



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 MINUTES
MONDAY, FEBRUARY 22, 2021, 7:00 PM
SENIOR CENTER MEETING ROOM, 40 MAPLE ST, ELLINGTON, CT**

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

MEMBERS PRESENT: IN MEETING ROOM: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN SEAN KELLY, REGULAR MEMBERS F. MICHAEL FRANCIS, RICCI HIRTH, MICHAEL SWANSON AND ALTERNATE KEN RADZIOW; VIA ZOOM: SECRETARY ROBERT SANDBERG, JR, AND REGULAR MEMBER WILLIAM HOGAN

MEMBERS ABSENT: ALTERNATE JON MOSER

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

I. CALL TO ORDER: Chairman Hoffman called the meeting to order at 7:00 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. (*Tabled from January 25, 2021 meeting.*) (*Notice requirements met, hearing may commence*)

TIME: 7:01 PM

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

Attorney Bruce Fader of Jacobs, Walker, Rice & Barry, LLC, 146 Main Street, Manchester, CT and Heather Holly-Farr, 156 Crystal Lake Road were present to represent the application.

Attorney Fader introduced Heather Holly-Farr, who is in charge of the horse facility. He explained the existing 36 x 40 horse barn previously received town approvals, which is located at 156 Crystal Lake Road. The request is for the second story of the barn to be utilized as a dormitory for someone to sleep in. He shared the subdivision map, showing the barn and primary dwelling on the 1.77 acres and the indoor riding arena on the adjacent 11.28 acre parcel. The two parcels are inter-related for horse uses.

Attorney Fader explained the upstairs of the barn contains one bedroom, a kitchen area and bathroom, which no permits were obtained at the time of construction. His client is seeking a Special Permit under Zoning Regulations 3.1.1 (7) for a dormitory for farm help accessory to an agricultural operation within a Rural Agricultural Residential zone. The second story of the barn is not being used at this time. He feels the dormitory use fits within the activities of the barn which involves some horse

rehabilitation performed by Ms. Holly-Farr that requires her to be close to the horses. Attorney Fader reviewed the question of what consists of a dormitory and noted the Ellington Zoning Regulations do not provide a definition. He referred to the dictionary which states a dormitory is a building primarily containing sleeping rooms, which he states would at least need a bathroom. Chairman Hoffman stated the proposed living quarters of the barn would be for Ms. Holly-Farr and her husband to live in and would not be considered a secondary use, and the house is already the primary dwelling on the property. Attorney Fader stated the owner already has a conditional approval for the septic system.

Ms. Holly-Farr said they did consider expanding the primary house, but declined because it would not be an easy renovation. Chairman Hoffman explained current regulations do not permit two primary dwellings on one parcel, which was confirmed by the Town Planner, Lisa Houlihan. Ms. Holly-Farr presented a Petition in Support of the application and a Journal Inquirer article dated July 29-30, 2006 about her business. Barbra Galovich, Land Use Assistant, read the Petition in Support signed by 35 people. Ms. Holly-Farr shared her farming history with the commission and explained she has been in the farming business for a long time and her husband is affiliated with the business as well. Ms. Holly-Farr expressed her need to be close to the horses at all times, especially if they are sick or during their birth process. She noted when they received the grant from the USDA they finished the accessory apartment upstairs of the barn and she was unaware an apartment above the barn was not an allowable use.

Chairman Hoffman spoke about the concern of having two dwellings and multiple horses on a 1.77 acre lot and inquired about having a lease agreement between the two parcels. Attorney Fader referred to the two lot subdivision and a lease between the two parcels. Ms. Holly-Farr explained that her parents own the farm and she runs the farm.

Attorney Fader mentioned if the commission was to approve the Special Permit for the dormitory, the commission could add a condition of approval stating should the farming use of the property dissolve, then the use of the dormitory would expire. He discussed the possibility of the use to be seasonal, but after discussion with Ms. Holly-Farr it would not be feasible.

Commissioner Swanson asked for clarification pertaining to the barn and if it had water, the applicant stated yes. He asked about the septic system, Attorney Fader stated North Central District Health Department has given the septic system a conditional approval for it to be shared with the primary dwelling at 156 Crystal Lake Road and the barn. Ms. Holly-Farr clarified there are separate septic tanks but no additional leach fields. They would have shared water and septic on the site for both structures. Commissioner Swanson made a suggestion of doing a lot line adjustment. Ms. Holly-Farr said she does not want to build a residential dwelling on 154 Crystal Lake Road that would be far away from the stables. She wants to be in the barn with the horses. Attorney Fader said they did look at a possible line adjustment and spoke with an engineer and it could be problematic to do. He noted that if they do the lot line adjustment, it would decrease the value of 156 Crystal Lake Road and repeated the property is a family farm. The commission and Attorney Fader discussed options to comply with the current zoning regulations.

Commissioner Hirth asked why they couldn't move the existing barn to 154 Crystal Lake Road or adjust lot lines. Attorney Fader said it would be a big expense for the applicants. Chairman Hoffman stated the applicant will need to address the Fire Marshal and Building Department's concerns and possible conditions of approval should they approve the Special Permit request. Commissioner Hirth noted the extent of stipulations being considered in order to consider approval.

Commissioner Hogan would like to find a solution and expressed concern for the reluctance to look at alternatives to the violation like the lot line adjustment. He noted they have not given any real reasons why they have not pursued a lot line modification and asked them to conduct formal investigation to see if it would work. He noted when this was discussed last year with the applicant the commission suggested the lot line modification as a simple solution. He suggested that no action

be taken and asked the applicant and Attorney Fader to really look at adjusting the lot lines or possibly move the barn. As for the septic system, if approval is considered he would ask for a condition of approval requiring the septic to be upgraded before being occupied as opposed to waiting for the system to fail. He also suggested the dormitory rights be voided if the horse business ceases as another potential condition. Commissioner Hogan asked what the current square footage of the living area over the stables was and how large it could potentially be. He suggested another condition should prohibit any expansion of the living area.

Secretary Sandberg agreed with Commissioner Hirth about other solutions to the violation such as moving the barn or doing a lot line adjustment.

Ms. Houlihan explained for staff it's a matter of interpreting the zoning regulations. The way the second story of the structure operates is like a single family home, noting the regulations do not permit two homes on one lot. The matter was discussed informally with Attorney Fader last year, and suggested to investigate a lot line adjustment. She explained an adjustment is a reasonable solution without needing discretionary approval, but granting the Special Permit could raise potential issues for others to approach the commission to have two residences on one parcel. Ms. Houlihan reiterated the possible conditions of approval such as upgrading the septic system, cessation of the dormitory if the family farm is no longer in operation and requiring a written agreement between the two parcels.

Alternate Radziwon agreed with the lot line adjustment suggestion, noting they may need variances but he doesn't think it's impossible to achieve. With a lot line adjustment the barn structure would be on its own property and it would have its own water, electric and septic. He noted that moving the barn could become costly for the applicant and suggested to proceed with the lot line adjustment.

Vice Chairman Kelly, explained if all utilities come through 156 Crystal Lake Road they would need to re-route them with a lot line adjustment and this approach may not be the most cost efficient for the applicant. He questioned if shared utilities would preclude future violations if one of the properties were sold. Chairman Hoffman suggested a condition could be set requiring the applicant to renew the approval every twelve months to monitor activity.

Mary and Joe Holly, 156 Crystal Lake Road, explained the two dwellings have their own electric connection. Mary gave a little history of how they have been farming for many years and how they built up the family farm. She expressed how her daughter, Heather, is very passionate about the family farm.

Patricia Holly-Luetjen, 815 Shenipsit Lake Road, Tolland, expressed her passion for horses and her two girls have their ponies at the barn. She expressed that she and the girls have grown up on the farm and without it, she would not be able to keep her ponies. She noted that she grew up in Ellington.

Mary Denunzio, 127 Stafford Street, Stafford Springs, stated she is Heather's sister. She reiterated that Heather is a hard worker and takes care of the animals on the farm 24/7. Mary stated that she helps Heather with the daily operations of the farm. She feels the dormitory is essential to the operation of the farm.

Tom Thomches, 10 George Drive, Vernon, stated he leases land that abuts the farm. His main concern is what could potentially happen in the future with the farm. He has concerns about the septic system and another dwelling being constructed, which could be three dwellings on the farm. Mr. Thomches commended Ms. Holly-Farr on the work that she is doing with the horses. He noted there are currently piles of junk, staging of tractor trailers and what looks like a box truck on the parcel. He is opposed to the application, but is keeping an open mind.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE NEXT MEETING SCHEDULED FOR MARCH 22, 2021 7:00 PM, VIA

ZOOM AND PHYSICAL LOCATION AT SENIOR CENTER MEETING ROOM, 40 MAPLE STREET, ELLINGTON, CT, FOR Z202020 - Joseph & Mary Holloy and Heather Holloy-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. 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.

TIME: 8:30 PM

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

BY CONSENSUS, TO TABLE OPENING OF THE HEARING TO THE NEXT MEETING ON MONDAY, MARCH 22, 2021, 7:00 PM, VIA ZOOM AND PHYSICAL LOCATION AT SENIOR CENTER MEETING ROOM, 40 MAPLE 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.

IV. OLD BUSINESS:

1. Discuss draft zoning regulation amendment for Access Management.

Ms. Houlihan said she has revised the proposed text for the Access Management section of the Zoning Regulations and received some feedback from Commissioner Hogan. The commission to receive the application and scheduled the public hearing for next month's meeting.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED FOR A PUBLIC HEARING FOR MARCH 22, 2021, 7:00 PM, VIA ZOOM AND PHYSICAL LOCATION AT SENIOR CENTER MEETING ROOM, 40 MAPLE STREET, ELLINGTON, CT, for text amendment to add Section 6.6 - Access Management to the Ellington Zoning Regulations.

V. NEW BUSINESS:

1. Z202102 – 267 Jobs Hill Road, LLC, owner/ applicant, pursuant to Section 7.14.3 (C) of the Ellington Zoning Regulations request for a Special Permit for a horse boarding & riding arena and Site Plan Approval for the reconstruction and expansion of a horse riding arena and boarding stalls, building connector, storage area and associated site improvements at 267 Jobs Hill Road, APN 159-022-0000 in a RAR (Rural Agricultural Residential) Zone. *(For receipt & scheduling of public hearing only.)*

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED FOR A PUBLIC HEARING FOR MARCH 22, 2021, 7:00 PM, SENIOR CENTER MEETING ROOM, 40 MAPLE STREET, ELLINGTON, CT, FOR Z202102 – 267 Jobs Hill Road, LLC, owner/ applicant, pursuant to Section 7.14.3 (C) of the Ellington Zoning Regulations request for a Special Permit for a horse boarding & riding arena and Site Plan Approval for the reconstruction and expansion of a horse riding arena and boarding stalls, building connector, storage area and associated site improvements at 267 Jobs Hill Road, APN 159-022-0000 in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of January 25, 2021 Regular Meeting Minutes.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE JANUARY 25, 2021 REGULAR MEETING MINUTES AS AMENDED PAGE 4 OF 8, SECOND PARAGRAPH, CHANGE ASSESSOR TO ACCESSORY.

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 stated both applications have been withdrawn and explained if the applicant submits new applications for text amendment or zone change pertaining to the parcel, the Town of Ellington will be notified. She reviewed the report from the Capitol Region Council of Governments, dated January 8, 2021 and received February 3, 2021, which states "it is worth noting that it is adjacent to a Municipal Focus Area in Ellington for Conservation, Greenway/Open Space Connection/Sustainable Development, as such the proposed density and development should be designed so as to not negatively impact Ellington's Focus area."

b. Election of Officers.

a. Chairman Position

MOVED (KELLY), SECONDED (SWANSON) TO NOMINATE COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING AND ZONING COMMISSION FOR 2021.

COMMISSIONER (HOFFMAN) ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (KELLY), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING AND ZONING COMMISSION FOR 2021.

b. Vice Chairman Position

MOVED (SANDBERG), SECONDED (SWANSON) TO NOMINATE COMMISSIONER (KELLY) FOR VICE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION FOR 2021.

COMMISSIONER (KELLY) ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (SANDBERG), SECONDED (SWANSON) AND PASSED (YEA: HOFFMAN, SANDBERG, FRANCIS, HIRTH AND SWANSON; ABSTAINED: HOGAN) TO ELECT COMMISSIONER (KELLY) FOR VICE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION FOR 2021.

c. Secretary Position

MOVED (KELLY), SECONDED (HIRTH) TO NOMINATE COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING AND ZONING COMMISSION FOR 2021.

COMMISSIONER (SANDBERG) ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (KELLY), SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING AND ZONING COMMISSION FOR 2021.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:43 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk