



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MARCH 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, SECRETARY ROBERT SANDBERG, JR, REGULAR MEMBERS RICCI HIRTH AND MICHAEL SWANSON, AND ALTERNATES JON MOSER AND KEN RADZIOW; VIA ZOOM: REGULAR MEMBER WILLIAM HOGAN

MEMBERS ABSENT: REGULAR MEMBER F. MICHAEL FRANCIS

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 7:03 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. (*Continued from February 22, 2021 meeting.*)

TIME: 7:03 PM

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

Attorney Bruce Fader of Jacobs, Walker, Rice & Barry, LLC, 146 Main Street, Manchester, CT, Mark Peterson, Gardner & Peterson, LLC, 178 Hartford Turnpike, Tolland, CT, Heather Hollay-Farr, 154 Crystal Lake Road, and Mary Hollay, 156 Crystal Lake Road, were present to represent the application.

Attorney Fader reviewed the discussion from the previous meeting. He stated the merging of the two lots will present issues for the Hollay family. He referred to having the barn and house with common septic system with lot line adjustment or the possibility of merging the two lots, but there is a current mortgage from the Department of Agriculture on 154 Crystal Lake Road that would violate the mortgage. He said if the Hollay's have a dormitory on 154 Crystal Lake Road with arena, they would need to construct a new septic system, which is not financially feasible for the family. Attorney Fader stated that all of the suggestions present problems.

Mark Peterson reviewed maps which shows the proposed lot line if the Hollay's decide to do a lot line adjustment between the two parcels. Mr. Peterson said he has been in contact with Sean Merrigan,

CT Department of Health's Environmental Engineering Program. He noted that Mr. Merrigan stated in his email dated March 15, 2021 the proposed lot line change to the property 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. 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.

Attorney Fader stated he submitted a draft lease agreement between the two owners and allowing a Special Permit for the dormitory would be most cost efficient for the Hollay's.

Chairman Hoffman questioned how the parcel has a barn on 1.77 acres when at least 3 acres is required to have any agricultural uses. He noted that the issue was created by the owners when the land was subdivided to receive a grant from the Department of Agriculture. Attorney Fader stated it was an agricultural split. Secretary Sandberg stated the request for the Special Permit is more of an accessory apartment rather than a dormitory. Commissioner Hirth and Swanson agreed with Secretary Sandberg and explained that the commission is trying to work with the applicants and come to a resolution to the zoning violations created for the unpermitted dwelling that meet current zoning regulations.

Attorney Fader expressed if the special permit for the dormitory is denied, it will cost the Hollay Family an additional 15 -30 thousand dollars to install a septic system on 154 Crystal Lake Road.

Alternate Radziwon discussed with Mark Peterson about the lot line adjustment and having two homes on one septic system. He suggested the owners apply to the Department of Energy and Environmental Protection (DEEP) for a community septic system.

Commissioner Hogan stated the proposed lease agreement is inconsistent. He asked for the square footage of the existing horse barn on the upper level that has been converted into living space and requested the footprint of the existing second floor be submitted to the Planning Office and added to the application.

Lisa Houlihan, Town Planner, noted she consulted with the Town Attorney in reference to Attorney Fader's documentation provided to the Planning Department on March 17th. They reviewed the regulations regarding the request for special permit. She noted Section 3.1.1 agricultural uses for "dormitories for farm help accessory to an agricultural operation in Ellington" and Section 10.2 defines

accessory building or use as “a building or use subordinate to and on the same lot with a principal building or use”. The dormitory does not meet the technical terms of the regulations and there’s lack of authority to grant the special permit.

Tom Thomches, 10 George Drive, Vernon, reiterated from the previous meeting that his concern is what could potentially happen in the future with the farm and the general appearance of the land. He asked if they were utilizing the trailers for hay storage.

MOVED (KELLY) SECONDED (SWANSON) TO CONTINUE THE HEARING TO THE NEXT MEETING ON MONDAY, APRIL 26, 2021, 7:00 PM 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: 8:08 PM

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

BY CONSENSUS, TABLE OPENING OF HEARING TO THE NEXT MEETING ON MONDAY, APRIL 26, 2021, 7:00 PM 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.

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.

Time: 8:08 PM

Seated: Hoffman, Kelly, Sandberg, Hogan, Hirth, Swanson and Moser

Christy Morin, 267 Jobs Hill Road, was present to represent the application. Ms. Morin stated that this past October they lost the entire stall portion of the barn to a fire, which included 22 stalls on the first floor and storage on the second floor. The 60'x120' indoor riding arena and 36'x36' attached storage building survived the fire with minimal damage. She explained the best way to utilize the remaining buildings is 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 rear of the existing building. The 70'x192' building will be attached to the existing building by a 16'x25' connector and will contain a 70'x152' indoor riding arena with a 40'x70' storage area. The front 30'x30' building will be used for dry storage. Ms. Morin confirmed the structures will not be used for residential purposes.

Ms. Houlihan explained Ms. Morin received a variance from the Zoning Board of Appeal for the front yard setback and Planning Department received comments dated February 16, 2021 from the Building Official stating, “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.” Ms. Houlihan noted the narrative provided with the application stated the facility’s hours of operation, boarding of horses, riding lessons, pony parties, and summer programs to be provide onsite. After a brief discussion, it was decided that the temporary use of port-a-potty would be acceptable until a septic system is installed.

Alan and Louise Gowdy, 265 Jobs Hill Road, are neighbors of Ms. Morin and they are in favor of the rebuilding of the barn and the owners have been working hard to clean up the site after the fire.

By consensus, the commission granted staff authority to permit signage for the horse facility through application for zoning permit and acknowledged no further review is needed by the commission for the installation of bathroom facilities within the new structures.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING 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 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.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS 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 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.

CONDITIONS OF APPROVAL:

- Onsite sewage disposal system shall be installed within 36 months from the date of the Certificate of Occupancy, subject to approval from North Central District Health Department;
 - Shall comply with Building Department’s requirement;
 - Signage shall comply with the Ellington Zoning Regulations and is subject to issuance of a Zoning Permit.
4. Z202103 – Proposed text amendment to add Section 6.6 - Access Management to the Ellington Zoning Regulations.

Time: 8:30 PM

Seated: Hoffman, Kelly, Sandberg, Hogan, Hirth, Swanson and Moser

Ms. Houlihan said the proposed text was referred to staff for comment and Department of Public Works and the Town Engineer provided written support for the proposal. She reviewed the Capitol Region Council Of Government’s response received March 12, 2021, stating they found no apparent conflict with regional plans and policies or the concerns of neighboring town and commend efforts for incorporating access management regulations to improve traffic flow and roadway safety. They also encouraged the commission to include language that considers pedestrian and bicyclist safety. Ms. Houlihan reviewed the proposed changes from the Town Attorney and explained none of the revisions change the context of the draft language and it does not have to be referred to the CRCOG again. She said if the commission supports the proposal, as modified, the amendment is ready for vote and adoption.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202103 – Proposed text amendment to add Section 6.6 - Access Management to the Ellington Zoning Regulations.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE AS MODIFIED FOR Z202103 – Proposed text amendment to add Section 6.6 - Access Management to the Ellington Zoning Regulations.

EFFECTIVE DATE: APRIL 1, 2021

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.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR APRIL 26, 2021, 7:00 PM FOR 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.

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.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR APRIL 26, 2021, 7:00 PM FOR 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.

3. Z202106 – Andre & Amanda Nowzarinezhad, 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 structure (35X60) accessory to a single-family home at 57 Windermere Avenue, APN 011-019-0000, in an IP (Industrial Park) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR APRIL 26, 2021, 7:00 PM FOR Z202106 – Andre & Amanda Nowzarinezhad, 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 structure (35X60) accessory to a single-family home at 57 Windermere Avenue, APN 011-019-0000, in a IP (Industrial Park) Zone.

4. Z202107 – 71 Abbott Road, LLC, owner/ Jeff Zanelli, applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for an agricultural-related business office within existing building #1 and minor Site Plan Modification for parking and construction of covered entrance at 78 Abbott Road, APN 033-012-0000, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR APRIL 26, 2021, 7:00 PM FOR Z202107 – 71 Abbott Road, LLC, owner/ Jeff Zanelli, applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit to allow an agricultural-related business office within existing building #1 and minor Site Plan Modification for parking and construction of covered entrance at 78 Abbott Road, APN 033-012-0000, in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of February 22, 2021 Regular Meeting Minutes.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE FEBRUARY 22, 2021 REGULAR MEETING MINUTES AS WRITTEN.

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.

Ms. Houlihan summarized the new proposed text amendment received from the East Windsor Planning and Zoning Commission for the commission. The applicant, SJK Properties, is only proposing a text amendment versus a text amendment and a zone change like the former applications. The proposal suggests to modify East Windsor’s multi-family regulations and allow an increased density from approximately 46/48 units for a single family development to 98 or so units; the last proposal would’ve allowed approximately 150 units. The new language states “any additional means of egress, except as required by Section 802.17(h) shall only be permitted via a collector or arterial roadway.” The road the development is located on in East Windsor is Broad Brook Road which continues into Ellington. However, some years ago Route 140 was realigned and portions of roads abandoned/transferred to abutting landowners and Broad Brook Road in Ellington was redesigned with a 90 degree intersection and stop sign before reaching Route 140. GIS mapping was reviewed in proximity to Quarry Meadows and the current and former configuration of Broad Brook Road. The commission agreed a text amendment should be proposed to update Section 2.1.10 Highway Clearance Setback to reflect the change in roadway design from the Route 140 realignment.

The commission questioned if a traffic study is present for the East Windsor proposal. A traffic report is not required until special permit and site plan approval is sought. If the proposed text amendment is approved, the applicant has to apply for a zone change then special permit and site plan approval. The commission reviewed their comments for the previous proposal and agreed their concerns remain the same for this application.

BY CONSENSUS, REQUESTED A MEMO BE SENT TO EAST WINDSOR PLANNING AND ZONING COMMISSION EXPRESSING CONCERNS FOR INCREASE TO TRAFFIC ON RURAL ROADS, INCREASE IN RUNOFF AND WATER QUALITY ISSUES, CONCERNS FOR NEGATIVE IMPACT TO WETLANDS AND BROAD BROOK.

- 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.

BY CONSENSUS, ENDORSED CONTINUATION OF TEMPORARY OUTDOOR DINING CERTIFICATE PROCESS.

- c. Discussion regarding Municipal Strategies for Regulating Small Cell Wireless Facilities and referral from Ellington Economic Development Commission.

Ms. Houlihan shared documents with the commission pertaining to possible regulations for small wireless facilities.

BY CONSENSUS, REQUESTED STAFF PREPARE DRAFT TEXT AMENDMENT TO ESTABLISH STANDARDS FOR LOCATIONAL AND AESTHETIC CONSIDERATIONS FOR SMALL CELL WIRELESS FACILITIES.

VII. ADJOURNMENT:

MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 9:06 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk