDING THE DEPARTMENT OF PUBLIC WORKS AND TOWN ENGINEERING FOR S202004 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a re-subdivision of 61.56 acres for eleven (11) lots on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural Residential) Zone and request to waive Appendix C 3.13(a) to allow HDPE pipe.

MOVED (HIRTH) SECONDED (FRANCIS) AND PASSED (YEA – KELLY, FRANCIS, HIRTH, AND MOSER; NAY - SWANSON) TO APPROVE W/CONDITIONS FOR S202004 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request for a re-subdivision of 61.56 acres for eleven (11) lots on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural Residential) Zone.

Conditions of approval:

- 1. Comply with the Fire Marshal's report dated January 6, 2021.**
- 2. Comply with North Central District Health Department's report dated January 22, 2021.**
- 3. Comply with Town Engineer's report dated January 20, 2021.**

IV. OLD BUSINESS:

1. Z201506 – Pursuant to an email from Opportunity Real Estate Equities, LLC, dated December 19, 2020, for Quantum of Ellington II, LLC, request for change in bonding for Windermere Village, a multi-family development on the west side of Windermere Avenue.

Ms. Houlihan said the Windermere Village project was originally approved in 2004, which consisted of multiple phases and the latest approval was granted in 2015. She explained changes in state law regarding bonding. The Town Engineer has recommended reconfiguring some of the bonding for the remaining outstanding activity to complete the overall project. Upon a brief discussion, it was agreed to accept the Town Engineer's recommendations for the remaining bonding.

MOVED (FRANCIS) SECONDED (MOSER) AND PASSED UNANIMOUSLY to accept the bond recommendation from the Town Engineer as detailed on the Bond Estimate Form dated January 6, 2021, for Windermere Village, Job No. 2017-902.

2. Discuss a potential zoning amendment for Access Management.

BY CONSENSUS, TABLED DISCUSSION TO THE NEXT REGULAR MEETING FOR FEBRUARY 22, 2021, 7:00 PM, TOWN HALL ANNEX, 57 MAIN ST, ELLINGTON, CT, AND ZOOM.

V. NEW BUSINESS:

1. Z202023 – Town of Ellington, owner/ Ellington Trails Committee, applicant, request for Site Plan Modification to construct an amphitheater at Batz open space parcel, 97 Shenipsit Street, APN 030-005-0000, in the R-Residential Zone.

Linda Anderson and Lauren Desrocher of the Ellington Trails Committee and Aidan Stratoudakis, 39 Newell Hill Road were present to represent the application.

Ms. Desrocher explained the Trails Committee is looking to install an amphitheater area on the parcel for educational purposes. They are looking to add a 10'x14' platform with eighteen (18) 4 ½ foot benches to create an amphitheater atmosphere to supplement the existing aspects of the public open space area.

Ms. Anderson explained the Trails Committee will maintain the structures and Public Works will maintain the mowing within the area. She mentioned they may install a gate with a lock at the entrance when the area is not being used. The theater will be used for educational purposes only, no weddings, special parties or alcohol allowed. Ms. Anderson said there is no electricity on site and the existing parking area could have up to 30 cars at one time.

Aidan Stratoudakis, 39 Newell Hill Road, is currently a Boy Scout who is looking to make the platform and 18 benches for his Eagle Project. He said that he's currently fundraising for the materials to be used for the platform and benches, and noted if there's any money leftover he would like to have donation plaques added to the benches.

Ms. Anderson said she spoke with the Building Official and he has no concerns with the project.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR Z202023 – Town of Ellington, owner/ Ellington Trails Committee, applicant, request for Site Plan Modification to construct an amphitheater at Batz open space parcel, 97 Shenipsit Street, APN 030-005-0000, in the R-Residential Zone.

Condition of approval:

- 1.) **Trails Committee to work with Town Officials to address comments from the Fire Marshal as referenced in his memo dated January 8, 2021.**
2. Z202101 - Ellington Enterprises, owner/applicant, pursuant to Section 4.1 of the Ellington Zoning Regulations request for a Special Permit and Site Plan modification for the construction of a 9,600 sf building with wash bay at 77 Meadow Brook Road, APN 091-009-0000 in an I - Industrial Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED FOR A PUBLIC HEARING FOR FEBRUARY 22, 2021, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z202101 - Ellington Enterprises, owner/applicant, pursuant to Section 4.1 of the Ellington Zoning Regulations request for a Special Permit and Site Plan modification for the construction of a 9,600 sf building with wash bay at 77 Meadow Brook Road, APN 091-009-0000 in an I - Industrial Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of December 21, 2020 Special Meeting Minutes.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE DECEMBER 21, 2020 SPECIAL MEETING MINUTES AS WRITTEN.

2. Correspondence:

- a. Discussion regarding referral from the Town of East Windsor for a proposed zone change from single-family zoning (R-3) to Multi Family Development District (MFDD) for 40+ acres of land in East Windsor along the Ellington town line on Broad Brook Road and proposed text amendment to the MFDD of the East Windsor Zoning Regulations to remove locational restrictions and increase density from 1 unit per 30,000 sf to 4 units per acre for land formerly approved for a 48 lot single-family development and associated drainage basin in Ellington on Assessor Parcel Number 086-001-0000, in the RAR (Rural Agricultural Residential) Zone.

Ms. Houlihan briefly explained the Town of East Windsor is considering text and zone change amendment applications impacting land along the town line. The referenced parcel was approved in 2007 for a 48 lot subdivision which was not constructed. Upon roundtable discussion, the commission requested Ms. Houlihan submit a memo to the East Windsor Planning and Zoning Commission on their behalf.

BY CONSENSUS, AT CURSORY REVIEW REQUESTED A MEMO BE SENT TO EAST WINDSOR PLANNING AND ZONING COMMISSION EXPRESSING CONCERNS FOR INCREASE TO TRAFFIC ON RURAL ROADS, INCREASE IN RUNOFF AND WATER QUALITY ISSUES, CONCERNS FOR NEGATIVE IMPACT TO WETLANDS AND BROAD BROOK, AND REQUEST THE PUBLIC HEARING REMAIN OPEN TO PROVIDE THE ELLINGTON PLANNING & ZONING COMMISSION ADDITIONAL TIME TO REVIEW.

- b. Election of Officers.

BY CONSENSUS, TABLED TO THE NEXT REGULAR MEETING FOR FEBRUARY 22, 2021, 7:00 PM, TOWN HALL ANNEX, 57 MAIN ST, ELLINGTON, CT, AND ZOOM.

- c. Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions Seminar Saturday, March 6, 2021.

No present commissioners requested to attend the seminar.

Ms. Houlihan spoke briefly about an inquiry she received for installing additional lights at the Robert Tedford Memorial Park. The commission agreed to investigate setting lighting standards for public parks.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:57 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk