



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, MARCH 22, 2021, 7:00 PM
SENIOR CENTER GREAT ROOM, 40 MAPLE ST, ELLINGTON, CT**

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

I. CALL TO ORDER:

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

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. (*Continued from February 22, 2021 meeting.*)
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. (*Opening of hearing to be tabled to April 26, 2021*)
3. 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 operation 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. (*Notice requirements met, hearing may commence*)
4. Z202103 – Proposed text amendment to add Section 6.6 - Access Management to the Ellington Zoning Regulations. (*Notice requirements met, hearing may commence*)

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Z202104 – Big Y Foods, Inc., owner/ applicant, pursuant to Table 4.1 Permitted Uses & Uses Requiring Special Permit - Commercial & Industrial Zones request for Special Permit to allow medical, business, professional and financial office; personal services business; restaurants, tavern entertainment; and veterinarian, small animal hospital and commercial kennel at 140 West Road, APN 046-001-0000 in a PC (Planned Commercial) Zone. (*For receipt & scheduling of public hearing only*)

2. Z202105 – Robert Binkowski, owner/ 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 a detached accessory structure (40X80) at 3 Deer Run, APN 084-026-0000, in a R (Residential) Zone. *(For receipt & scheduling of public hearing only)*

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission February 22, 2021 Regular Meeting Minutes.
2. Correspondence:
 - a. Referral from East Windsor regarding application PZ-2021-06 SJK Properties, LLC, for a proposed text amendment to Multi Family Development District (MFDD) regulations to allow MFDD within rural areas when certain standards are met.
 - b. Referral from Vernon regarding application PZ-2021-05 Town of Vernon for proposed text amendment to the Vernon Zoning Regulations to add a new section 3.31 for temporary, seasonal, and permanent outdoor dining as a permitted accessory uses.
 - c. Discussion regarding Municipal Strategies for Regulating Small Cell Wireless Facilities and referral from Ellington Economic Development Commission.

VII. ADJOURNMENT:

Next PZC Regular Meeting is scheduled for April 26, 2021

Join Meeting via ZOOM Communications: Due to COVID-19, in-person attendance is limited to maximum occupancy based on fixed seating arrangements meeting social distancing requirements. Attendance for this meeting is also available using the online video conferencing provider Zoom Meeting. Details to attend the meeting virtually are provided on the meeting agenda and posted on the Town of Ellington's webpage (www.ellington-ct.gov) under Agenda & Minutes, Planning & Zoning Commission. For questions and assistance please contact the Ellington Planning Department at 860-870-3120.

Join Zoom Meeting via link:
<https://zoom.us/j/93308515327>
Meeting ID: 933 0851 5327
Password: 292061

Join Zoom Meeting by phone:
1-646-558-8656 US (New York)
Meeting ID: 933 0851 5327
Password: 292061

From: Mark Peterson <mpeterson@gardnerpeterson.com>
Sent: Monday, March 15, 2021 3:17 PM
To: Lisa Houlihan
Subject: FW: 156 Crystal Lake Rd, Ellington

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.

Hi Lisa,

Today I received the email below from Sean Merrigan at State Health Department pertaining to 156 Crystal Lake Road. You will see in his email that we can not have two buildings on separate parcels served by one septic system.

I will contact you to discuss his email and the PZC meeting on 3/22/21.

Mark Peterson, P.E.
Gardner & Peterson Associates, LLC
178 Hartford Turnpike
Tolland, Connecticut 06084
(860) 871-0808
www.gardnerpeterson.com

From: Merrigan, Sean
Sent: Monday, March 15, 2021 1:30 PM
To: Mark Peterson <mpeterson@gardnerpeterson.com>
Cc: Westford Lirot <wlirot@ncdhd.org>; mcaronna <mcaronna@ncdhd.org>
Subject: Re: 156 Crystal Lake Rd, Ellington

Mark - This is a follow-up to our conversation last week regarding the proposed lot line change to the above mentioned property. As discussed, the proposal could not be allowed due to the following reasons:

First, it would violate CT PHC Section 19-13-B100a (e) that requires the septic system remain on the property of the building its serving when revising a property line. As we discussed, DPH may grant easements for offsite systems for repairs, etc. but would not approve an easement as part of a lot split or lot line revision.

(e) **Sewage disposal area preservation.** If public sewers are not available, no lot line shall be relocated or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the potential repair area, unless the local director of health has determined that after the lot line relocation or disturbance of soils on the lot a code-complying area exists for the installation of a subsurface sewage disposal system..... In no case shall a relocated lot line violate Subsection (d) of Section 19-13-B103d of the Regulations of Connecticut State Agencies that requires that each subsurface sewage disposal system shall be located on the same lot as the building served.

Second, if two or more residences are connected to a single septic system, then the system would be considered a community sewerage system (as defined in CGS 7-245 below) and would require DEEP approval. DPH can grant central system approvals to 2 or more buildings connected to a common system on the same parcel, and in some cases it could be a single family house and a detached in-law building on the same lot - similar to the property in question. In your case the proposed lot line change would create two separate buildings on separate parcels sharing a common system, and therefore require approval from DEEP.

"community sewerage system" means any sewerage system serving two or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system;

Here is a link to the DPH Circular letter regarding Central System approvals which states they can only be granted when the buildings are on the same lot.

https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/environmental_engineering/pdf/CircularLetter201242CentralSystemExceptions.pdf

Let me know if you have any other questions.

Sean Merrigan, Engineer 3
CT DPH - Environmental Engineering Program
410 Capitol Avenue, MS#12SEW
P.O. Box 340308
Hartford, CT 06134-0308
Office # (860)-509-7383 Cell # (860)-558-8109
Email: sean.merrigan@ct.gov
Website: www.ct.gov/dph/subsurfacesewage

From: Mark Peterson <mpeterson@gardnerpeterson.com>
Sent: Thursday, March 11, 2021 12:46 PM
To: Merrigan, Sean <Sean.Merrigan@ct.gov>
Cc: 'Westford Lirot' <wlirot@ncdhd.org>
Subject: 156 Crystal Lake Rd, Ellington

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

Hi Sean,

I have attached a draft sketch of a possible lot line change after my Zoom meeting today with the Town of Ellington and Wes from NCDHD.

Please give me a call to discuss possible septic easements.

Mark Peterson, P.E.
Gardner & Peterson Associates, LLC
178 Hartford Turnpike
Tolland, Connecticut 06084
(860) 871-0808
www.gardnerpeterson.com

Barbra Galovich

Z-202101

From: David Stavens <dstavens@barberutilities.com>
Sent: Monday, March 08, 2021 2:03 PM
To: Barbra Galovich
Cc: P Stavens
Subject: 77 Meadow Brook Rd

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Barb,

Please extend the opening of our public hearing to the April 26th Planning and Zoning meeting

Respectfully,

David E Stavens
owner/ member
Barber Utilities, LLC
PO Box 331
Ellington, CT 06029
Phone 860-872-2330
Fax 860-872-5674
Cell 860-508-6533
<http://barberutilities.com>

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JACOBS, WALKER, RICE & BARRY, LLC

ATTORNEYS AT LAW

146 MAIN STREET

MANCHESTER, CONNECTICUT 06042

TELEPHONE (860) 646-0121

FAX (860) 645-6229

www.jwrb.com

MICHAEL J. RICE
DAVID M. BARRY, JR.
MARIA K. TOUGAS
GREGORY W. MCCrackEN
ALEXANDRA B. BOWEN
BRUCE P. FADER

LEONARD JACOBS (RETIRED 2017)

RONALD JACOBS

1927-2017

15 NORTH MAIN STREET

SUITE 100

WEST HARTFORD, CT 06107

FACSIMILE COVER SHEET

To: Barbara GaLovich
FROM: Bruce P. Fader
Date: 3/17/2021
Re: Hollay – Application Z202020
Fax Number: 860-870-3122

This is Page 1 of 9 Pages

PLEASE CONTACT BRUCE P. FADER AT (860) 646-0121 IF ALL PAGES ARE NOT RECEIVED OR IF ANY OTHER PROBLEMS ARISE WITH THIS TRANSMISSION.
COMMENTS:

Please give me a call with any questions or concerns. Thank you for your attention to this matter.

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

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PROPOSED CONDITIONS TO SPECIAL PERMIT FOR APPLICATION Z202020

Joseph & Mary Holloy – 156 Crystal Lake Road
Heather Holloy-Farr & Christopher Farr – 154 Crystal Lake Road

The Application is approved for the use of the existing barn on 156 Crystal Lake Road to be used as a dormitory (the “Dormitory”) pursuant to section 3.1.1 of the Ellington Zoning Regulations, subject to the following conditions:

1. A written lease is in effect between the owner of 156 Crystal Lake Road, as landlord, and the owner of 156 Crystal Lake Road, as tenant, for leasing and using the subject barn situated on the premises as an animal stable (on the ground floor level) and the Dormitory (on the upper level).
2. The 156 Crystal Lake Road and 154 Crystal Lake Road properties shall be owned by members of the same family or otherwise of common descent with each other.
3. The 154 Crystal Lake Road property is used for a farm or for agriculture, as defined by law, such as breeding, rehabilitating, training and/or otherwise keeping horses.
4. The 154 Crystal Lake Road property is classified under PA490 as a farm or an agricultural use.
5. The Dormitory shall consist of no more than one (1) bedroom and a kitchen, bathroom and laundry facilities to serve no more than this bedroom, and shall be occupied by a person(s) who work in conjunction with the farm or agricultural use on 154 Crystal Lake Road.
6. The current size or square footage of the Dormitory shall not be expanded from its current footprint, as shown on the map or plan entitled, “Septic System Plan Hollywood Equine 154 -156 Crystal Lake Road Ellington, Connecticut Assessors #095-021-000 & 3095-021-0001 J.R. Russo & Associates, LLC Date -5-28-08 Sheet 1 of 1,” a copy of which is attached.
7. Annually, the permittee shall verify with the PZC that the permittee is in compliance with the foregoing conditions.
8. None of the foregoing conditions may be modified or revised, unless approved by the Commission.
9. Any violation of the terms of the special permit or its conditions shall be prosecuted in accordance with Connecticut General Statutes.
10. The 156 Crystal Lake Road and 154 Crystal Lake Road properties shall be owned by members of the same family or otherwise of common descent with each other.
11. [Special permit conditions customarily stipulated by the PZC.]

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Reference Note:

The project was designed by [Name], a Licensed Professional Engineer in the State of Connecticut, and is based upon the information provided by the applicant, including site plans, engineering reports, and other relevant documents.

- 1. Dimensions are based on the reference notes.
2. All dimensions are in feet, unless otherwise indicated.
3. All elevations are in feet above mean sea level (AMSL), unless otherwise indicated.
4. All bearings are in degrees, minutes, and seconds (DMS), unless otherwise indicated.

GENERAL

The purpose of this set of plans is to provide a detailed design for the proposed project. The design is based on the information provided by the applicant and is subject to the approval of the local authorities.

LEGEND

- A. [Symbol] 12" dia. pipe
B. [Symbol] 6" dia. pipe
C. [Symbol] 4" dia. pipe
D. [Symbol] 3" dia. pipe
E. [Symbol] 2" dia. pipe
F. [Symbol] 1.5" dia. pipe
G. [Symbol] 1" dia. pipe
H. [Symbol] 0.75" dia. pipe
I. [Symbol] 0.5" dia. pipe
J. [Symbol] 0.375" dia. pipe



This set of plans was prepared in accordance with the standards and specifications of the Connecticut State Board of Professional Engineers. The engineer's name and signature are provided on the title page.

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Septic System Plan
Hollywood Equine
154 - 156 Crystal Lake Road
Ellington, Connecticut
Assessors #005-021-0000 & #005-021-0001
J.R. RUSSO & ASSOCIATES, LLC
Civil Engineers & Professional Engineers
1 BROADWAY
EAST WINDSOR, CONNECTICUT 06026
Phone: (860) 632-5888

Table with 6 columns: Description, Quantity, Unit, Price, Total. Rows include items like '12 inch pipe', '6 inch pipe', etc.

LEASE AGREEMENT

1. **PARTIES**

This Lease Agreement ("Lease") is entered into by and between JOSEPH E. HOLLAY and MARY THERESA HOLLAY, who are the owners of 156 Crystal Lake Road, Ellington, Connecticut 06029 ("Landlord") and HEATHER A. HOLLAY-FARR and CHRISTOPHER M. FARR, who are the owners of 154 Crystal Lake Road, Ellington, Connecticut 06029 ("Tenant").

2. **PREMISES**

Landlord leases to Tenant, and Tenant hires from Landlord, for the Term and any Extended Term, upon all of the provisions, conditions and covenants hereinafter set forth, the barn shown on the attached EXHIBIT A, with all rights, privileges, and common access pertaining thereto (the "Premises"), in addition to using the septic system and field used in common with Landlord's property.

3. **USE**

The Premises shall be used by Tenant for the purposes of a horse stable and a dormitory.

4. **TERM**

This Lease shall commence on the 1st day of April, 2021, and expire on the 31st day of March, 2026, unless renewed or extended. Tenant shall have the right to automatically renew or extend the Term for two (2) successive periods of five (5) years each, provided that, at the time of such renewal or extension, Tenant is in full compliance with this Lease. The original term and any renewal or extension thereof shall be known as the "Term."

5. **RENT**

Tenant shall pay to Landlord as rent for the Premises a monthly amount of One Dollar (\$1.00) during the Term.

6. **UTILITIES AND OTHER CHARGES**

Tenant shall pay for any and all utilities, of whatever nature or kind, and real estate taxes pertaining to the Premises.

7. **TAXES**

Tenant shall pay for the real estate taxes pertaining to the Premises and for all taxes assessed or levied on trade fixtures, equipment, inventory and other personal

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property of Tenant and for all local business taxes, licenses, fees and other charges or assessments which are related to, or connected with, the Premises.

8. **INSURANCE**

Tenant shall purchase casualty insurance upon all of the improvements which form a part of the Premises, exclusive of trade fixtures and other equipment of Tenant, protecting the same against loss or damage by fire, vandalism, malicious mischief and such other risks as are normally included. The Landlord shall be named as an additional insured on the insurance policy and, in the event the Premises is damaged, in full or in part, then the insurance proceeds shall be used for purposes of repairing and restoring the Premises to its original condition existing prior to such damage, unless Landlord and Tenant mutually agree otherwise, in writing.

9. **REPAIRS AND MAINTENANCE, RIGHT TO ALTER AND TO IMPROVE**

A. (1) Landlord agrees to deliver possession of the Premises to Tenant on the date of this Lease, turning over the same in accordance with the provisions of this Lease, in good repair, order and condition, and free of any fixtures or personal property owned or used by any prior tenants of the Premises.

(2) Tenant agrees to make at its expense all repairs to the Premises which are of a structural nature; to maintain the exterior thereof including, but not limited to, the roof(s) and the walls of any buildings or structures, landscaping, the free-standing sign advertising the businesses, plumbing and electrical services, and all paved or other prepared surface areas; and to replace as necessary all mechanical, electrical, heating and plumbing systems and/or equipment providing service to the Premises.

B. (1) Tenant shall at its expense make those repairs and perform such maintenance as shall be necessary to keep the interior of the Premises in substantially the same order and condition as such were turned over to Tenant by Landlord upon the commencement of the Term - reasonable wear and tear and damages by theft, accidental fire and other casualty excepted.

10. **ENTRY BY LANDLORD**

Tenant shall permit Landlord, its agents, or employees to enter the Premises at all reasonable times in order to inspect the same or to make such repairs, additions and alterations thereto as may be necessary for the safety or preservation thereof or as may be required in order to comply with this Lease.

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11. **PUBLIC AUTHORITY REQUIREMENTS**

Tenant is solely responsible and liable for complying with, and shall conform the use of the Premises with, all covenants, conditions and restrictions of record, to all applicable insurance regulations, and to all local, state and federal ordinances, codes, laws, rules, and regulations pertaining to and including, but not limited to, environmental, zoning occupation, health, safety, fire and building standards affecting the same for so long as Tenant shall continue to use the Premises for only those purposes stated herein and shall not be in default of any provisions of this Lease which affect such representations and warranties.

12. **SUBORDINATION.**

A. As a material inducement to Tenant to enter into this Lease, Landlord agrees to promptly obtain non-disturbance agreements from all mortgagees, trustees or lienholders of record having an interest in the Premises superior to that of Tenant created hereunder.

B. Tenant agrees to execute such documents as Landlord may request from time to time to effect a subordination of this Lease and the rights of Tenant hereunder to the lien of any first mortgage, deed of trust, or other first voluntary hypothecation created by reason of any security instrument duly executed by Landlord and filed against all or any part of the Premises.

13. **DESTRUCTION.**

Landlord or Tenant may terminate this Lease within a reasonable period of time after any portion of the Premises has been taken through condemnation or damaged by fire, the elements or any other casualty upon giving the other prior written notice thereof, provided that a reasonable basis exists.

14. **DEFAULT.**

If a party is in default of this Lease, then the other party may hold and/or declare the party to be in default of this Lease by giving written notice thereof; whereupon, the party shall have the option to pursue any remedy in law or in equity.

15. **TERMINATION - CONDITION OF THE PREMISES**

Upon the termination of this Lease, Tenant shall return the Premises to Landlord in substantially the same state of repair existing upon the date set for the commencement of the Term or as such may have been subsequently improved by Landlord, reasonable wear and tear, repairs which are the responsibility of Landlord hereunder, and damage by theft, the elements, accidental fire, or other casualty excepted.

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16. PEACEFUL ENJOYMENT

A. Landlord warrants and represents that it has legal possession of the Premises and the appropriate authority to enter into this Lease with Tenant for the Term hereof.

B. For so long as Tenant shall comply with the provisions, conditions and covenants of this Lease, Landlord also warrants and guarantees that Tenant shall have quiet enjoyment and peaceable possession of the Premises for the use stated herein.

17. HOLDING OVER

Should Tenant hold over the Premises after the expiration of the Term, such holding over shall constitute a tenancy at will only.

18. SUCCESSORS AND ASSIGNS - MISCELLANEOUS

A. All provisions, conditions and covenants set forth in this Lease shall be binding upon, apply and inure to the benefit of the heirs, executors, administrators successors and/or assigns of the respective parties hereto, except as is specifically provided otherwise herein.

B. If any of the parties named herein shall consist of more than one member, then the obligations imposed upon that party hereunder shall be joint and several upon each of the members; and, in the event of the death of any one or more of the members of a party, the surviving member(s) of that party shall succeed to all of the rights, obligations, title and interest of the deceased member under this Lease.

19. NOTICE OF LEASE.

The parties hereto agree to sign a Notice of Lease in compliance with applicable laws for the purpose of recording the same in the land records of the Town of Ellington.

[DATE, EXECUTION AND ACKNOWLEDGMENTS TAKEN FOLLOW]

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Signed this _____ day of _____, 2021, by the parties hereto.

Witnessed by:

LANDLORD:

JOSEPH E. HOLLAY

MARY THERESA HOLLAY

TENANT:

HEATHER A. HOLLAY-FARR

CHRISTOPHER M. FARR

STATE OF CONNECTICUT)

) ss. Ellington

COUNTY OF TOLLAND)

On this _____ day of _____, 2021, personally appeared, JOSEPH E. HOLLAY and MARY THERESA HOLLAY, signers and sealers of the foregoing instrument, and acknowledged same to be their free act and deed, before me.

Commissioner of Superior Court/
Notary Public
My Commission Expires:

STATE OF CONNECTICUT)

) ss. Ellington

COUNTY OF TOLLAND)

On this _____ day of _____, 2021, personally appeared, HEATHER A. HOLLAY-FARR and CHRISTOPHER M. FARR, signers and sealers of the foregoing instrument, and acknowledged same to be their free act and deed, before me.

Commissioner of Superior Court/
Notary Public
My Commission Expires:

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Town of Ellington Planning & Zoning Commission Application

Type of Application: <input type="checkbox"/> Zone Change <input type="checkbox"/> Amendment to Regulation <input checked="" type="checkbox"/> Site Plan Approval <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Modification <input type="checkbox"/> CGS 8-24	Application # <u>Z202102</u> <hr/> Date Received <u>2/10/2021</u>
--	--

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

Owner's Information

Name: 267 Jobs Hill Rd LLC

Mailing Address: 267 Jobs Hill Rd
Ellington, CT 06029

Email: morin3046@gmail.com

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

Primary Contact Phone #: 860-878-0122

Secondary Contact Phone #: _____

Signature: [Signature] Date: 2/9/21

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 filing of the application and access to the site by the Commission or its staff.

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: 267 Jobs Hill Rd LLC

Mailing Address: 267 Jobs Hill Rd
Ellington, CT 06029

Email: morin3046@gmail.com

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

Primary Contact Phone #: 860-878-0122

Secondary Contact Phone #: _____

Signature: [Signature] Date: 2/9/21

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: 267 Jobs Hill Rd

Assessor's Parcel Number (APN): 159 - 022 - 0000 Existing Zone: RAR Proposed Zone: N/A
(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)

See attached

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FEB 10 2021

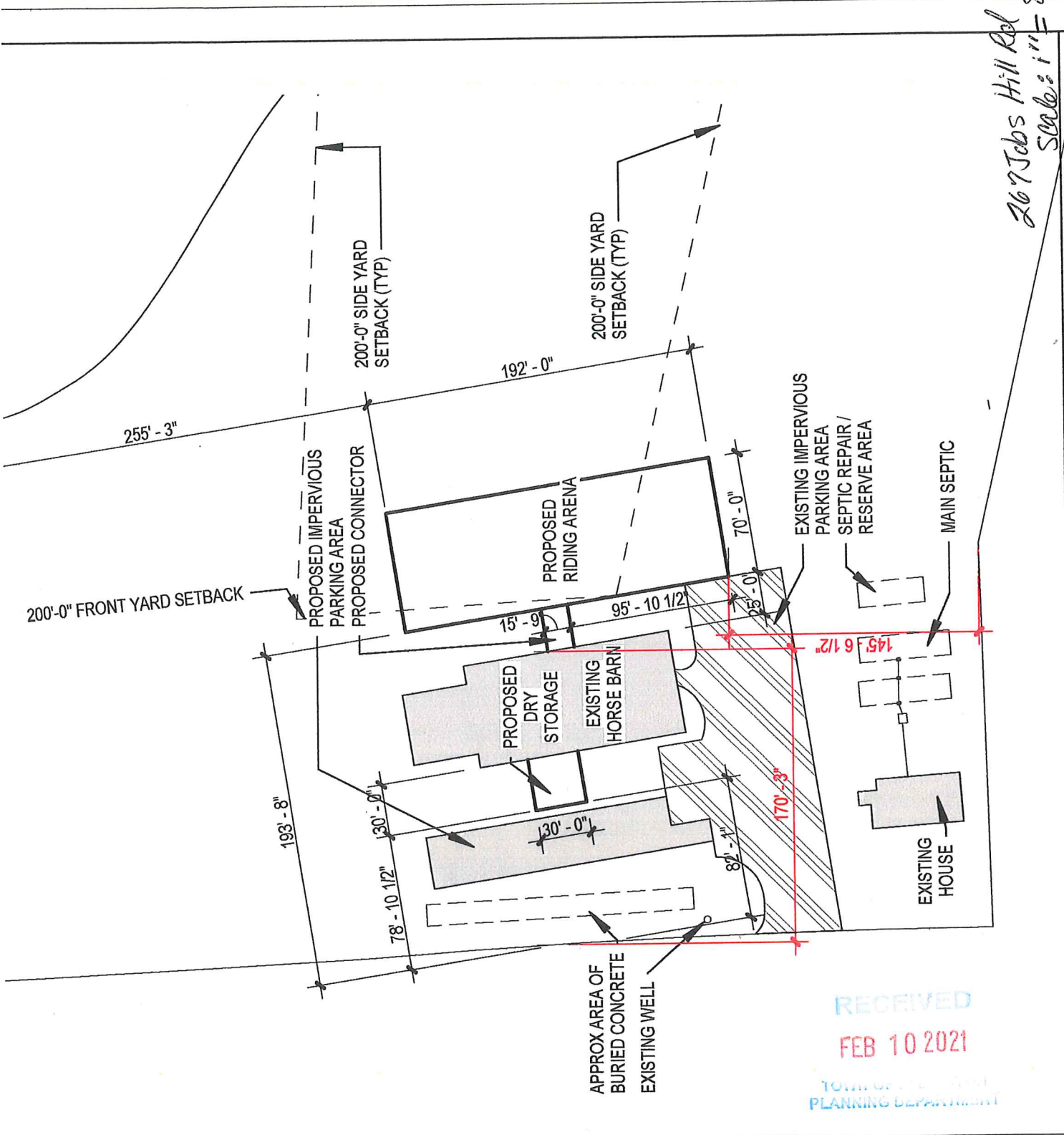
Description of Request: On October 2nd, 2020 we lost the entire horse barn portion of our farm to fire which was made up of a 34'x150' building containing 22 stalls on the first floor and storage on the second floor, a 30'x70' building containing 12 stalls and a 20'x40' tack storage area. The 60'x120' indoor riding arena and 36'x36' attached storage building survived the fire with minimal damage. To best utilize the remaining buildings we plan to convert the existing riding arena and storage building into a 34 stall horse barn replacing what was lost in the fire and add an attached 70'x192' building to the back of the existing building and a 30'x30' building attached to the front in the footprint of the burnt down structure. The 70'x192' building will be attached to the back side of the existing building by a 16'x25' connector and contain a 70'x152' indoor riding arena and 40'x70' storage area. The front 30'x30' building will be used as tack storage for our boarders and lesson horses. The 34 stall horse barn will be used to house 25 boarded horses as well as our riding lesson horses. The proposed 70'x152' riding area will provide an indoor space for our boarder and lesson students to ride year-round. This space will also be the riding area for pony parties and our summer riding program. Boarders are allowed access to the facility seven days a week from 8am to 8pm. Riding lessons take place on weekday afternoons from 1:00pm to 6:00pm and Sundays from 9:00am to 5:00pm. We provide lessons in small groups up to three riders and private lessons. Our summer riding program typically runs for five weeks in June and July, Monday through Friday from 9:00am to 1:00pm in groups of up to ten children. Lastly, we offer birthday parties year-round which typically take place on weekend afternoons. The 40'x70' storage portion of the building will be used to store tools and farm equipment.

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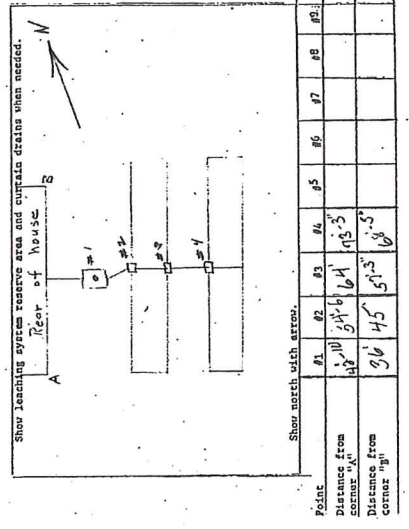
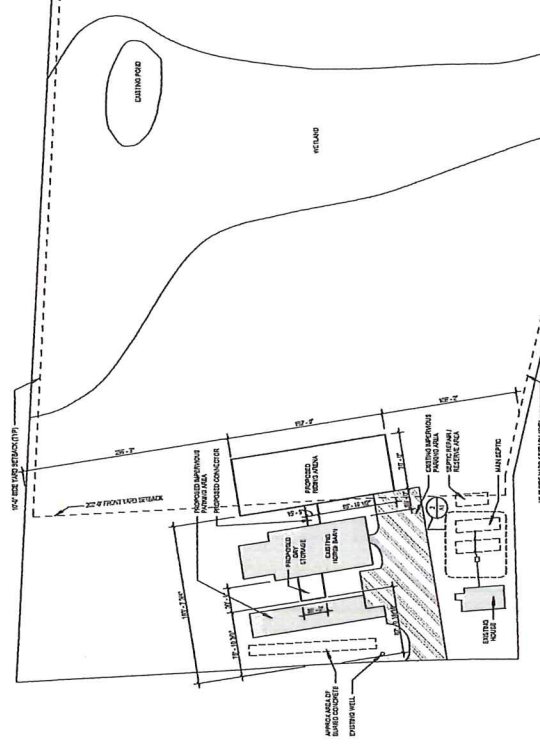
FEB 10 2021

TOWN OF
PLATTSBURGH

Pg 2 of 2



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 TOWN OF ...
 PLANNING DEPARTMENT



Show march with arrows.

Points	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10
Distance from corner 1/4" N 1/4"	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
Distance from corner 1/4" S 1/4"	36'	45'	51'	51'	51'	51'	51'	51'	51'	51'

2 SEPTIC DIAGRAM
2" = 1'-0"

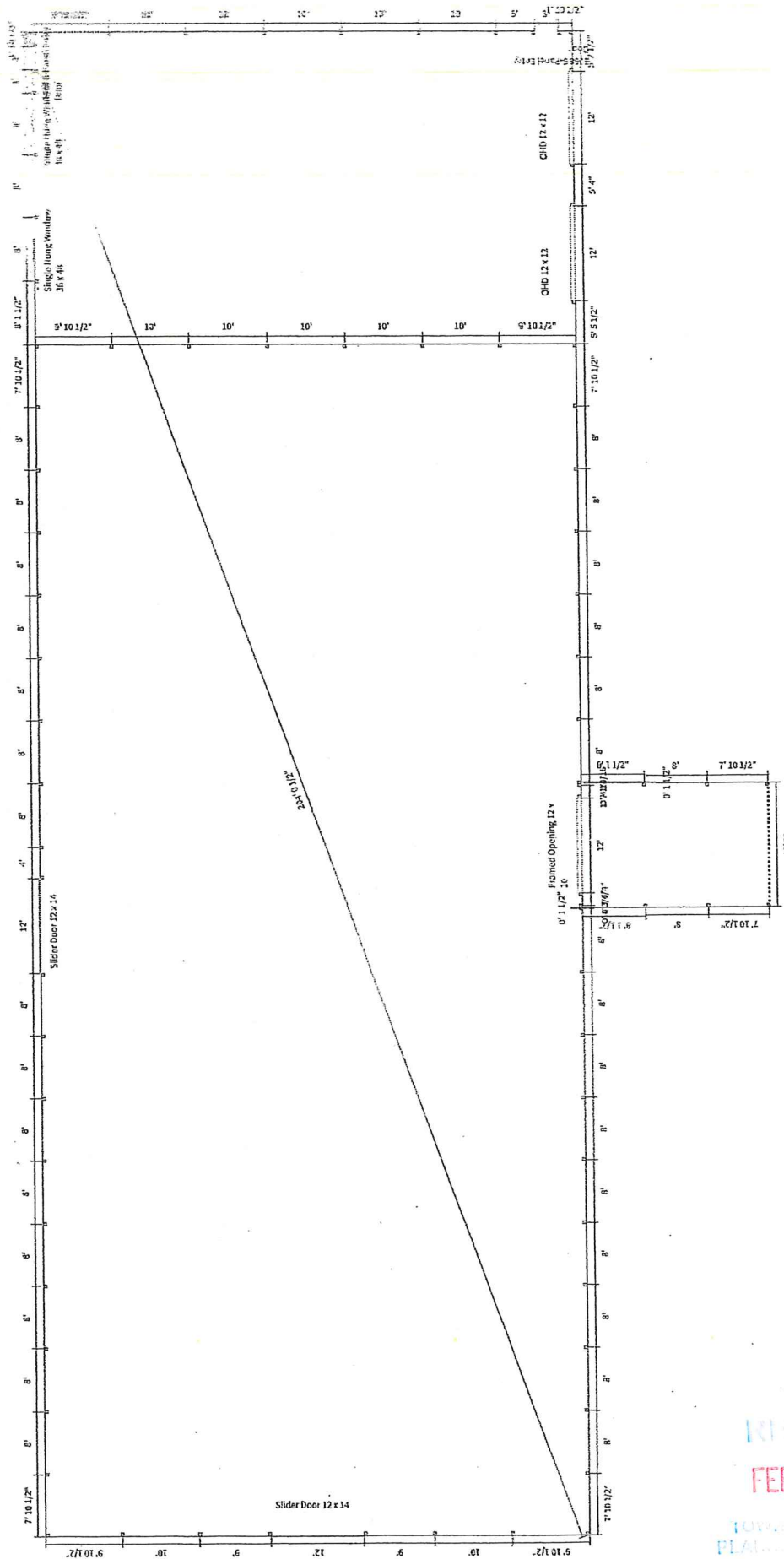
FEB 10 2021

TOWN OF BURLINGTON
PLANNING DEPARTMENT

Pg 2 of 8

Job: Morin- 70 X 152 X 16 - 70 X 40 X 16
Date: 1/20/2021
Time: 8:50 AM

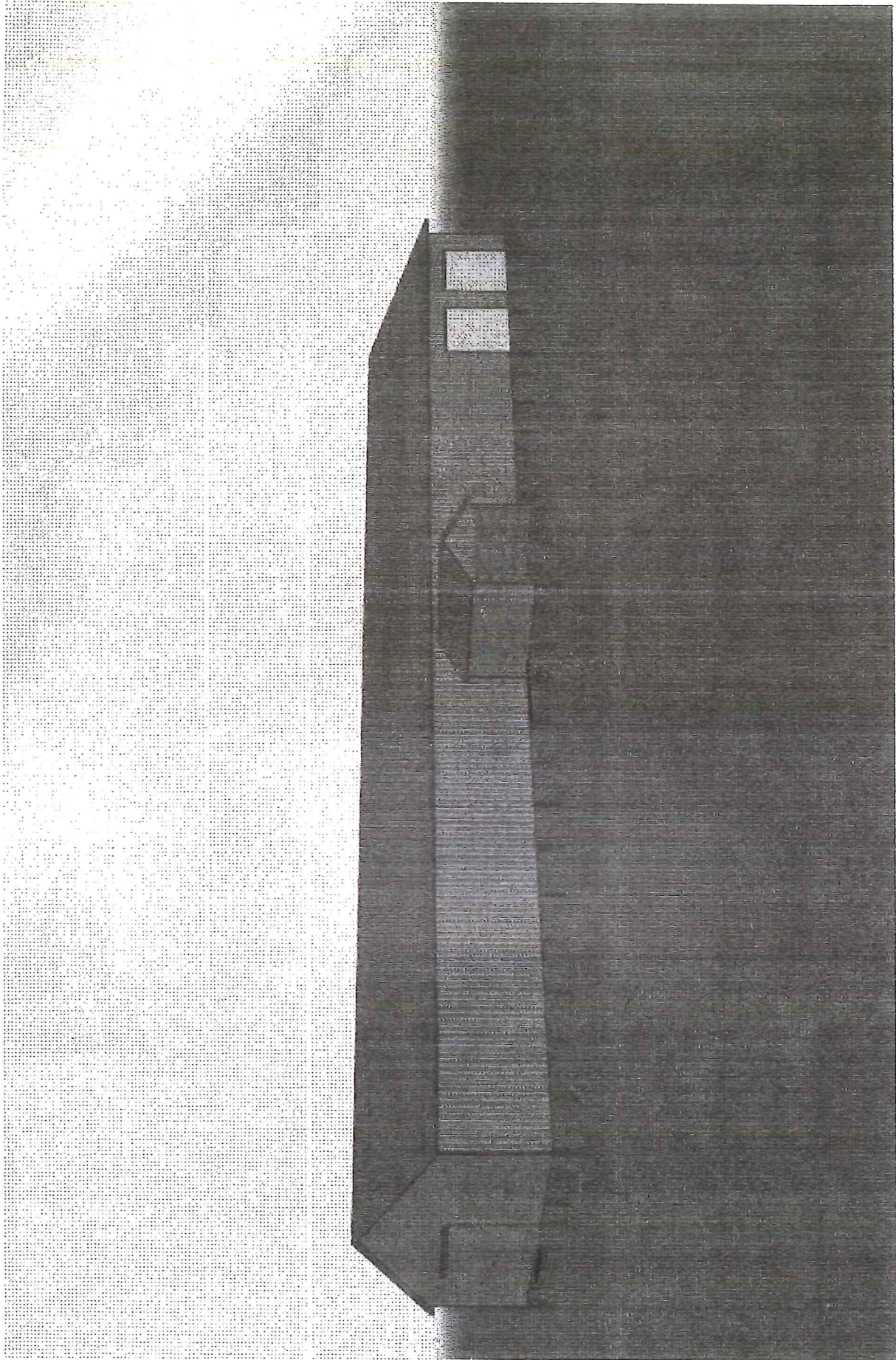
Post Layout



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FEB 10 2021
TOWNSHIP PLANNING

3d View for Morin- 70 x 152 x 16 - 70 x 40 x 16

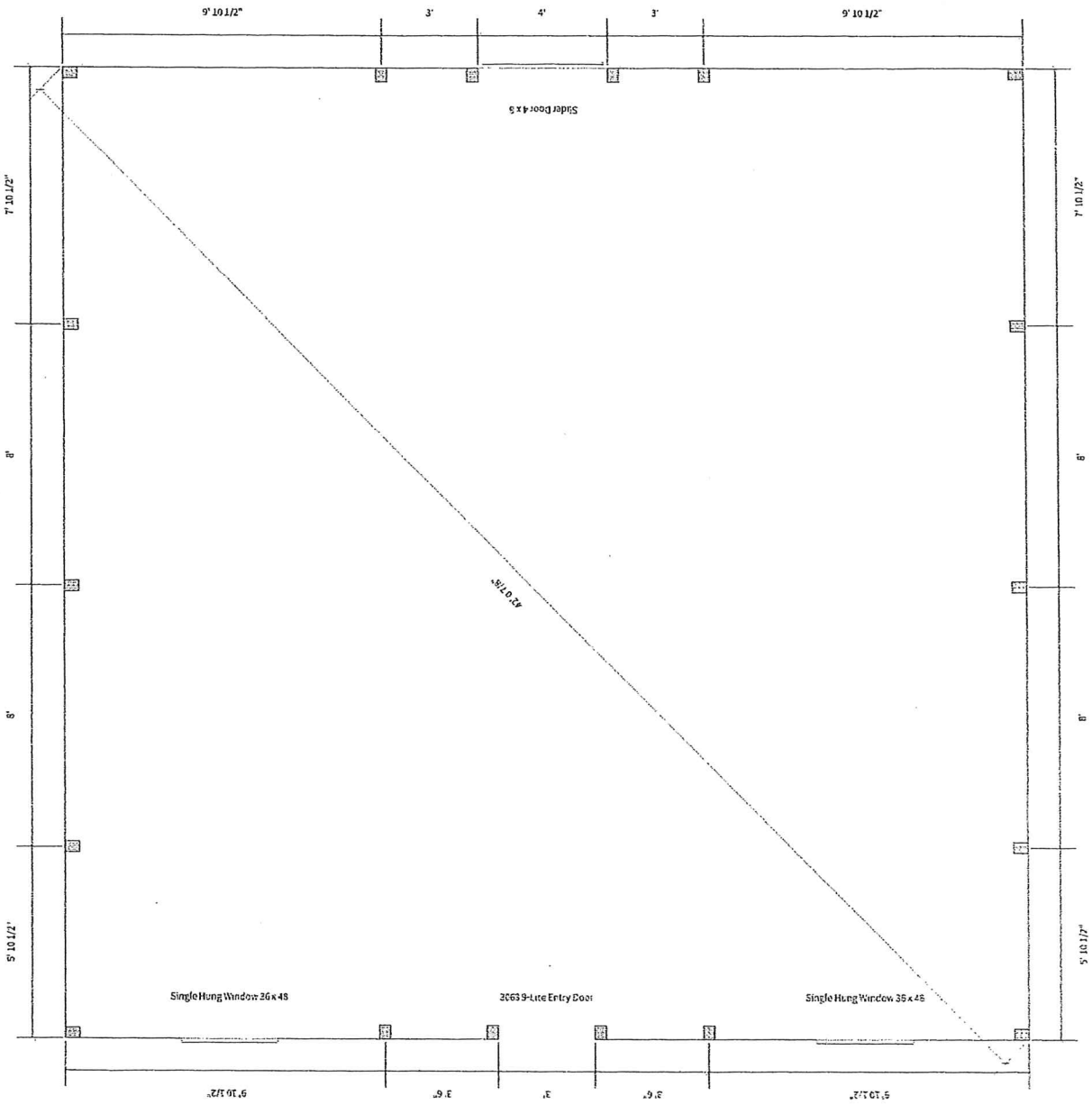
New Holland Supply, LLC



Pg 4088

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FEB 10 2021

Post Layout

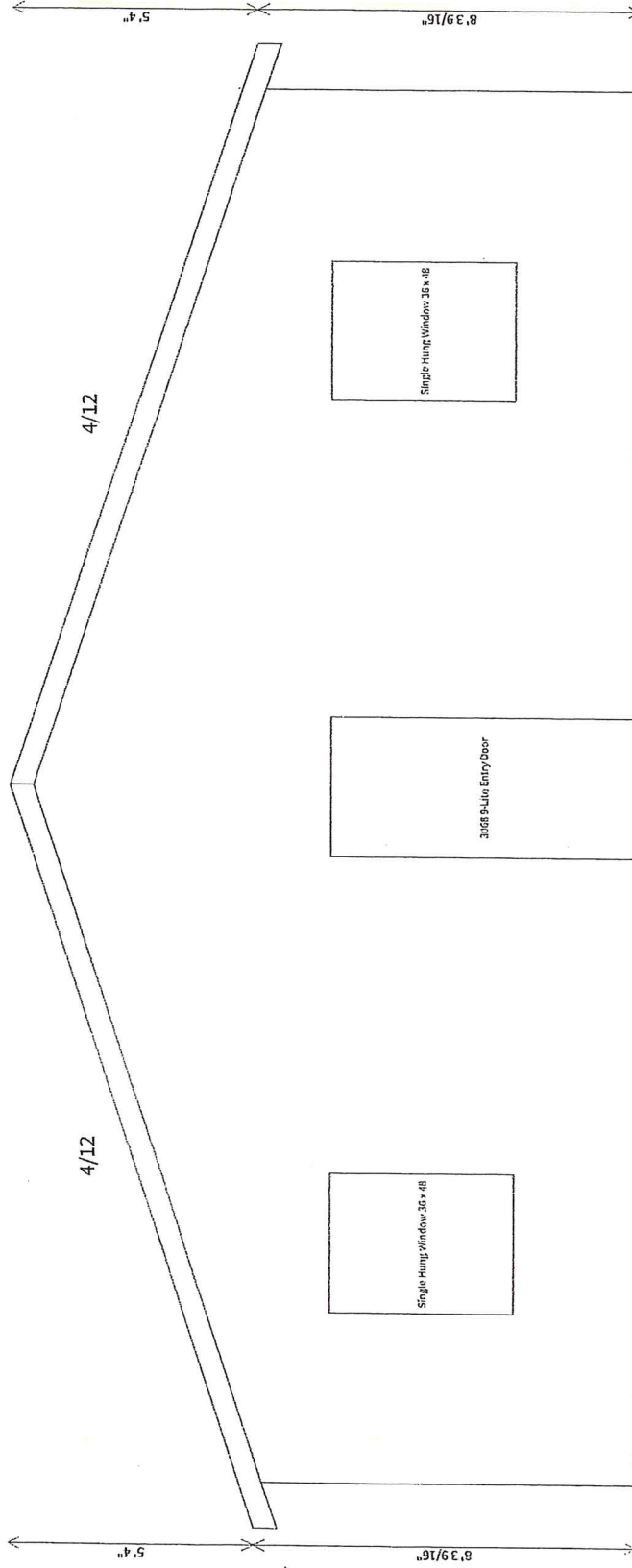


Job: Morin- Lounge 30 x 30 x 8
 Date: 11/23/2020
 Time: 8:38 AM

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 FEB 10 2021
 TOWN OF BURLINGTON
 PLANNING DEPARTMENT

Job: Morin- Lounge 30 x 30 x 8
Date: 11/23/2020
Time: 8:38 AM

Back Elevation



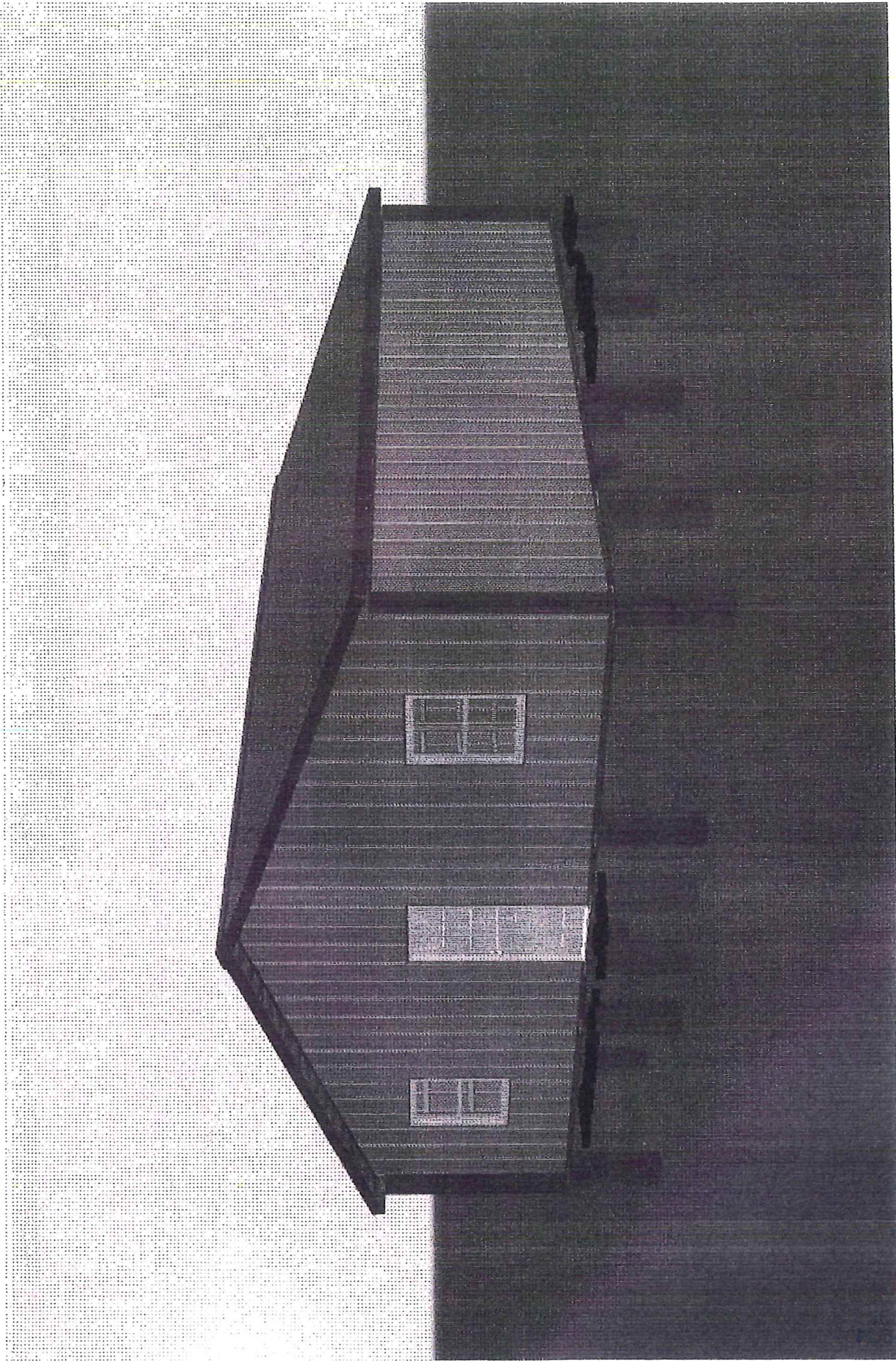
FEB 10 2021

PLANNING DEPARTMENT

Pg 6088

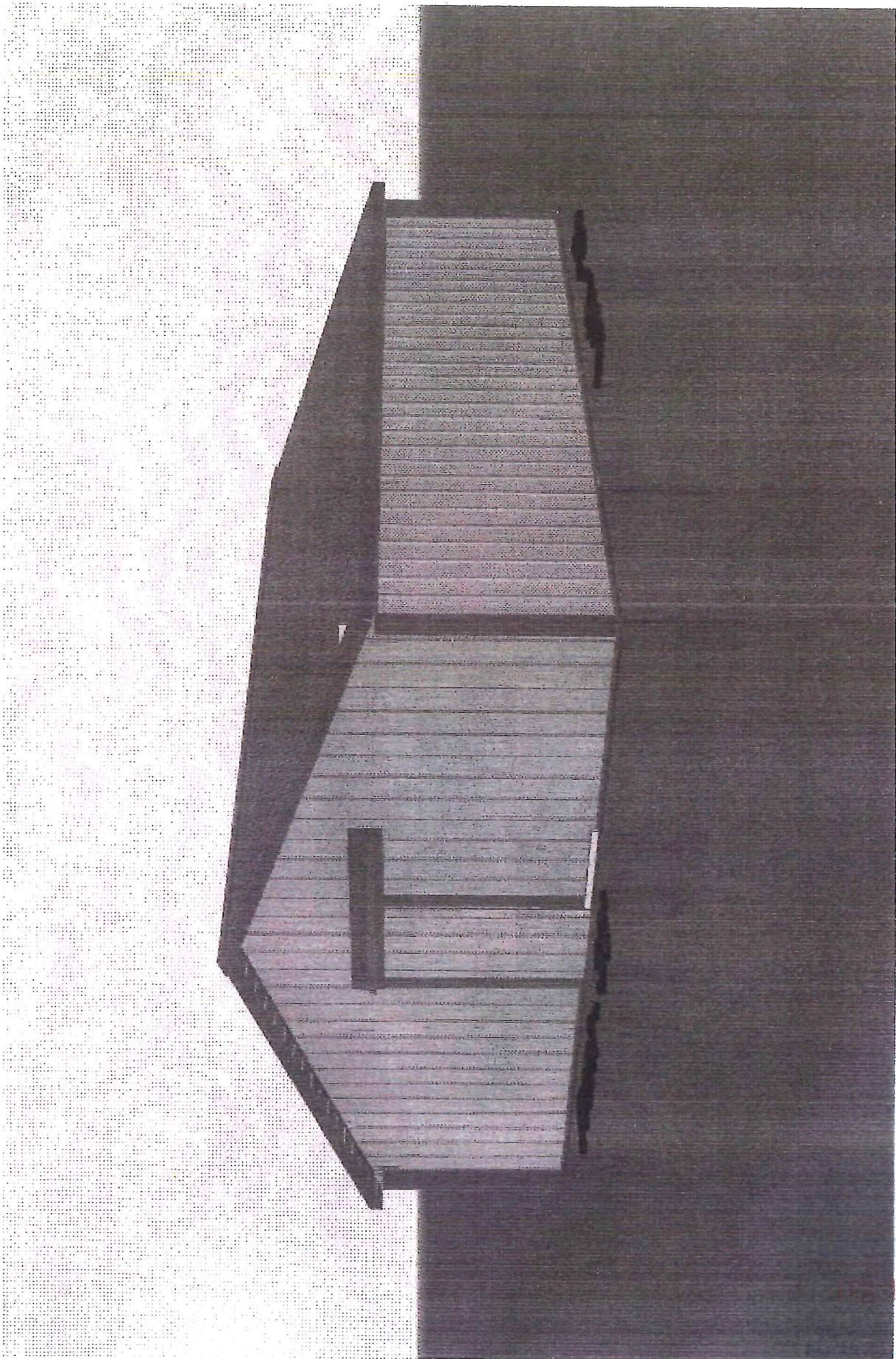
3d View for Morin- Lounge 30 x 30 x 8

New Holland Supply, LLC



RECEIVED
FEB 10 2021

3d View for Morin- Lounge 30 x 30 x 8





North Central District Health Department

- Enfield - 31 North Main Street - Enfield, CT 06082 - (860) 745-0383 Fax 745-3188
- Vernon - 375 Hatford Turnpike, Room 120 - Vernon-Rockville, CT 06066 - (860) 872-1501 Fax 872-1531
- Windham - Town Hall - 979 Main Street - Willimantic, CT 06226 - (860) 465-3033 Fax 465-3032
- Stafford - Town Hall, 1 Main Street - Stafford Springs, CT 06076 - (860) 684-5609 Fax 684-1768

Plan Approval

For

Building Additions, Conversions, Changes of Use, or Accessory Structures

267	Jobs Hill Rd	Ellington		
Street #	Street Name	Town		
267 Jobs Hill Rd Llc	267 Jobs Hill Rd	Ellington	CT	
Owner Name	Owner Address	Town	ST	Zip

This approval indicates that the proposal has been reviewed by the Health Department and is in compliance with applicable regulations as contained in the Public Health Code for this project. **Permission is hereby granted on 2/16/2021, to construct a 30' x 30' Dry Storage Building, 70' x 192' Riding Arena and 15' 9" x 28' 10" connector as shown on plan received 2/5/2021.**

The proposed 30' x 30' Dry Storage Building, 70' x 192' Riding Arena and 15' 9" x 28' 10" connector is approved on 2/16/21 as shown on the plan date stamped Received North Central District Health Department (NCDHD) 2/5/21 with the following **CONDITIONS:**

- 1) **The Approved structures are not considered residential space** - This Approval does not endorse the use of these structures as bedroom space.
- 2) **These proposed structures are approved as "dry structures" with no sanitary facilities (i.e. bathroom, wet bar, kitchen, etc.). Furthermore, outside portable toilets are not permitted on a permanent basis.**
- 3) For any proposed sanitary facilities inside the proposed structure(s) to dispose sewage into the existing onsite septic system, the CT State Department of Public Health must review any proposals for a Central Septic System submitted by a CT Licensed Engineer or CT Licensed Septic Installer. If a separate septic system is desired, either a CT Licensed Engineer or CT Licensed Septic Installer shall submit a plan for a new septic system. Submit any proposals to this department for review.
- 4) The dwelling is served by an onsite septic system and a private onsite well.
- 5) All of the minimum separating distances have been met.
- 6) The proposed structures will be located on the north westerly side of the property.
- 7) **Any foundation drain(s) to be installed for the proposed structures and/or drain(s) carrying surface water CANNOT be closer than 25' from the existing water supply well.**
- 8) Soil testing conducted by this department on December 31, 2020 indicates that there is a designated a Code Compliant Septic Repair Area located on the easterly side of the dwelling and current septic system. Preservation of this area is **REQUIRED.**
- 9) In the future, if the septic system is not functioning properly, backing up into the house or breaking out of the ground surface then the NCDHD **MUST** be contacted. Additional soil testing will be required in order to repair / replace the septic system.

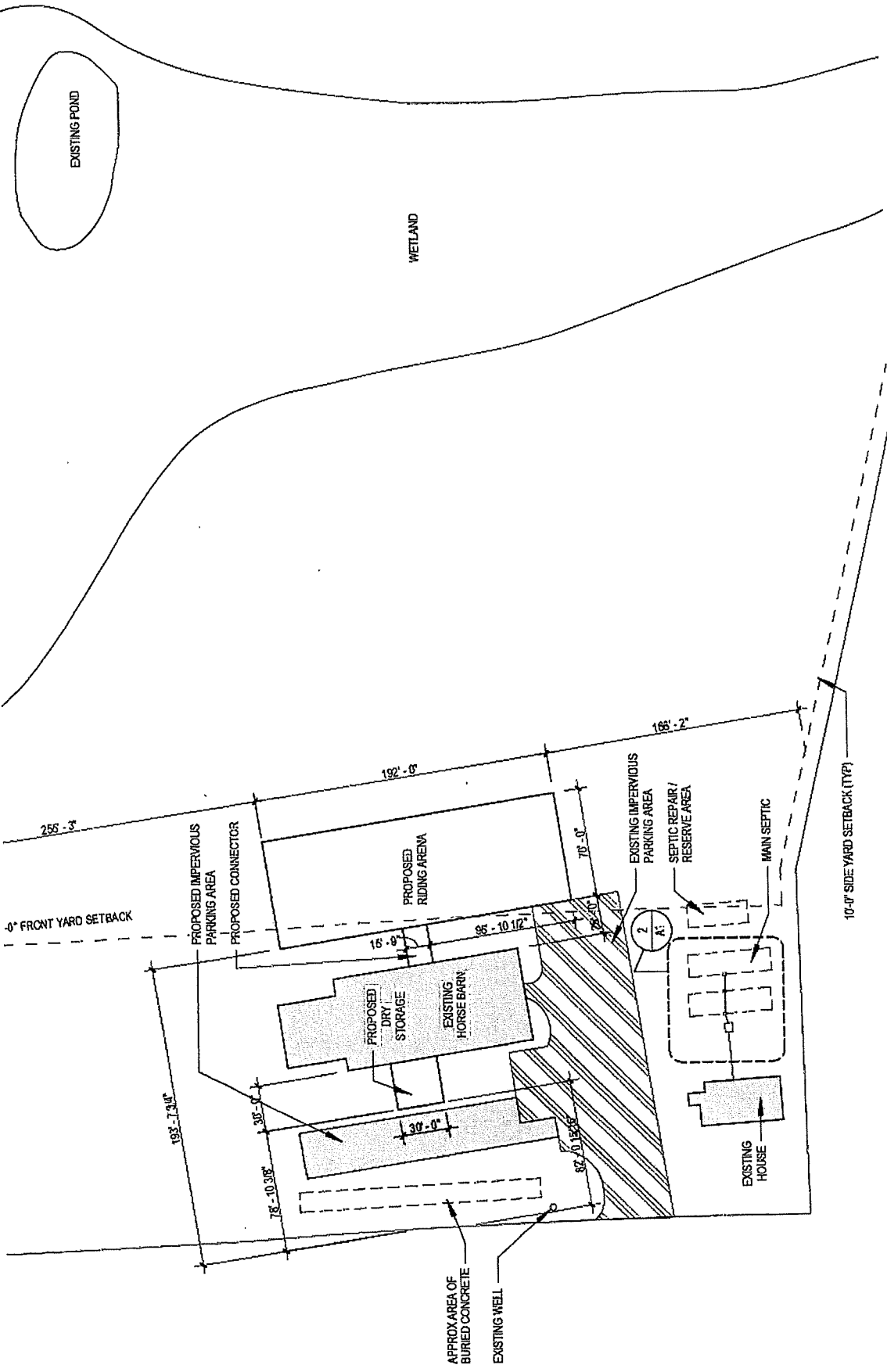
Please Note that the above approval indicates compliance with Connecticut Public Health Requirements. Any other permits required from Zoning, Inland Wetlands or Building Officials are not ensured by this approval.

Approved by:

Brian Bielawiec, B.S.

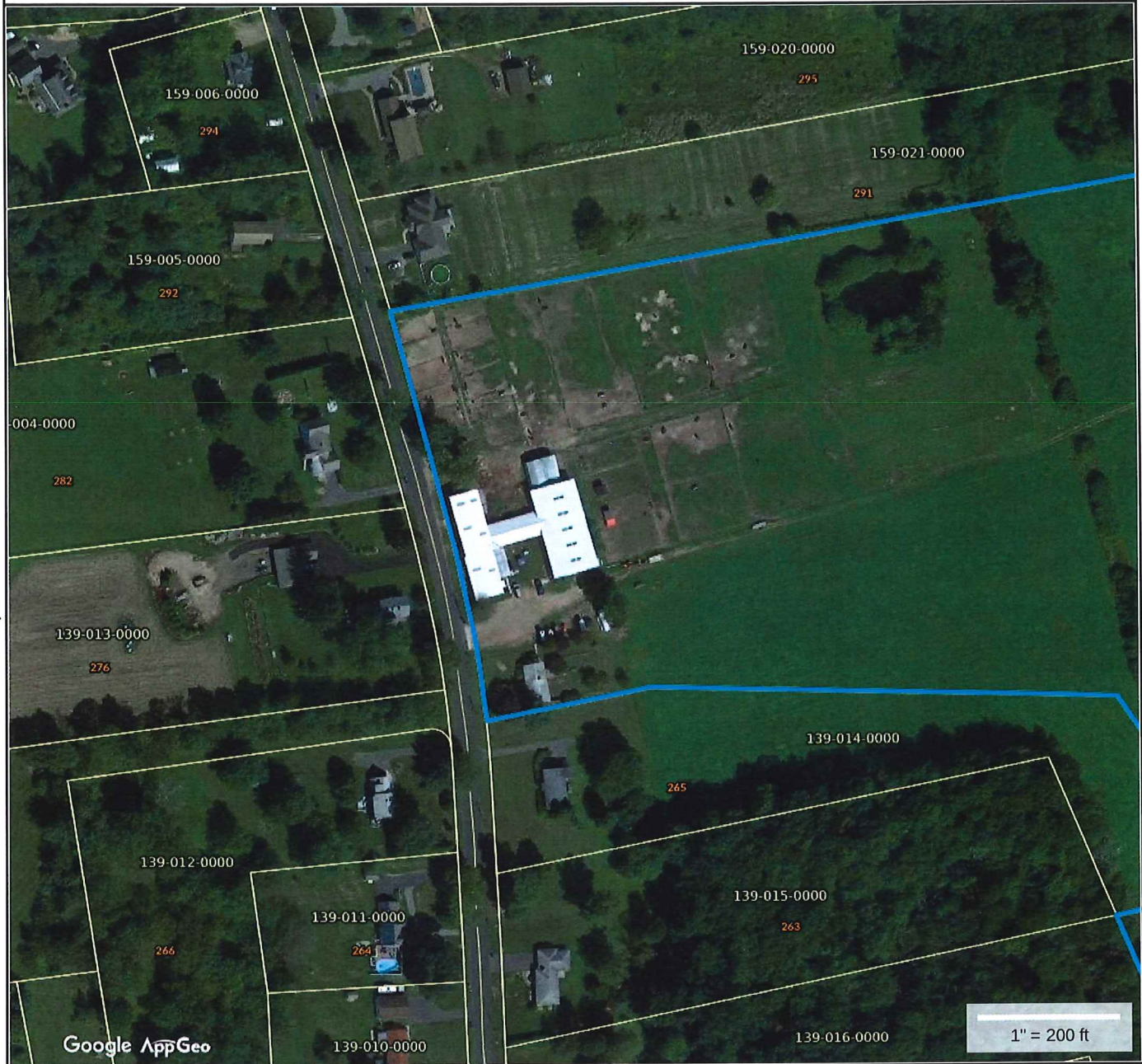
Sanitarian

1/2" = 1' SCALE WILL TRANSFER BY MAIL PLACING THE DENOMINATOR BY AND MAKING THE NUMERATOR 1 FOR EXAMPLE 1/2" = 1' (2 1/2") WILL BE SHOWN FOR SCALES AT 1/4", 3/8", 1/2" AND 3/4". THE TRANSLATIONS ARE ENOUGH TO USE THE



NO. CENTRAL DISTRICT HEALTH DEPT.
 APPROVED FOR CONSTRUCTION
 NOT APPROVED FOR CONSTRUCTION
Fer Stage Steel City area Council
 2/16/21
 DATE HEALTH OFFICIAL

RECEIVED
 FEB 05 2021
 NORTH CENTRAL DISTRICT
 HEALTH DEPARTMENT



Property Information

Property ID 159 022 0000
Location 267 JOBS HILL RD
Owner TWO SIXTY SEVEN (267) JOBS HILL RD LLC



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

Barbra Galovich

From: Barbra Galovich
Sent: Wednesday, March 03, 2021 1:56 PM
To: christy morin
Cc: Lisa Houlihan
Subject: FW: Staff Review - Z202102 - 267 Jobs Hill Road

Christy,

Hope you are doing well. Please see the below comments from Ray Martin, Building Official.

Thank you,
Barbra

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

From: Raymond Martin
Sent: Wednesday, March 03, 2021 1:54 PM
To: Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>
Subject: RE: Staff Review - Z202102 - 267 Jobs Hill Road

Same comments as ZBA application:

As discussed previously, a CT licensed architect will be required to perform a code analysis of the project. This code analysis will determine how the new proposed structures will affect the existing use. Some things that need to be determined are use group designation for the riding arena, scope of public use, bathrooms, accessibility, height/area of buildings and how that might bring fire sprinklers as a requirement. Any of these design issues that arise may need input from the State Building Inspector and an architect is equipped to address this.

Raymond Martin III
Building Official
Town of Ellington
860-870-3124 office
860-870-3122 fax

From: Barbra Galovich
Sent: Tuesday, March 02, 2021 12:02 PM
To: Dana Steele <dsteale@jrusso.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 - Z202102 - 267 Jobs Hill Road



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

65 MAIN STREET • P. O. BOX 187
ELLINGTON, CONNECTICUT 06029-0187

www.ellington-ct.gov

TOWN PLANNER'S OFFICE

(860) 870-3120

(860) 870-3122

COPY

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its March 1, 2021 regular meeting, granted the following Certificate of Variance:

Application Number: V202103

Description of Affected Premises: 267 Jobs Hill Road/ APN 159-022-0000

Owner(s) of Property: 267 Jobs Hill Road, LLC
267 Jobs Hill Road
Ellington, CT 06029

Applicant: Same

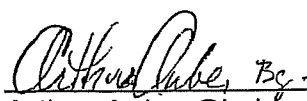
Zoning Regulations Varied: Section 7.14.3(C-3) – Horse Boarding/Riding Arena

Nature of Variance: To reduce the front yard setback from 200ft to 170ft and the side yard setback from 200ft to 145ft for an indoor riding arena and storage area.

Condition(s) of Approval:
1) Subject to compliance with Building Department requirements.

Hardship: Barn destroyed by fire was preexisting, nonconforming based on current regulations; proposed riding arena and storage area are less nonconforming.

This Variance must be filed in the Office of the Town Clerk to become effective per CGS Section 8-3(d) following the 15-day appeal period which starts on: March 2, 2021.


Arthur Aube, Chairman
Ellington Zoning Board of Appeals

COPY

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 # <div style="background-color: yellow; padding: 2px;">Z202103</div> Date Received 2/22/2021
---	--

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

Owner's Information

Name: Town of Ellington

Mailing Address: 55 Main St.
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 filing of the application and access to the site by the Commission or its staff.

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: _____

Mailing Address: T.O.E.

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.

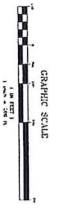
Description of Request (If more space is needed, please attach additional sheets)

Attached new proposed new section 6.6 - Access Management

PROPOSED TEXT AMENDMENT TO ADD A NEW SECTION TO THE ELLINGTON ZONING REGULATIONS

Section 6.6 Access Management

- A. **Purpose** Traffic flow and roadway safety can be significantly reduced from the proliferation of access points and intersections along roadways. Access management is a technique used to promote safe movement of vehicles, smooth flow of traffic, preserve the capacity of roadways, and reduce vehicular congestion and conflicts, especially along heavily trafficked roads and state highways.
- B. **Intent** This regulation is intended to control the number, size and location of access points, and the distance between access points, intersections and traffic signals, and require the use of shared access points and interconnections between abutting properties, while allowing proper and adequate access to and from parcels.
- C. **Applicability** As determined by the commission or its agent, this regulation shall apply to Designed Multi-Family developments, division of land into two or more parcels, commercial and industrial developments, and modifications thereto along arterial and collector streets listed in Section 2.1.10 Highway Clearance Setback, (except for Hopkins Road) and along Lower Butcher Road, Tomoka Avenue and Meadow Brook Road.
- D. **General** No parcel of land or use shall have more than one access point unless required by the commission for emergency access or other safety purpose. As part of application approval, the commission may require an applicant or owner to:
1. provide a traffic impact analysis, prepared by a professional engineer licensed in Connecticut, containing sufficient details based upon both existing levels of development and projected build out levels of development to review:
 - a. the number and location of necessary access points;
 - b. the nature and type of traffic circulation to and from premises and adjacent properties;
 - c. the relationship of new access points to adjacent properties, roadways, intersections and traffic signals;
 - d. interconnections between properties, parking layouts and internal traffic circulation;
 - e. a site layout depicting the parcel and adjacent parcels depicting roadways and access points; and,
 - f. other information requested by the commission.
 2. close an existing access point or eliminate a proposed access point.
 3. establish or use a shared access point and/or interconnection between properties and record an easement on the land records in favor of the abutting property and/or the Town of Ellington in a form acceptable to the town attorney.
- E. The cost of making physical improvements to accomplish shared access or interconnections between properties, including any work which may be required on adjoining parcels, shall be the responsibility of the developer and/or owner of the property for the current application, unless a separate agreement is present.
- F. The commission may be guided by the Interior Access Concept Plan for Route 83, as may be amended, when considering access management techniques for properties along Route 83.



Date: _____
 Drawn By: _____
 Checked By: _____
 Date: 12/19/18

Rte. 83 Corridor Study
 Proposed for
Town of Ellington
 West Road
 Ellington, Connecticut

NO.	REVISIONS

RUSCO
 SURVEYORS & ENGINEERS
 INCORPORATED
 10 Russo & Associates, LLC
 1100 State Street, Suite 100, Ellington, CT 06029
 Tel: 860-439-1100 Fax: 860-439-1101

March 12, 2021

TO: ELLINGTON PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2021-18: Proposed zoning amendment regarding access management and access points for new multi-family, commercial, and industrial developments, subdivisions of land, and modifications to arterial or collector streets.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. The staff commends the efforts around incorporating access management regulations to improve traffic flow and roadway safety. Staff would also like to emphasize access management as an important consideration to improve pedestrian and bicyclist safety and would encourage including these users in these proposed regulations. As such, access management would align with CRCOG policy goals to support modification of street design and sidewalk regulations to allow more pedestrian friendly development.

The public hearing date has been scheduled for 3/22/2021.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Caitlin Palmer.

DISTRIBUTION: Planner: Somers, Enfield, East Windsor, South Windsor, Vernon, Tolland, Stafford, Willington

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

Brendan Malone, Vice Chairman
Regional Planning Commission



Caitlin Palmer
Senior Community Development Planner

Subject: FW: Staff Review for Z202103 - Proposed Section 6.6 Access Management to Zoning Regulations

From: Dana Steele [mailto:dsteele@jrrusso.com]
Sent: Monday, March 15, 2021 6:05 PM
To: Lisa Houlihan <LHoulihan@ELLINGTON-CT.GOV>
Subject: RE: Staff Review for Z202103 - Proposed Section 6.6 Access Management to Zoning Regulations

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,

This looks fine to me. The key statement of the regulation seems to be:

“No parcel of land or use shall have more than one access point unless required by the commission for emergency access or other safety purpose.”

This wording seems good because it establishes a standard but gives room to deviate from the standard to accommodate safety considerations. So the burden of proof would be on the applicant to demonstrate that a second access point provides a safety benefit. And the Commission retains the authority to determine whether that standard is met on a case by case basis.

Let me know if you have any questions or would like me to comment on other specific wording.

Dana P. Steele, P.E.
Ellington Town Engineer



J.R. RUSSO & ASSOCIATES, LLC
P.O. Box 938, 1 Shoham Road
East Windsor, CT 06088
(CT) 860.623.0569 (MA) 413.785.1158
dsteele@jrrusso.com | www.jrrusso.com

Barbra Galovich

From: Timothy Webb
Sent: Tuesday, March 02, 2021 1:01 PM
To: Barbra Galovich
Subject: RE: Staff Review for Z202103 - Proposed Section 6.6 Access Management to Zoning Regulations

DPW strongly supports this proposal

From: Barbra Galovich
Sent: Tuesday, March 02, 2021 12:25 PM
To: 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 for Z202103 - Proposed Section 6.6 Access Management to Zoning Regulations

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, March 22, 2021.

Please provide your comments/concerns on or before March 16, 2021.

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



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 potential 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 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. 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.

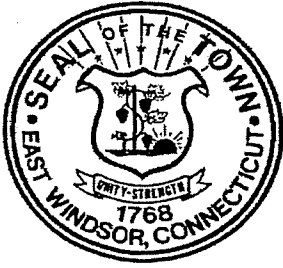
MOVED (KELLY), SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING AND ZONING COMMISSION FOR 2021.

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



TOWN OF EAST WINDSOR
Planning & Zoning Commission
11 Rye Street, Broad Brook, CT 06016
860.623.6030 www.eastwindsor-ct.gov

LEGAL NOTICE

EAST WINDSOR PLANNING & ZONING COMMISSION

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, April 13, 2021 at 6:30 p.m. via the remote video conferencing platform, Zoom.

Join meeting: <https://zoom.us/j/3326833563>

Meeting ID: 332 683 3563

Dial by your location
+1 646 558 8656 US (New York)
+1 312 626 6799 US (Chicago)
+1 301 715 8592 US
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US

RECEIVED
21 MAR 10 PM 2:00
ELLINGTON
TOWN CLERK

PZ-2021-06 SJK Properties LLC Text Amendment Application to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD) - 802.1, 802.4.

A full copy of the application is available on the Town Clerk's webpage and on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated March 1, 2021, East Windsor, CT

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

Journal Inquirer editions: March 2 and March 9, 2021

cc: Marek Kement, Barton & Loguidice
 Jason Bowsza, First Selectman
 Amy Lam, Town Clerk
 Helen Totz, Assessor
 Rand Stanley, Building Official
 file

PETITION TO AMEND THE ZONING MAP AND/OR REGULATIONS

If any of the following facilities are within 1000 feet of any boundary of the proposed zone change, indicate the name and address of the facility and the distance to the boundary.

Schools? _____
Churches? _____
Public Buildings? _____
Playgrounds/Parks? _____
Hospitals/Medical Care Facilities? _____
Daycare Facilities? _____

⇒ **Attach ten (10) copies of the zone change map.** Such map must be prepared by a land surveyor registered in the State of Connecticut, and conform to the Class "d" requirements of the "Code of Recommended Practice for Standards of Accuracy for Maps" of the Connecticut Technical Council, Inc.; the East Windsor Planning and Zoning Commission may require that such map conform to Class "A-2" accuracy of the "code" if the Class "D" survey is determined to be inadequate to make a reasonable decision.

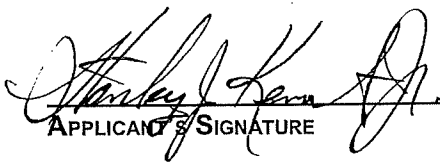
The map shall be 24" X 36", and shall be of a scale appropriate to the size of the parcel(s) being changed. The map shall show at a minimum: (check when complete)

- Delineation of the area to be changed with existing and proposed zoning designations, boundaries and property lines within a clearly visible 500 foot radius of the proposed zone boundary.
- A list of all owners of record of the properties or portion(s) of properties proposed to be changed. (From current Assessor's Records)
- A calculation of the area of the portion of each parcel that is within the 500 foot radius.
- A key map at a scale of 1"=1000', depicting existing zoning within one half mile of the proposed zone boundaries.

⇒ **Attach ten (10) copies of a written "Statement of Justification"** for the proposed Map Amendment. Such statement shall address the approval considerations pertinent to a map amendment contained in the Zoning Regulations.



The undersigned hereby permits town staff and commission members to enter onto and inspect this site during reasonable hours for the purpose of reviewing this application and accompanying plans. I hereby depose and say that all of the above statements as well as the statement and representations contained in all supporting documents herewith are true.

 3-3-21
APPLICANT'S SIGNATURE DATE

OWNER'S SIGNATURE (IF NOT APPLICANT) DATE
RECEIVED
MAR 03 2021

OWNER'S SIGNATURE (if not applicant) DATE

FOR OFFICE USE ONLY This application was received at the East Windsor Planning Department on:
Date 3/3/21 Fee Paid: \$ 300.00 Check # 1814
TOWN OF EAST WINDSOR
PLANNING & DEVELOPMENT DEPT.

EAST WINDSOR – DRAFT ZONE TEXT AMENDMENT TO:

Multi Family Development District (MFDD) REGULATIONS

[Existing] Section 802 “Multi Family Development District (MFDD)”

[Existing] Section 802.1 “Purpose To require a zone change to a MFDD zone to a particular parcel.”

[Existing] Section 802.1 “Purpose To permit the development of single-family planned residential developments.”

[Existing] Section 802.4 “Applicability – No area shall be rezoned to a Multi-Family Development District unless the applicant has demonstrated and the Commission has determined that:”

[Proposed new - add to existing Section 802.4 substitute new subsection (d), where existing (d) becomes new (e)]:

- (d) *[C] the site is located within a rural area, as identified on the Residential Growth Guide Plan in the Plan of Conservation and Development, as amended, as long as, ALL of the following conditions have been satisfied:*
1. *The property to be developed is limited to detached single-family residential units; and*
 2. *The property shall be located within the sewer service area, as amended; and*
 3. *The minimum setback for dwelling units from any residentially zoned property shall be increased to 100 feet; and*
 4. *Any additional means of egress, except as required by Section 802.17(h), shall only be permitted via a collector or arterial roadway.*

STATEMENT OF JUSTIFICATION

The proposed and related zone text amendment is consistent with the Town's 2016 Plan of Conservation and Development, that references the 2006 Plan of Conservation and Development, (collectively, "POCD"), in that the proposal provides for the refinement of the residential development provisions of the Zoning Regulations ("Regulations"), in particular, the Multi-Family Development District provisions with the proposed zone text amendment, as provided. Specifically, the proposed zone text amendment promotes housing diversity and increased density in the Broad Brook area and for the citizens of East Windsor, as provided by the POCD (see p. 32 and 33 of the 2016 POCD).

Also, in harmony with the Town of East Windsor's Zoning Regulations, as amended, the Multi-Family Development District endorses our text amendment proposal. Specifically:

Section 802.1 – Purpose: In part, "...to permit planned residential development (PRD) for **single-family** housing with open space conservation..." (see p. 80 of the Regulations)

Section 802.1 – Purpose: In part, "It is the intent of these regulations... to require a zone change to the MFDD zone to a particular parcel." (see p. 80 of the Regulations)

Section 802.1 – Purpose: In part, "It is the intent of these regulations... to permit the development of **single-family planned residential developments.**" (see p. 81 of the Regulations)

Section 802.3 – Definitions: (a) Condominium, Residential. In part, "is a one family dwelling unit owned in fee simple which may be part of and attached, **detached**, semi-detached, or multi-family structure... with any other common areas... owned in common with the association of other unit owner..." (see p. 81 of the Regulations)

Section 802.3 – Definitions: (d) Community Association. In part, "is the legally constituted body of condominium or cooperative owners... which owns the portions of the property held in common and which is responsible for the governance of the development" (see p. 81 of the Regulations)

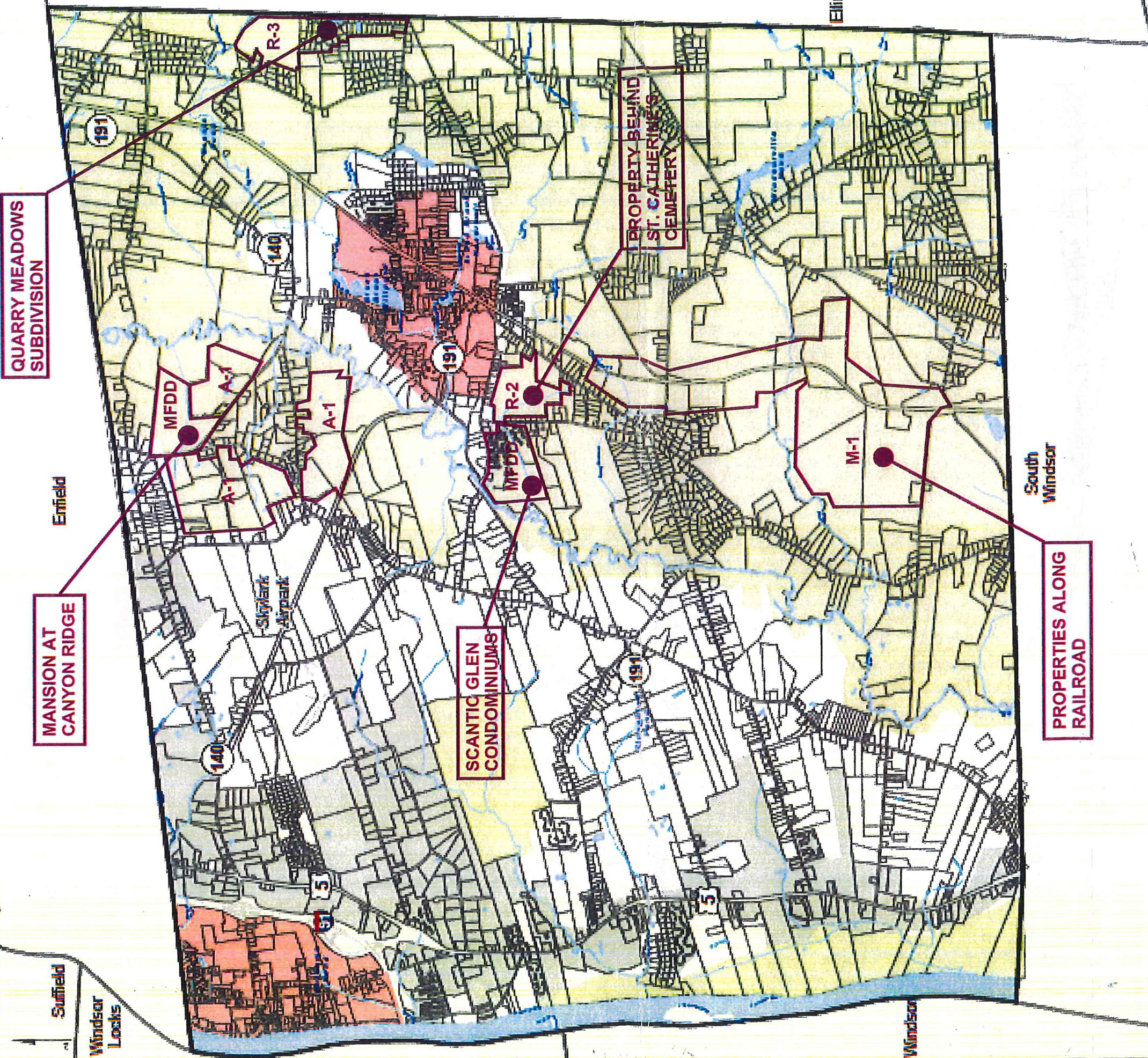
Section 802.3 – Definitions: (k) Planned Residential Development. In part, "is a single-family **detached** residential subdivision incorporating open space conservation..." (see p. 82 of the Regulations)

Section 802.22 – Change of Zone: In part, "No development plan or special permit for residential condominiums... shall be approved by the Commission **except** in a Multi-Family Development District." (see p. 91 of the Regulations)

In addition to the proposal being consistent with the POCD, which is a guidance and advisory document, and the East Windsor Zoning Regulations, as noted above, it is respectfully submitted that this text amendment proposal is consistent with the comprehensive plan (the Commission's Regulations and Zone Map), and will not adversely impact the public health, safety or welfare.

Residential Growth and Guide Plan

East Windsor, CT



Legend

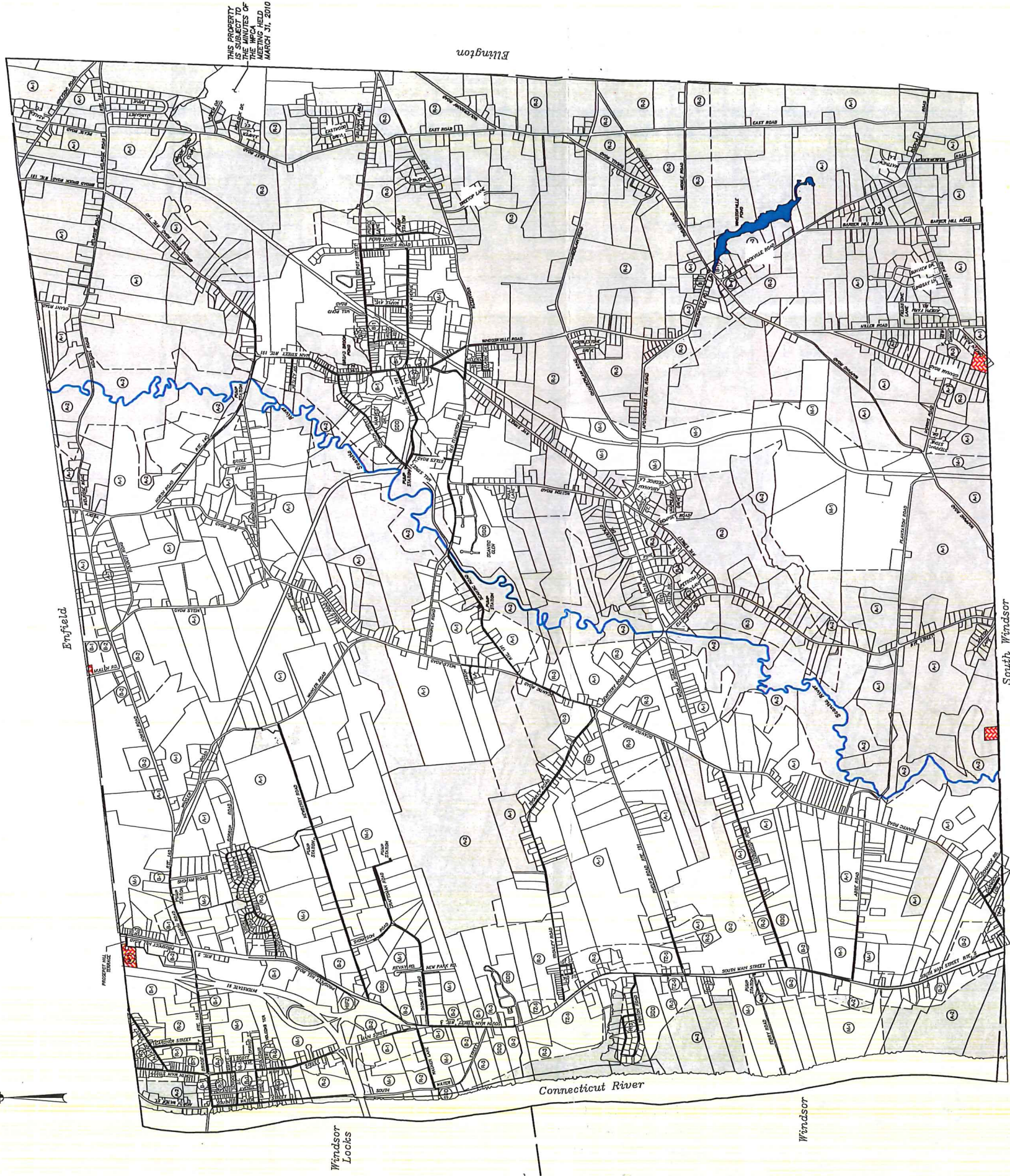
- Village Areas
- Rural Areas
- Non-rural Areas
- Non-residential Areas

2-9-05



Town of East Windsor

Hartford County, State of Connecticut
Sewer Service Area



THIS PROPERTY IS SUBJECT TO THE MAPS OF THE WPCA MEETING HELD MARCH 31, 2010



THIS MAP IS FOR PLANNING PURPOSES ONLY. IT IS NOT FOR LEGAL DESCRIPTION OR CONVEYANCES. ALL INFORMATION IS SUBJECT TO VERIFICATION BY ANY USER. THE TOWN OF EAST WINDSOR AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.

- Legend**
- Sanitary Sewer Line
 - Zone Line
 - Sewer Service Area
 - Sewer To Adjoining Towns

DATE: APRIL 15, 2010



J.R. RUSSO & ASSOCIATES
Civil Engineers & Professional Engineers
1000 MAIN STREET
EAST WINDSOR, CONNECTICUT 06026
TEL: (860) 432-2246



TOWN OF VERNON

55 WEST MAIN STREET, VERNON, CT 06066
(860) 870-3640
gmcgregor@vernon-ct.gov

OFFICE OF THE
TOWN PLANNER

March 12, 2021

Diane McKeegan
Town Clerk
55 Main St.
P.O. Box 158
Ellington, CT 06029

Dear Ms. McKeegan:

Pursuant to Connecticut General Statutes Section 8-7d(f), please accept this notification of a pending application received by the Town of Vernon Planning and Zoning Commission.

Public Notice
Town of Vernon

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at a regular meeting on Thursday, April 15, 2021 at 7:30 p.m. This meeting will be held via VIRTUAL TELECONFERENCE.

Join Zoom Meeting

<https://us02web.zoom.us/j/86906729945?pwd=bHhjSkthVOR5NFZyRittU29nV0dmQT09>

Meeting ID: 869 0672 9945

Passcode: XADn6j

Or Dial In

(646) 876 9923

Meeting ID: 869 0672 9945

Passcode: 172191

Application [PZ-2021-05] of the Town of Vernon's Planning Department, for a proposed Text Amendment to the Zoning Regulations with the addition of a new section addressing the temporary, seasonal, and permanent outdoor dining as permitted accessory uses.

The application and supporting documents are attached. If you have any questions or wish to review the file, please feel free to contact me.

With regards,

George K. McGregor

Town of Vernon Outdoor Dining
Draft Zoning Regulations Amendment

March 8, 2021

Revised March 11, 2021

Narrative: With the Governors Executive Orders due to expire, The Town of Vernon proposes to amend the Town Zoning Regulations to address temporary, seasonal, and permanent outdoor dining as permitted accessory uses.

Add New Section

3.31 Outdoor Dining. Nothing in these regulations shall prohibit temporary outdoor dining on a seasonal basis, where tables, chairs, and other items are located for patrons of any use where food and beverages are served. The following regulations apply:

3.31.1 Location. Outdoor dining may be located anywhere on the parcel (including the parking lot) or on an adjacent properly zoned vacant parcel and except as 3.31.2.

3.31.2 Required Yards. Outdoor dining is permitted in any required yard, except in cases where the outdoor dining is located in a required yard which abuts a residential district; or when permanent structures are proposed.

3.31.2 Accessibility. Outdoor dining areas shall not block handicap parking spaces or handicap ramps. All outdoor dining shall be ADA accessible.

3.31.3 Parking. Outdoor dining shall not be included in parking calculation, unless outdoor dining replaced existing parking spaces. Then, adequate parking must be demonstrated.

3.31.4 Enclosures. For outdoor dining in a parking lot, adjacent to, or where vehicular conflicts are present, a safety barrier, approved by the fire Marshal, shall be installed. The safety barrier shall be constructed of heavy planters with vegetation.

3.31.5 Seasonality. All tables, chairs, trash receptacles, barriers, etc...shall be removed at the end of each outdoor dining season.

3.31.6 Lighting. Glare falling outside the outdoor dining area is prohibited.

3.31.7 Application process. A temporary outdoor dining and activity application is required on annual basis and shall be effective March 1 of each year.

3.31.8 Permanent structures. If permanent structures are proposed, such as decking or canopies, the minor modification site plan process is required.

TOWN OF VERNON PLANNING & ZONING COMMISSION (PZC)

APPLICATION

This form is to be used to apply to the Vernon Planning & Zoning Commission (PZC) for a change of zoning district, amendment of the Zoning Regulations, Site Plan of Development (POD), Special Permit(s), amendment of the Subdivision Regulations, and/or approval of a (re) subdivision, or DMV location approval. Provide all the information requested.

The applicant must be the property owner, the property owner's agent, the Town of Vernon, or someone with a direct financial interest in the subject property; said interest shall be explained and written permission for this application must be obtained from the property owner and submitted with this application if the applicant is not the property owner (ZR Section 2.3).

The list of approvals and the references to sections of the Regulations are for informational purposes only to assist with preparation of the PZC application and are not a definitive statement of the sole requirements that may apply to a specific project.

The applicant understands that the application is complete only when all information and documents required by the PZC have been submitted and, further, that any approval by the PZC relies upon complete and accurate information being provided by the applicant. Incorrect information provided by the applicant may make the approval invalid. The PZC may require additional information to be provided by the applicant in the course of reviewing the application and during the monitoring of the project.

Provide all the information requested:

I. APPLICANT:

Name: Shawn Gately - TOV Economic Develop.

Title: _____

Company: Town of Vernon

Address: 55 West Main St.

Vernon Ct 06060

Telephone: _____

Fax: _____

E-mail _____

II. PROPERTY OWNER (S):

Name: _____

Title: _____

Company: N/A

Address: _____

Telephone: _____ Fax _____

E-mail: _____

III. PROPERTY

Address: _____

Assessor's ID Code: Map # _____ Block # _____ Lot/Parcel # _____

Land Record Reference to Deed Description: Volume: _____ Page _____

Does this site contain a watercourse and/or wetlands? (See the Inland Wetlands Map and IWR Section 2.14, 2.15, 2.23, 2.24, 3.11; 4)

No Yes

No work will be done in regulated area
 Work will be done in the regulated area

IWC application has been submitted
 IWC application has not been submitted

Zoning District _____

Is this property located within five hundred (500) feet of a municipal boundary?

No
 Yes:

- Bolton
 - Coventry
 - Ellington
 - Manchester
 - South Windsor
 - Tolland
- N/A

Check if Historic Status Applies:

Located in historic district:

- Rockville
- Talcottville

Individual historic property

IV. PROJECT

Project Name: Text Amendment to Zoning Regulations

Project Contact Person:

Name: Shawn Gately

Title: _____

Company: Town of Vernon

Address: _____

Telephone: _____ **Fax:** _____

E-mail: _____

**V. PZC APPLICATION
PROJECT SUMMARY**

Describe the project briefly in regard to the purpose of the project and the activities that will occur. Attach to this application a complete and detailed description with maps and documentation as required by the "Town of Vernon Zoning Regulations" and "Town of Vernon Subdivision Regulations".

Purpose: Text Amendment to Zoning Regulations
General Activities: To Amend the zoning regulations to permit temporary, permanent and seasonal outdoor dining.

VI. APPROVAL (S) REQUESTED

Subdivision or Resubdivision

- Subdivision (Sub. Sec. 4, 5, 6)
- Resubdivision (Sub. Sec. 4, 5, 6)
- Minor modification of subdivision or resubdivision (Sub. Sec. 4.6)
- Town acceptance of a road (Sub. Sec. 6.5-6.8 & 9)
- Amendment of Subdivision Regulations (Sub. Sec. II)

See Subdivision Regulations Sec. 4 for application fee schedules.

Soil Erosion and Sediment Control Plan (ESCP) (ZR Sec. 2.117; 18) (Sub. 6.14)

Site Plan of Development (POD) (ZR Sec. 14)

- POD approval (ZR Sec. 14.1.1.1; 14.1.2)
- Modification of an approved POD (ZR Sec. 14.1.1.1)
- Minor modification of a site POD (ZR Sec. 14.1.1.2)

Special Permit(s) (ZR Section 17.3)

- Special Permit in an aquifer area (ZR Sec. 2.4; 2.5; 2.119; 20)
- Special Permit for excavation (ZR Sec. 2.52; 2.79; 15)
- Special Permit for use in a district (ZR Sec. 1.2 & 4)

- Special Permit for lot coverage (ZR Sec. 1.2; 2.61; 2.68; 4)
- Special Permit for signs (ZR Sec. 1.2; 2.106-115; 4; 16; 21.7)
- Special Permit for parking (ZR Sec. 4; 12; 21.4)

- Special Permit for elderly housing (ZR Sec. 2.60; 17.4)
- Special Permit for Bed & Breakfast (B & B) (ZR Sec. 2.9; 17.3.4)
- Special Permit for serving alcohol (ZR Sec. 2.103, 17.1)

- Special Permit for massage (ZR Sec. 2.76-78; 4)
- Special Permit for telecommunications (ZR Sec. 2.21; 3.23 & 23)
- Special Permit for dumps and/or incinerators (ZR Section 8)

____ Other Special Permit(s). Cite ZR Section and describe activity:

____ Special Permit modifications (ZR Sec. 17.3.2.2). Cite ZR Section and describe activity.

Zoning:

____ Site specific change of zoning district and map (ZR Sec. 1.2; 1.3; 4)

Amendment of Zoning Regulations (Sec. 1.2; 1.3; 4)

____ Site specific change to the Aquifer Protection Overlay Zone Map (ZR Sec. 20.3.2)

See Zoning Regulations Section 22 for application fee schedules.


____ Dealer or Repairer License (location approval for DMV)

Per Connecticut General Statutes (CGS) Section 8-26: If an application submitted to the Planning & Zoning Commission (PZC) involves any activity or area regulated under the wetlands statutes, an application for this activity must be filed with the Inland Wetlands Commission (IWC) on or before the day the Planning & Zoning Commission (PZC) application is filed by the applicant. (IWR Sec. 3.11)

Per CGS Sec. 8-31: If the proposed activity is to take place within a watershed of a Water company, the applicant is required to file a copy of the application with the Water Company via certified mail within seven (7) days of the date of the application. (IWR Sec. 4.3.6).

The applicant, undersigned, has reviewed the "Town of Vernon Planning and Zoning Regulations and Inland Wetlands and Watercourses Regulations" and has prepared this application with complete and accurate information:

Property Owner, Applicant, or Applicant's Agent:



Signature

3/10/21

Date

Signature

Date

TO BE FILLED IN BY THE PLANNING DEPARTMENT

Date Application Submitted _____

Date Application Received by Commission _____

PZC File: _____

Town of Ellington
Planning Department



MEMO

DATE: March 17, 2021

TO: Planning & Zoning Commission

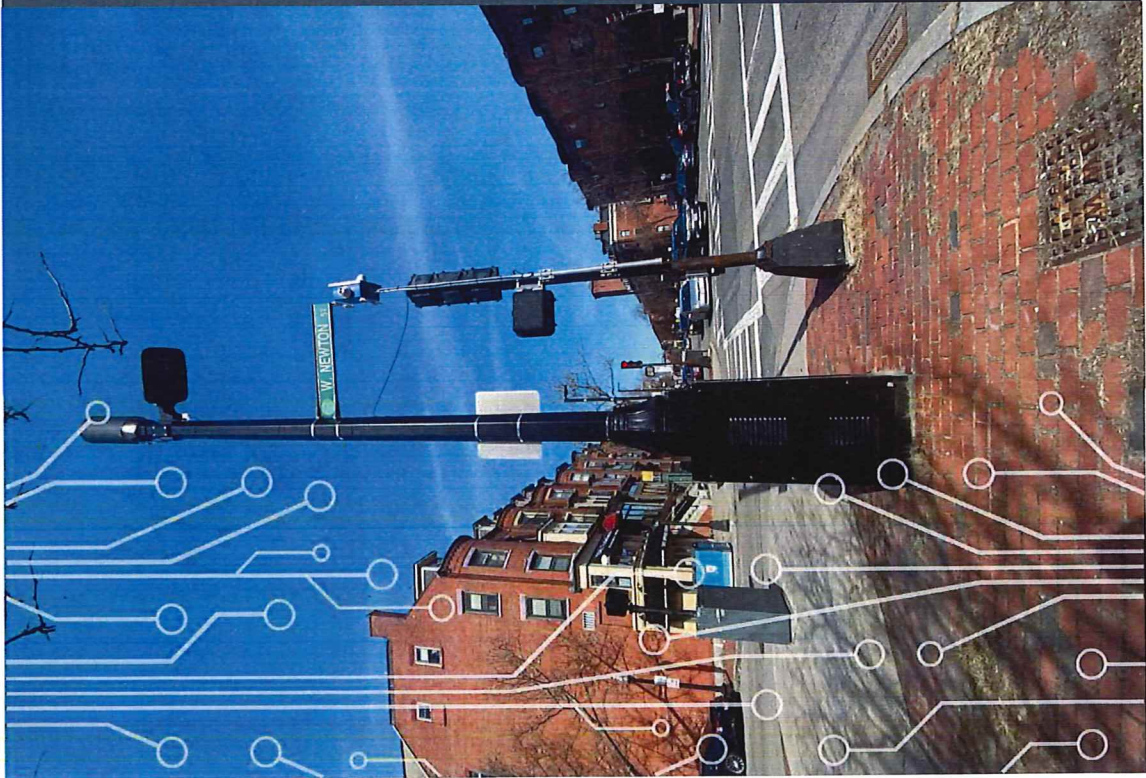
FROM: Barbra Galovich, CZET, Land Use Assistant, on behalf of the Ellington Economic Development Commission

SUBJECT: Municipal Strategies for Regulating Small Cell Wireless Facilities

At the Economic Development Commission meeting held on March 10, 2021, commissioners discussed Municipal Strategies for Regulating Small Cell Wireless Facilities. Following is a summary of discussion:

Ms. Houlihan summarized materials she received from a Zoominar, which she and Commissioner Hurley attended, that discussed municipal strategies regarding small cell wireless facilities. She believes this information should be brought to the attention of the Planning and Zoning Commission to establish regulations regarding where small cell wireless facilities can be located and their appearance. She stated that the Connecticut Siting Council will consider town regulations that are in place when deciding applications to install 5G facilities. Ms. Houlihan encouraged members interested in understanding this topic more fully to review the handout. She referred to item #1 regarding a public private arrangement that could potentially encourage installation of infrastructure and improve access to 5G technology. Discussion ensued. The EDC supports the initiative in a way that makes the technology accessible, but without jeopardizing Ellington's overall view shed.

BY CONSENSUS AGREED TO EXPRESS TO THE PLANNING AND ZONING COMMISSION THAT THE EDC SUPPORTS REGULATIONS FOR SMALL CELL WIRELESS FACILITIES THAT ENABLES 5G ACCESSIBILITY FOR ELLINGTON BUSINESSES AND RESIDENTS WHILE SETTING STANDARDS TO PROTECT VIEW SHED, AESTHETICS AND RIGHT-OF-WAYS.



MUNICIPAL STRATEGIES FOR REGULATING SMALL CELL WIRELESS FACILITIES

FINDINGS FROM THE
WESTCOG LAND USE PLANNING FOR WIRELESS
TELECOMMUNICATIONS TASK FORCE

FEBRUARY 25, 2021

KRISTIN FLOBERG & CHARLES VIDICH



WESTCOG

OVERVIEW

- ❖ Fifth Generation Broadband Overview
- ❖ Regulatory Developments
- ❖ Jurisdictional Issues
- ❖ Review of the Strategic Options
 - License Agreement
 - Right of Way Ordinance
 - Zoning for Small Cell Wireless Facilities (SWF)
 - Municipal Ordinance
- ❖ Summary

TECHNICAL TERMS

Hertz – a unit of frequency equal to one cycle per second

Giga Hertz (GHz) – a unit of frequency equal to 1 billion cycles per second

Radio Frequency – FCC radio service between 99KHz and 300 GHz

Radio Spectrum Allocation – bandwidth allocated between 9KHz-275 GHz

Bit – a unit of measure to quantify computer data

Megabits per second (mbs) – a unit of data transfer rate equal to 1,000,000 bits per second

Gigabits per second (gbs) – a unit of data transfer rate equal to 1,000,000,000 bits per second

5G - fifth-generation cellular network technology

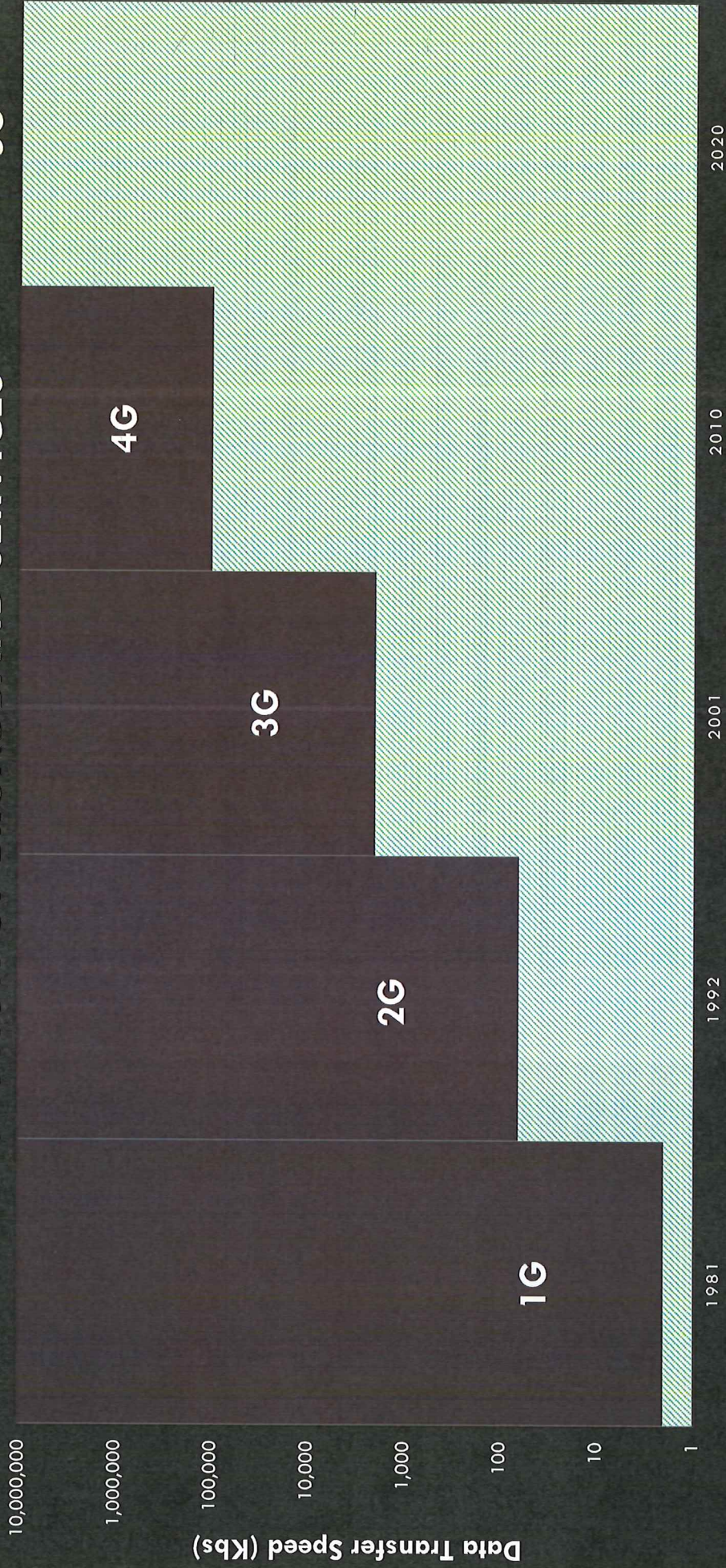
SWF – small wireless facility

Dark Fiber – fiber optic cable that has been laid in the ground that isn't being used (extra capacity)

Deep Fiber – connection between node and customer ("last mile")

EVOLUTION OF BROADBAND SERVICES

5G



2020

2010

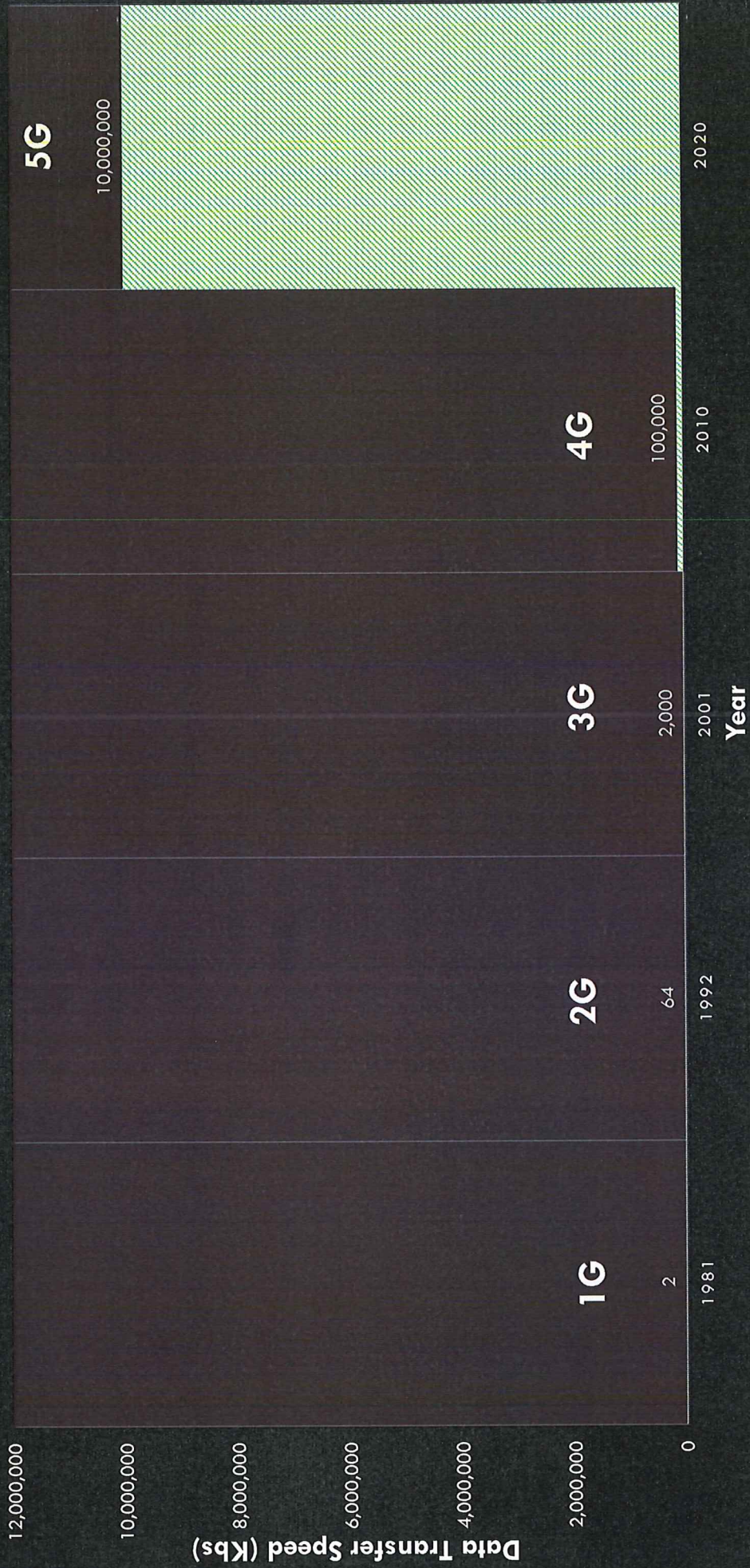
2001

1992

1981

Year

EVOLUTION OF BROADBAND SERVICES



THE VISION FOR 5G – A WORK IN PROGRESS

Innovations which 5G is expected to enable:

Remote robotic surgery	Biometric authentication
Internet of Things	3D printing
Enhanced industrial automation	Increased access to virtual medical care
Smarter homes and cities	Safer autonomous vehicles
Next generation wearables	Artificial intelligence and machine learning
Smart grids/energy	Improved emergency response
Virtual reality experiences	Advances in genomics

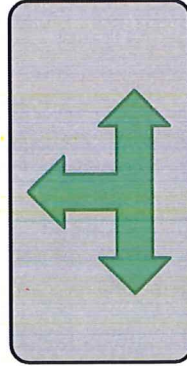
Source: PSB Survey of 3,588 Business Decision Makers, 2018, p. 124

6 FCC REGULATORY DEVELOPMENTS



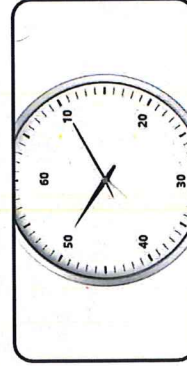
Reasonable Viewshed and Design Standards

- Reasonable Historic Preservation Standards
- Reasonable and Transparent Viewshed Requirements



Limiting Restrictive Land Use Controls

- No Undergrounding Requirements
- Restrict Minimum Spacing of Small Cells



Reducing Cost and Time of 5G Broadband

- Shot Clock Concept
- Restriction on Broadband Fees

SHOT CLOCK REVIEW TIME LIMITS

Shot Clock to Remain in Place for Towers and 4G Macrocells (2009) –NOT for SWF

90 Day Shot Clock for co-
location applications

150 Day Shot Clock for
applications other than co-
locations



New Shot Clock Concept as of 2019 for SWF

60 Day Shot Clock for co-
location on a pre-existing
structure

90 Day Shot Clock for
attachment to a new structure

HOW DOES THE SHOT CLOCK WORK?

- All applicable permits must be approved (or denied) in the shot clock period
- Potentially relevant permits that can span across various departments:
 - Building
 - Zoning and Architectural
 - Electrical
 - ROW, etc.

For example:

Application for a SWF co-located on an existing flagpole

- Clock begins the day the application is received
- 10 days to review application for incompleteness
- 50 days to issue permits (ROW?, Zoning?, Electrical?)

SMALL WIRELESS FACILITIES (SWF)

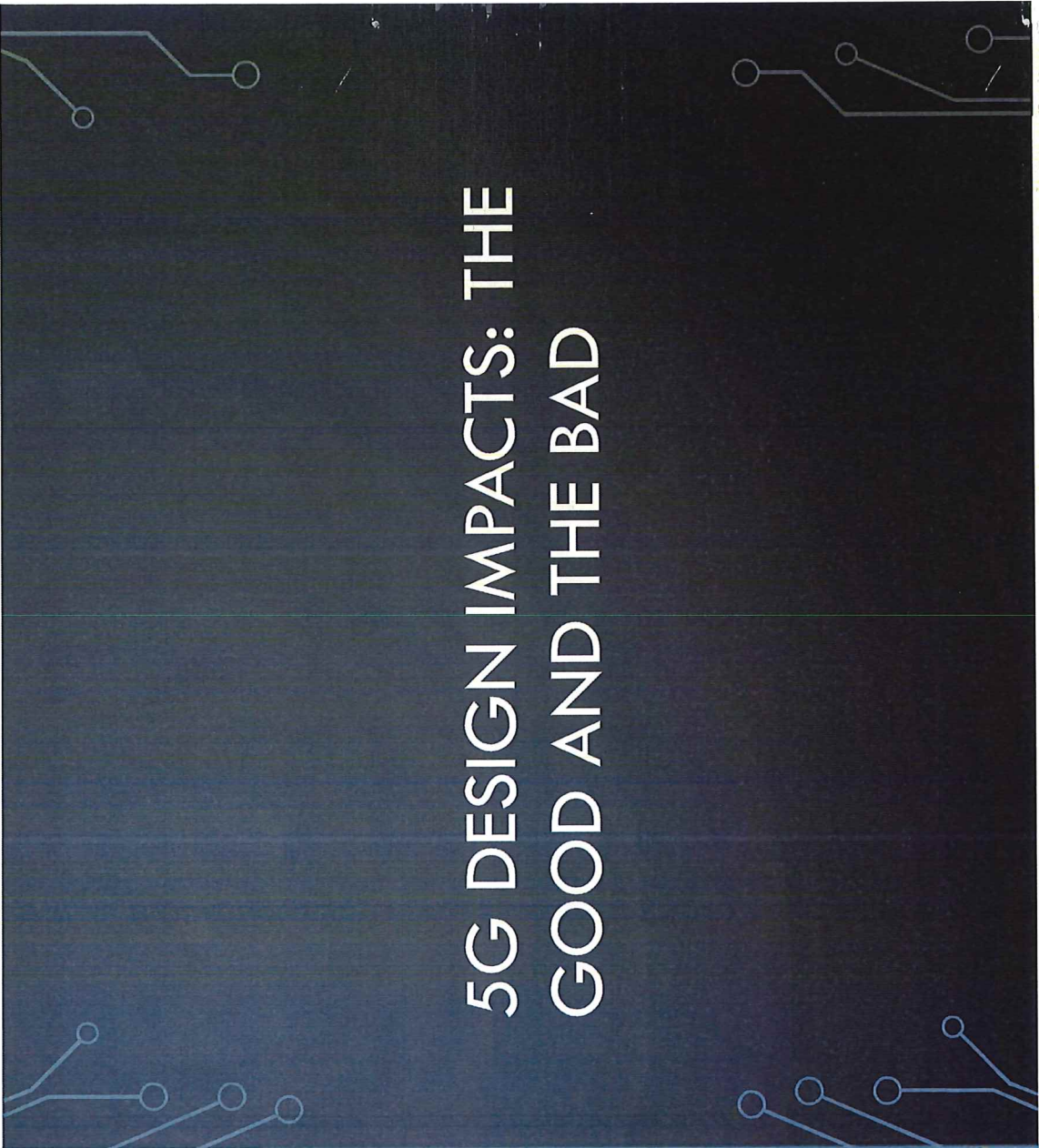
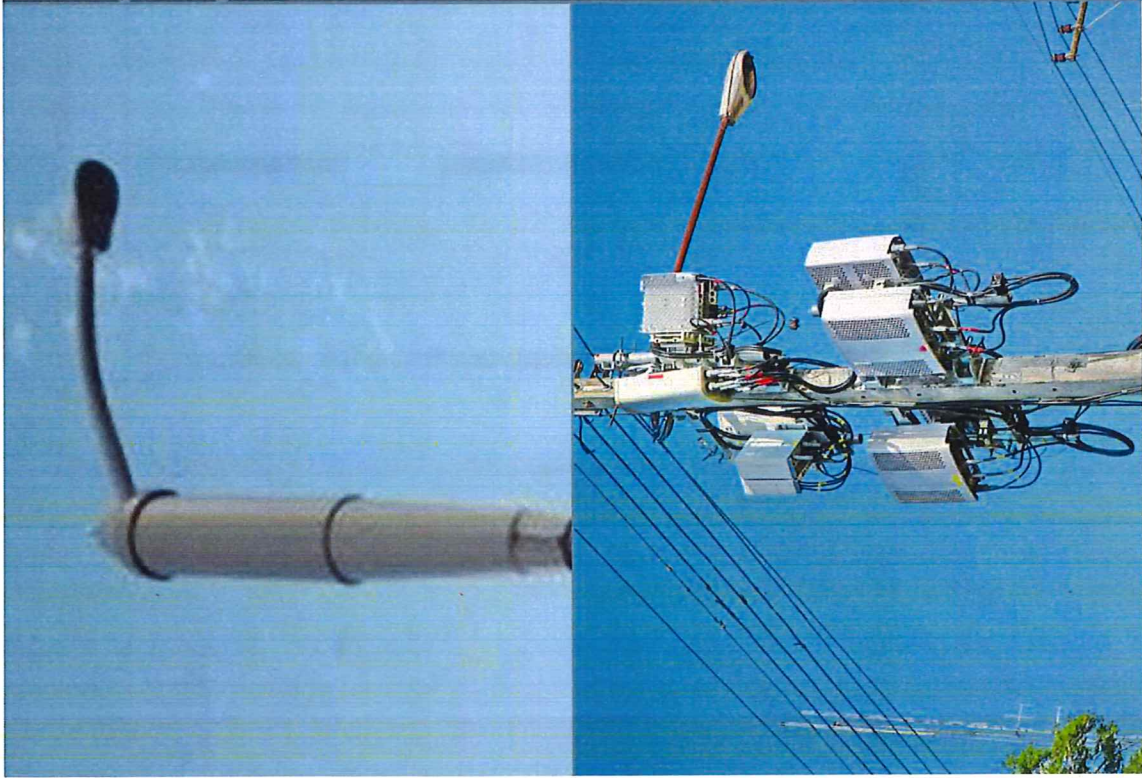


<https://www.freerangekids.com/the-lonely-refrigerator/>

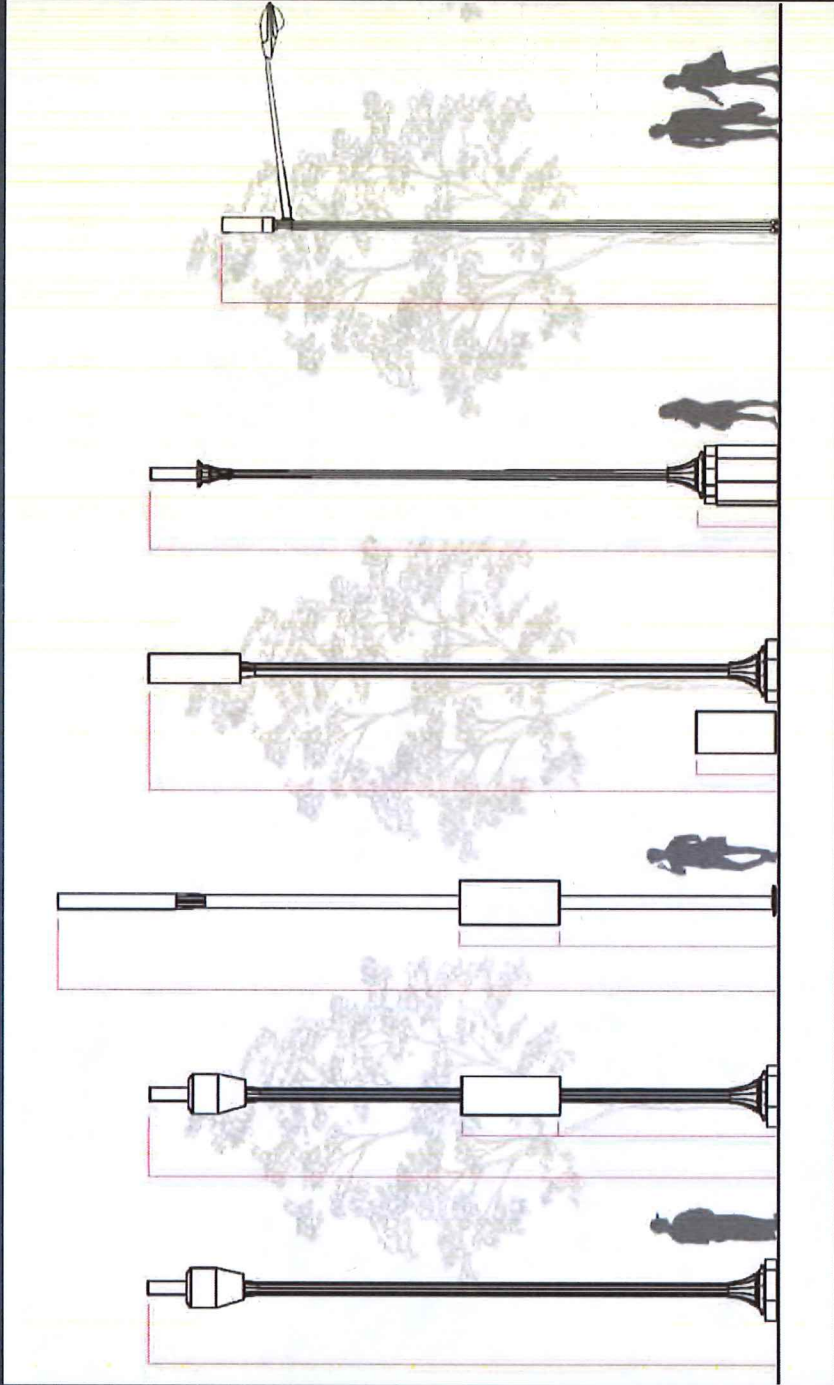
A SWF must meet the following conditions:

- Mounted on a structure 50 feet in height or less
- Cannot be more than 10% taller than adjacent structures
- Antenna limited to 3 cubic feet
- Other SWF equipment limited to 28 cubic feet
- Radio frequency radiation within FCC safety standards

5G DESIGN IMPACTS: THE GOOD AND THE BAD

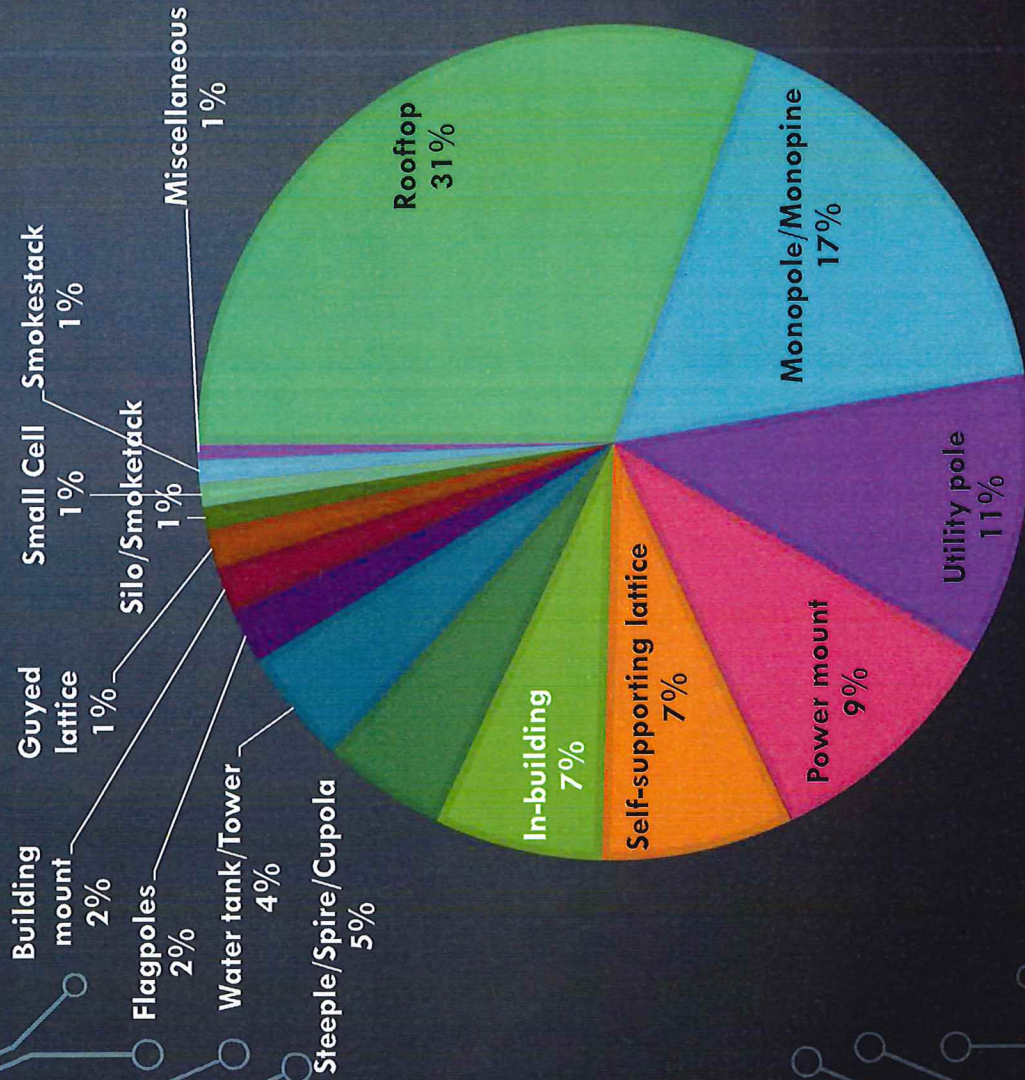


AESTHETIC STREET POLES DESIGNED FOR 5G



Source: National Capitol Planning Commission, 2018

Tower and Small Cell Locations in Western CT



Source: Connecticut Siting Council Database, November 18, 2019

JURISDICTIONAL ISSUES

The authority to regulate
telecommunication facilities revolve
around a complex set of federal and
state laws, case law, state
regulations, State Agency Docket
decisions and municipal authorities.

JURISDICTION OVER SWF AND DISTRIBUTED ANTENNA SYSTEMS (DAS) IN CONNECTICUT

Scenarios of How Small Wireless Facilities (SWF) and Distributed Antenna Systems (DAS) are Regulated in the State of Connecticut

P=Primary Regulatory Authority(ies) A=Advisory Authority

FCC= Federal Communications Commission; CSC= CT Siting Council; PURA = Public Utilities Regulatory Auth.

Municipality
PURA
CSC
FCC
CT DOT

Licensing of Mobile Broadband Services

Radio Frequency (RF) Exposure Standards

Radio Frequency (RF) Certification for SWF

Radio Frequency Exposure Validation Assessment (CSC jurisdiction)

Radio Frequency Exposure Validation Assessment (Local jurisdiction)

Siting SWF on Towers

Siting SWF on Monopoles

Siting SWF on Towers above Bldgs. where antenna is high relative to its surroundings and owned by Public Service Company (PSC)

Siting SWF on Electric Transmission Lines

SWF on Bldgs. or other structures whose primary purpose is a tower

P

P

P

P

P

P

A

P

A

P

A

P

A

P

A

CONTINUED

Scenarios of How Small Wireless Facilities (SWF) and Distributed Antenna Systems (DAS) are Regulated in the State of Connecticut
 P=Primary Regulatory Authority(ies) A=Advisory Authority
 FCC= Federal Communications Commission; CSC= CT Siting Council; PURA = Public Utilities Regulatory Auth.

	FCC	CSC	PURA	Municipality	CT DOT
SWF on Electric Distribution Lines			P	A	
SWF on support poles for Electric Distribution Lines			P	A	
SWF on the sides of occupied buildings not owned by PSC				P	
SWF on buildings where antenna is not high relative to its surroundings not owned by PSC				P	
SWF on structures whose principal purpose is not a tower (e.g., functioning water tanks) and not owned by PSC				P	
SWF associated equipment in state road right of way on Utility Pole			P		P
SWF associated equipment in state road right of way on Monopole		P			P
SWF associated equipment in local road right of way on Utility Pole			P	P	
SWF associated equipment in local road right of way on Monopole		P			P

Electromagnetic Spectrum

Non-Ionizing

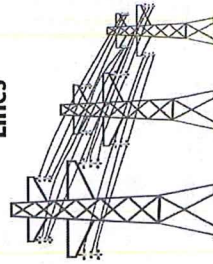
Ionizing



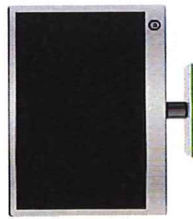
Low Frequency

High Frequency

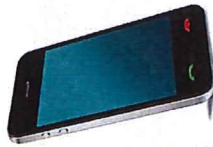
Power Lines



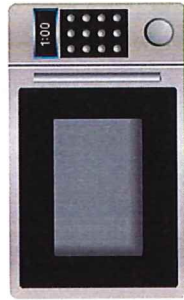
Radio & TV Waves



Cell Phones



Microwaves



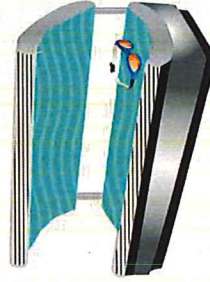
Infrared Devices



Visible Light



Ultraviolet Radiation



X-rays



Radioactive Waste



How is non-ionizing radiation different from ionizing radiation?

Put simply, non-ionizing radiation differs from ionizing radiation in the way it acts on materials like air, water, and living tissue

Unlike x-rays and other forms of ionizing radiation, non-ionizing radiation does not have enough energy to remove electrons from atoms and molecules. Non-ionizing radiation can heat substances. For example, the microwave radiation inside a microwave oven heats water and food rapidly.

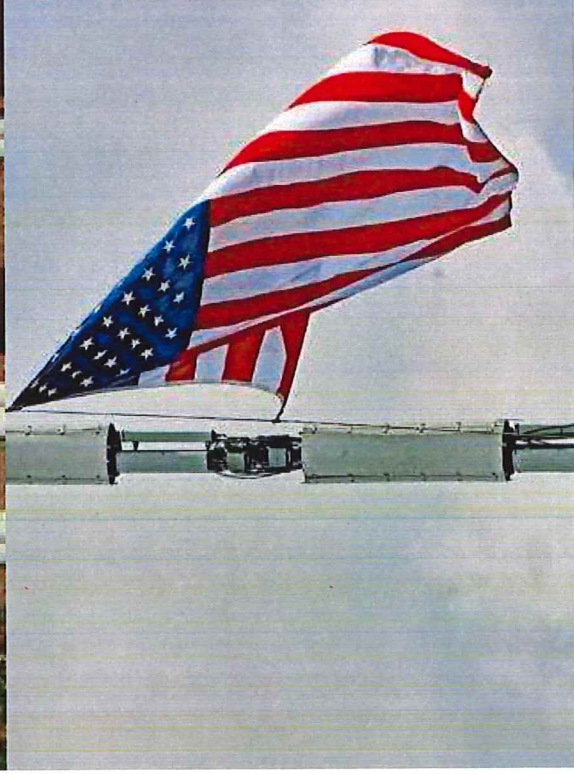
FEDERAL POLICIES ON 5G RELATED HEALTH ISSUES

- “While there is no federally developed national standard for safe levels of exposure to radiofrequency (RF) energy, many federal agencies have addressed this important issue.”
 - OSHA – The General Duty Clause
 - FDA – Policy Letter to Congress (1998)
 - EPA – Letter Accepting FCC Exposure Limits (1999)
 - FCC – Office of Engineering and Technology (1999)
- Radiofrequency Interagency Work Group
- FCC’s guidelines & rules regarding RF exposure are based upon standards developed by IEEE and NCRP and input from other federal agencies.
 - FCC relies on national & international organizations to provide substantive assessments to make its decisions.
- FCC, Second Report and Order, Memorandum Opinion and Order, and Termination of Notice of Inquiry, ET Docket No. 03-137, ET Docket No. 13-84, FCC 19-126, adopted November 27, 2019 and released December 4, 2019.

FCC is final arbitrator of radio frequency exposures associated with the broadband industry.

WHY IS THIS IMPORTANT?

- Many of these installations will shift from towers- where CSC or PURA have primary authority- to municipalities for primary authority
- 2018 FCC 5G FAST Plan – new regulations aimed at expediting the mass deployment of small wireless facilities
- State priority – Governor Lamont’s 2021 State of the State
- Public Interest - both for and against



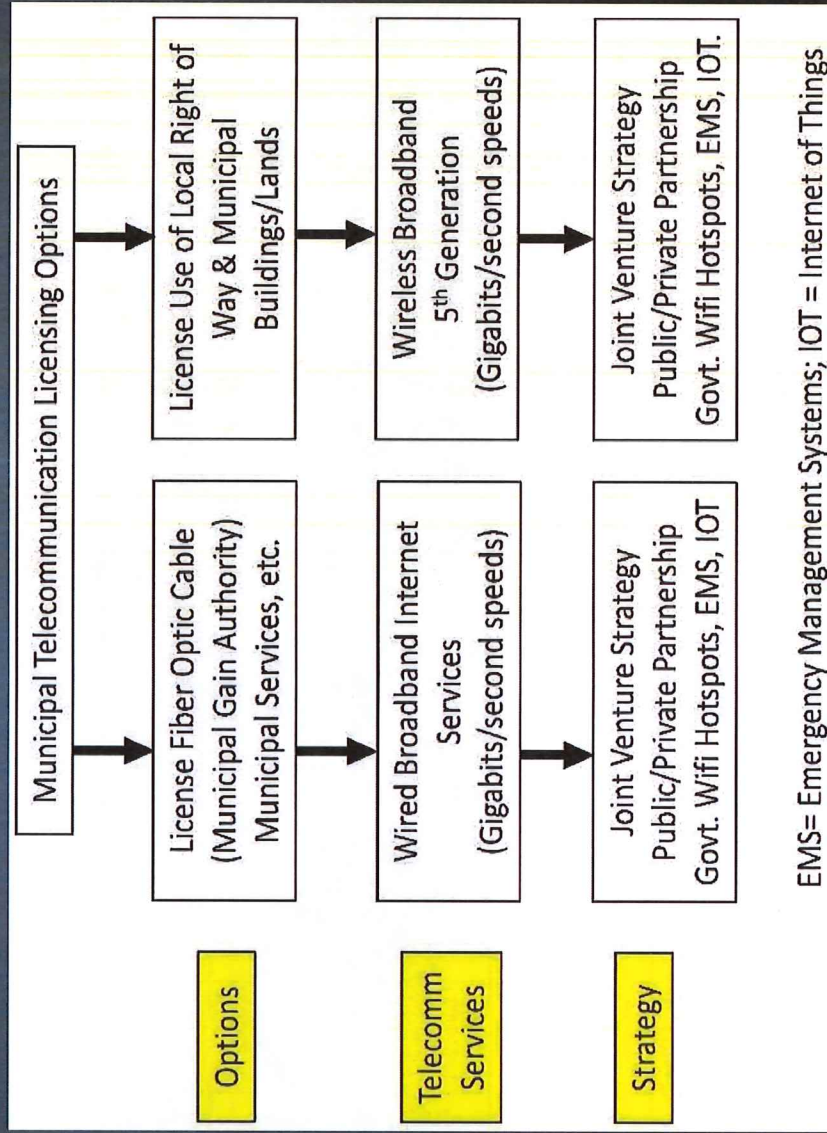
**Four Major
Options to
Manage
Deployment
of Small Cell
Wireless
Facilities**

- 1. License Agreement**
- 2. Right of Way Ordinance**
- 3. Zoning Ordinance**
- 4. Municipal Ordinance**

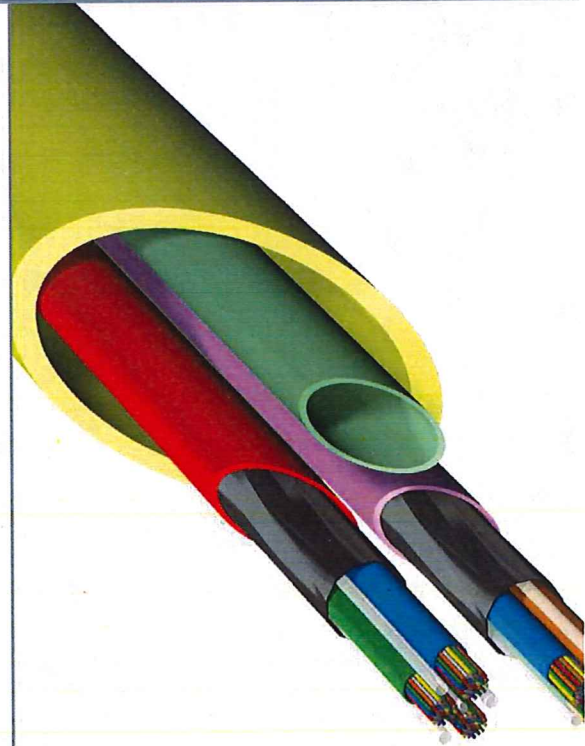
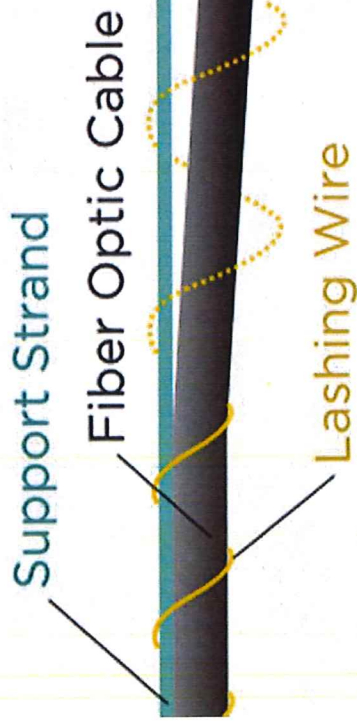


#1. LICENSE AGREEMENT

THE BUSINESS STRATEGY: LICENSING WIRED AND/OR WIRELESS TELECOMMUNICATION PROVIDERS



EMS= Emergency Management Systems; IOT = Internet of Things



MUNICIPAL GAIN – WHAT IS IT?

Municipalities have the right to place fiber optic cable on utility poles or in underground conduit within the right of way. Two methods:

1. Overlashing fiber to existing support is one option
2. Inserting fiber into underground conduit is the other option

THE MUNICIPAL LICENSING OPTION

Task Force Process

- Reviewed over 20 Municipal Licensing Agreements Nationwide
- Prepared Technical Evaluation of the 10 Best Licensing Agreements
 - Identified 101 discrete elements within these Licensing Agreements
- Consulted with Cities of Boston, Baltimore, Stamford & New York on their licensing strategies

Resources Available from WestCOG

- **Chapter 2:** Strategies for Managing the Deployment of 5G Small Cell Facilities
- **Chapter 3:** Scope of Municipal Authority over Small Cell Wireless Facilities
- **Chapter 7:** The Case for Municipal Licensing Fiber Optic Cable
- Copies of Model Municipal Licensing Agreements Available upon Request
- **Appendix F:** Resource Document with weblinks to 20 License Agreements

LICENSING = KEY TO FISCAL MANAGEMENT

- Most municipalities don't have the technical expertise to create wired or wireless telecommunication systems
- Municipal partnerships with private sector telecommunication providers start with a license agreement
- Critical elements of the agreement include:
 - Bilateral fiscal obligations
 - Managing multiple pole users
 - Emergency procedures
 - Maintenance and repair
 - Termination rights and buyout protocols



#2. RIGHT OF WAY ORDINANCE

WHY REVISE YOUR ROW ORDINANCE?

- Small Cell Wireless Facilities (SWF) are being deployed along major highway corridors
- Significant public safety issues are triggered by SWF deployments:
 - **Intersection & driveway sightlines** affected by antenna and accessory equipment
 - **Safety at pedestrian crossings** may be impacted by ancillary equipment
 - **Damage to buried infrastructure** such as tree roots, sewer and water lines
 - **Highway safety hazards** from fiber optic work in roadway
 - **Need for accurate municipal inventory of buried infrastructure**

THE RIGHT OF WAY ORDINANCE OPTION

Task Force Process

- Reviewed 10+ Municipal Right of Way Ordinances Nationwide
- Reviewed Existing Road Encroachment Ordinances in WestCOG Region
- Prepared Technical Evaluation of the Best ROW Ordinances
 - Identified 16 discrete elements unique to Small Cells within these ordinances
- Prepared Technical Evaluation of Municipal ROW Authorities

Resources Available from WestCOG

- **Chapter 3:** Scope of Municipal Authority over Small Cell Wireless Facilities
- **Chapter 5:** The Case for a Municipal Right of Way Ordinance for Wireless Telecommunication Facilities
- **Appendix C:** Model Right of Way Ordinance



#3. ZONING ORDINANCE

THE ZONING AMENDMENT OPTION

Task Force Process

- Reviewed over 20 Municipal Zoning Ordinances Nationwide
- Reviewed & evaluated 120 (all) Telecommunication Regulations Statewide
- Prepared Technical Evaluation of Connecticut's Zoning Regulations vis a vis Small Cells
- Reviewed Federal and State Laws, Regulations and Case Law on SWF

Resources Available from WestCOG

- **Chapter 4: The Case for Small Cell Wireless Facility Zoning Regulations: Challenges and Opportunities**
- **Appendix D: Ten Things Local Zoning Commissions Can Do to Comply with 2018 Federal Communications Commission Regulations and Public Concerns**

COMPARISON OF WESTCOG MUNICIPALITIES TO STATEWIDE ZONING TRENDS

Key Zoning Issues for Telecommunications	Statewide	Western CT
Encourage Co-Location	71.6%	72.2%
Require an Alternatives Analysis	62.1%	61.1%
Set Location Preferences	60.4%	38.8%
Require a View Shed Analysis	53.3%	61.1%
Require Radio Frequency Emissions Report	53.3%	55.5%
Allow SWF on Buildings	51.5%	83.3%
Specify Height Limits of SWF on Buildings	45.0%	61.1%
Require Annual RF Verification Report	12.4%	16.6%
Prohibit Towers in Protected Open Space	8.9%	16.6%

DO LOCATION PREFERENCES MATTER?

**Connecticut Siting Council
Must Consider Municipal
Preferences – CGS 16-50x**

- 15% prefer small cells are concealed in bldgs.
- Zoning priorities should be revisited

**Municipalities Should
Revamp Their Siting Priorities
to Reflect Changing Times**

- Micro-scale aesthetics is an issue
- Concealment of small cells on bldgs. is an issue

**An Educational Program is
needed to Assist Zoning
Commissions**

- Focus should be on revising zoning regulations to address fifth generation broadband

TEN PRIORITY ZONING RECOMMENDATIONS

There are unique land use issues associated with small cell wireless facilities. Our analysis identified the following as high priority improvement areas for Connecticut Planning and Zoning Commissions:

Location Considerations	Administrative Review	Design Concerns
Explicit Siting Preferences	Use Zoning Permit Process	SWF Design guidelines
Alternative Analysis	Explicit Approval Criteria	Historic Preservation Guidelines
Prohibit in Open Space	RF Emission Reports	Reasonable Viewshed Regs.
Identify Municipal Bldgs. suitable for SWF		

ZONING TAKEAWAYS

Small Cell Wireless Facilities Have Different Impacts Than Towers

- Small cells are more prominent in the urban landscape
- Zoning regulations need revision to reflect this reality

CT Siting Council Relies on Municipal Siting Preferences

- Most municipalities prefer bldg. or pole locations for small cells
- Few municipalities have required concealment of small cells

FCC Requires Reasonable Standards*

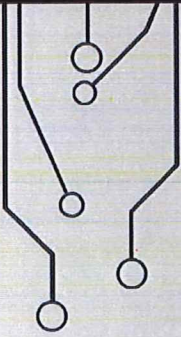
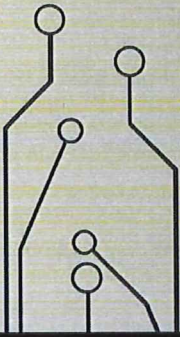
- Applies to view-shed analysis & other review factors

A Wide Range of Evaluation Factors Need Revisiting

- Height, spacing and aesthetics of small cells
- Radio frequency emission reports and their frequency

*On August 12, 2020 U.S. Court of Appeals for the Ninth Circuit Court vacated FCC regulations for “objective” aesthetic standards but upheld those provisions requiring aesthetic standards to be reasonable – meaning in this context – technically feasible.

#4. MUNICIPAL ORDINANCE



THE MUNICIPAL ORDINANCE OPTION

Task Force Process

- Reviewed over 20 Municipal Telecommunications Ordinances Nationwide
- Prepared Technical Evaluation of the 13 Best Municipal Ordinances
- Identified 92 discrete elements within these ordinances (**Appendix G**)
- Consulted with Staff from CT OPM, City of Boston & Mobile Broadband Industry

Resources Available from WestCOG

- **Chapter 3:** Scope of Municipal Authority over Small Cell Wireless Facilities
- **Chapter 6:** The Case for Municipal Ordinance
- **Appendix A:** Model Municipal Ordinance
- **Appendix B:** Resource Document with links to 13 SWF Municipal Ordinances
- **Appendix E:** What are the Costs of Managing 5G in your Municipality?
- Presentation on the Elements of the Model Municipal Ordinance

BENEFITS OF A MUNICIPAL ORDINANCE

Administrative
Efficiency

Meeting FCC
Shot Clock
Standards

Municipal
Ombudsman

Unified Fee
Schedule

Long-term
Licensing Of
SWF

SUMMARY OF SUGGESTIONS FOR MUNICIPALITIES TO CONSIDER

- **Municipalities Can Influence Wired & Wireless Service Performance**
 - Municipal gain option is a key business opportunity
 - Licensing use of municipal infrastructure requires a business plan
- **Anticipate New Land Use, Environmental and Public Safety Issues**
 - Small Cell Wireless Facilities create much different impacts than towers
- **Anticipate Public Concerns with 5G Wireless Service**
 - Address public safety and validate FCC radio frequency exposure standards
 - Public education is a critical element to the success of improved telecommunication services.

QUESTIONS?

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More information can be found at: <https://westcog.org/regional-planning/wireless/>