



STATE OF CONNECTICUT – COUNTY OF
TOLLAND INCORPORATED 1786

TOWN OF ELLINGTON

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**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, APRIL 26, 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**

MEMBERS PRESENT: IN MEETING ROOM: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN SEAN KELLY, SECRETARY ROBERT SANDBERG, JR, REGULAR MEMBERS F. MICHAEL FRANCIS AND MICHAEL SWANSON, AND ALTERNATE KEN RADZIWON; VIA ZOOM: ALTERNATE JON MOSER

MEMBERS ABSENT: REGULAR MEMBERS RICCI HIRTH AND WILLIAM HOGAN

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**

Chairman Hoffman acknowledged the passing of Clifford Aueter, who was a longtime resident and served on the Planning & Zoning Commission for many years.

- I. PUBLIC HEARING(S):** (Notice requirements met and hearings may commence unless otherwise indicated)
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 March 22, 2021 meeting.)

Time: 7:01 PM

Seated: Hoffman, Kelly, Sandberg, Francis, Swanson, Moser and Radziwon

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

Chairman Hoffman noted the public hearing is a continuation from the last meeting of March 22, 2021. Attorney Fader stated he would like to review a couple of issues and noted he spoke with Lisa Houlihan, Town Planner and Attorney Dorian Famiglietti, Ellington Town Attorney since the last meeting. Attorney Fader stated that according to Ms. Houlihan's interpretation of accessory use, it can only be used with 156 Crystal Lake Road. He noted that upon a discussion with the Town Attorney, he has a signed Affidavit from the two parties located at 154 and 156 Crystal Lake Road. He reiterated that there was a Zoning Permit issued back in 2009 for 156 Crystal Lake Road for the barn, which he

stated is proof that 156 Crystal Lake Road is being used for agricultural use. Attorney Fader said he provided the Planning Office with a signed affidavit and a sketch of the floor plan of the accessory apartment. Attorney Fader said his client has exhausted all other options, other than what they applied for within the proposed Special Permit application. He said that he had a conversation with Ms. Houlihan about possibly dropping the current application and waiting for the new statute that is currently under consideration regarding accessory apartments. His simple answer was no, because that particular proposal doesn't have a certainty of passing legislation. Attorney Fader requested the commission to approve the Special Permit with a list of conditions.

Ms. Houlihan showed on the screen the documents that were provided by Attorney Fader noting all commission members received a copy for tonight's meeting. She stated she believes the commission is looking for a path for the owners to resolve the violations on the property. She explained the application resulted from an enforcement order issued for the accessory dwelling built without permits. The land was subdivided into 154 and 156 Crystal Lake Road in 2005, the zoning regulations at that time had definitions for a farm and in order for a property to be a farm it's required to have at least three acres. Ms. Houlihan reviewed a plan that was provided for the subdivision back in 2005 that shows a proposed barn and proposed two bedroom dwelling to be located on 154 Crystal Lake Road (11 acres) and the structures on 156 Crystal Lake Road (1.77 acres) were existing. She noted the Certificate of Occupancy was issued by the Building Official, not the ZEO, and noted the application for Zoning Permit from 2008 for the accessory structure at 156 Crystal Lake Road stated it was for a 36X40 shed to replace an older structure. She explained the living area on the second floor was constructed without any building or zoning oversight. Ms. Houlihan reiterated that Attorney Fader came before the commission back in July of 2021 for an informal discussion pertaining to the project and the commission stated that the proposal did not fit within a dormitory concept.

Chairman Hoffman spoke about diversify within Connecticut and the proposed application does look like an accessory apartment. We have accessory apartment regulations within the primary dwelling and the State is looking to allow a detached accessory apartment on one parcel of land. He suggested to revise the current accessory apartment regulations.

Vice Chairman Kelly agreed with Chairman Hoffman and asked why the floor plan shows two bathrooms. Attorney Fader stated there is one and a half baths. He stated that 156 Crystal Lake Road was considered a farm back when the Zoning Permit was issued in 2008 for the 36x40 shed.

Secretary Sandberg stated the accessory apartment would be the best option and the proposed dormitory functions like an apartment. Commission Swanson and Alternates Moser and Radziwon agreed with Secretary Sandberg. Chairman Hoffman suggested the commission revise their regulations, noting they should proceed without waiting for legislation. Ms. Houlihan will draft a revised accessory apartment section of the Zoning Regulations for the commission to review taking into consideration what the State is proposing for accessory apartments.

Chairman Hoffman reiterated the commission is looking to help the applicant, but at this point they have no additional solutions. Attorney Fader suggested to his client to withdraw the application for now rather than the commission deny it. Heather Hollay-Farr stated she definitely wants to be in compliance. She feels that they are within the farming use, but doesn't want to jeopardize her parents parcel. Attorney Fader confirmed withdrawal of the application.

BY CONSENSUS, ACCEPTED WITHDRAWAL OF APPLICATION 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. (Opening of hearing to be tabled to May 24, 2021)

BY CONSENSUS, TABLE OPENING OF HEARING TO THE NEXT MEETING ON MONDAY, MAY 24, 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. 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.

Time: 7:36 PM

Seated: Hoffman, Kelly, Sandberg, Francis, Swanson, Moser and Radziwon

Mathew D'Amour of Big Y Foods Corporation, 2145 Roosevelt Avenue, Springfield, MA, was present to represent the application.

Ms. Houlihan explained Big Y (Express) is looking for approval for more uses at their establishment, noting approval is present for retail, restaurant and the gas station. Mr. D'Amour said they are looking to expand the uses for the tenant space.

Ms. Houlihan read the list of proposed uses on the application to allow medical, business, professional and financial office; personal services business; restaurants, tavern entertainment; and veterinarian, small animal hospital and commercial kennel. She reviewed the staff comments provided to Planning Department from North Central District Health Department stated any use involving food service or personal service may require additional review and/or licensing by local health, and comments from the Water Pollution Control Authority stating billing will be based on water consumption.

Ms. Houlihan explained the original site development plan included two phases, however approval is only present for phase one which represents current site conditions. She noted there are currently 77 constructed parking spaces and 50 are dedicated to support current tenants. There's 5,000 s.f. of net floor area (nfa) that is vacant/unleased and potential future uses, depending on parking calculations, may exceed the number of spaces constructed. Prior to tenant occupancy and changes in occupants, application for Zoning Permit is required and the Zoning Enforcement Officer calculates parking availability during review. A reasonable condition of approval could require monitoring of parking and in the event the number of constructed parking is exceeded based on tenant mix the applicant could be required to construct more parking at that time.

Secretary Sandberg asked about the commercial kennel portion of the request. Mr. D'Amour said the intended request was for pet grooming rather than commercial kennel. Secretary Sandberg suggested to change the word "commercial" to "indoor" kennel. If an outdoor kennel is requested, then they would need to come back to the commission for approval.

No one from the public spoke regarding the application.

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

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS 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 indoor kennel at 140 West Road, APN 046-001-0000 in a PC (Planned Commercial) Zone.

CONDITIONS OF APPROVAL:

- Zoning permit shall be obtained prior to occupancy and/or change in occupancy;
 - At time of application for zoning permit for new occupancy or change in occupancy, if the parking demand for the mix of tenants exceed the number of parking spaces constructed for phase 1 site improvements additional parking spaces shall be constructed according to Section 6.2.3 Number of Parking Spaces of the Ellington Zoning Regulations.
4. 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.

Time: 7:43 PM

Seated: Hoffman, Kelly, Sandberg, Francis, Swanson, Moser and Radziwon

Robert Binkowski, 3 Deer Run, was present to represent the application. Mr. Binkowski stated that his son has a few personal trucks that he is working on and they have a car trailer that they would like to put into the proposed 40 x 80 detached accessory structure. Their home is located at the end of Deer Run. Mr. Binkowski provided the commission with a favorable letter from the neighbors who live at 6 Deer Run. Mr. Binkowski said the building is going to be made of steel and will be insulated.

In response to Chairman Hoffman, Mr. Binkowski said there will be no commercial operations and confirmed the building is for personal use only and it will be a dry building.

No one from the public spoke regarding the application.

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

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITION 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.

CONDITION OF APPROVAL: Detached garage shall not be used for commercial operations.

5. 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.

Time: 7:46 PM

Seated: Hoffman, Kelly, Sandberg, Francis, Swanson, Moser and Radziwon

Andre & Amanda Nowzarinezhad, 57 Windermere Avenue were present to represent the application. Mr. Nowzarinezhad said they recently bought the house with a carport. He noted they have a couple antique tractors and would like to store everything inside the new building. The structure will be insulated. They are not proposing to install a bathroom, but they'd like to add electricity in the future. Mr. Nowzarinezhad noted they will be removing two old sheds from the property.

No one from the public spoke regarding the application.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING 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 an IP (Industrial Park) Zone.

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

CONDITION OF APPROVAL: Detached garage shall not be used for commercial operations.

6. Z202107 – Seventy-One 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.

Time: 7:54 PM

Seated: Hoffman, Kelly, Sandberg, Francis, Swanson, Moser and Radziwon

Jeff Zanelli, 20 Ridgefield Drive, South Windsor, CT and Nick Melillo, Foundation Cigar Company, were present via Zoom to represent the application. Mr. Zanelli stated Building #1 at 78 Abbott Road has some empty space and Foundation Cigar Company is looking for office space. They have had business relationships for over 20 years. Foundation Cigar Company has a staff of six they are looking to move into the empty space in the north portion of Building #1.

Chairman Hoffman asked if the office space would have any retail. Mr. Zanelli said no retail will be conducted out of the building and it will not be opened to the public. The space will be utilized for their staff and occasionally they will have a meeting with vendors. The only exterior renovations would be to add an entryway to the northeast side of the building, and all other renovations will be inside.

Ms. Houlihan said upon circulation to staff for comments, the following comments were provided to the Planning Department. The Building Official noted, "Construction will have to adhere to ADA accessibility regulations" and the Fire Marshal noted the Fire Prevention Codes speak to Fire Department Access Roads and cover roadways, fire lanes, parking lots lanes, combinations thereof and the like. Said codes include various provisions to ensure access areas remain unobstructed, support loads of fire apparatus in all-weather driving surfaces and other considerations. Compliance to these codes will be required prior to construction and occupancy and should be conditions of approval. Ms. Houlihan asked the applicant if the current driveway would support emergency service vehicles. Mr. Zanelli responded there has been tractor trailer trucks in and out of the site on a regular

basis, and agreed they will adhere to ADA compliance and Fire Prevention Codes per the Building Official's and Fire Marshal's comments.

Commission Swanson inquired about the parking requirements. Mr. Zanelli explained the parking area is large and is made of recycled concrete.

No one from the public spoke regarding the application.

MOVED (FRANCIS) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202107 – Seventy-One 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.

MOVED (FRANCIS) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS Z202107 – Seventy-One 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.

CONDITIONS OF APPROVAL:

- Special permit granted for office space for foundation Cigar Company to occupy 2,500 square feet of Building 1.
 - Approval includes construction of a moderately sized entrance pavilion to access the new offices.
 - Construction of offices, parking, entrance, and other site improvements shall adhere to Americans with Disabilities Act and fire prevention codes.
7. Z202108 - Text amendment to Ellington Zoning Regulation Section 2.1.10 Highway Clearance Setback to update collector streets for consistency with Section 6.5 Sidewalks and Fee-in-lieu-of Sidewalks (Effective 11/1/2020) and Section 6.6 Access Management (Effective 4/1/2021); as well as consider current traffic patterns, to fix incorrectly listed street names and account for changes to roadway design associated with road realignments.

Time: 8:30 PM

Seated: Hoffman, Kelly, Sandberg, Francis, Swanson, Moser and Radziwon

Ms. Houlihan reviewed the recently approved text amendments for Sections 6.5 & 6.6 that expressly exclude Hopkins Road, and add Lower Butcher Road, Tomoka Avenue, and Meadow Brook Road. She referred to the Route 140 road re-alignment project changing the design of Broad Brook Road from functioning as a collector road. The proposed amendment adds Tomoka Avenue and Meadow Brook Road and places the word "Lower" before Butcher Road to the collector streets portion of Section 2.1.10 Highway Clearance Setback. She said the proposed text amendment was sent to the Capitol Region Council of Government (CRCOG) as statutorily required. A response was received from CRCOG, dated April 22, 2021, finding no apparent conflict with regional plans and policies or the concerns of neighboring towns. She also noted a copy of the proposal was sent to the East Windsor Town Planner.

No one from the public was present to speak to the application.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202108 - Text amendment to Ellington Zoning Regulation Section 2.1.10 Highway

Clearance Setback to update collector streets for consistency with Section 6.5 Sidewalks and Fee-in-lieu-of Sidewalks (Effective 11/1/2020) and Section 6.6 Access Management (Effective 4/1/2021); as well as consider current traffic patterns, to fix incorrectly listed street names and account for changes to roadway design associated with road realignments.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z202108

- Text amendment to Ellington Zoning Regulation Section 2.1.10 Highway Clearance Setback to update collector streets for consistency with Section 6.5 Sidewalks and Fee-in-lieu-of Sidewalks (Effective 11/1/2020) and Section 6.6 Access Management (Effective 4/1/2021); as well as consider current traffic patterns, to fix incorrectly listed street names and account for changes to roadway design associated with road realignments. **EFFECTIVE DATE: MAY 1, 2021**

II. OLD BUSINESS: None

III. NEW BUSINESS:

1. Request for informal discussion regarding a potential development for properties on Windermere Avenue for Designed Multi-Family.

Joe Bivano of J&M Realty Connections and John Sandberg of 39 Windermere Avenue were present for informal discussion. J&M is looking to potentially develop/redevelop approximately 8 acres of land involving 4 separate parcels along the southern portion of Windermere Avenue. Two of the mentioned proposals may be considered under Section 3.6 Designed Multi-Family Regulations and may be consistent with the Plan of Conservation and Development (POCD) by providing workforce or elderly housing. Mr. Bivano also discussed constructing a possible self-storage facility or mixed-use development on the parcels. After a brief roundtable between Mr. Bivano and the commission, Commissioner Francis suggested J&M conduct an environmental study on the old dump site located to the rear of 47 Windermere Avenue before any decisions were made by the applicant on how to move forward with a proposals.

NO MOTIONS OR DECISIONS MADE.

2. S202101 – Sunset Valley Farms, LLC owner/ David Moser, applicant, request for re-subdivision of 42.34 acres for two (2) lots for 55 Kreyssig Road, APN 156-004-0001, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR

MAY 24, 2021, 7:00 PM FOR S202101 – Sunset Valley Farms, LLC owner/ David Moser, applicant, request for re-subdivision of 42.34 acres for two (2) lots for 55 Kreyssig Road, APN 156-004-0001, in a RAR (Rural Agricultural Residential) Zone.

3. Z202109 – Sunset Valley Farms, LLC owner/ David Moser, applicant, pursuant to Section 7.9 – Rear Lot Requirements, request for a Special Permit for one rear lot to construct a single family home with access along the south border of 20 Griswold Road, APN 157-002-0001, associated with S202101 for re-subdivision of 42.34 acres for two (2) lots at 55 Kreyssig Road, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR

MAY 24, 2021, 7:00 PM FOR Z202109 – Sunset Valley Farms, LLC owner/ David Moser, applicant, pursuant to Section 7.9 – Rear Lot Requirements request for a Special Permit for one rear lot to construct a single family home with access along the south border of 20 Griswold Road, APN 157-002-0001, associated with S202101 for re-subdivision of 42.34 acres for two (2) lots at 55 Kreyssig Road, in a RAR (Rural Agricultural Residential) Zone.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission March 22, 2021 Regular Meeting Minutes.
MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 22, 2021 REGULAR MEETING MINUTES AS WRITTEN.
2. Correspondence:
 - a. Memo from Timothy W. Webb, Director of Public Works/Water Pollution Control Authority Administrator for a potential expansion to the sanitary sewer district to include Planned Commercial and agricultural properties along Jobs Hill Road and Tomoka Avenue.

BY CONSENSUS, SUPPORT THE POTENTIAL SANITARY SEWER DISTRICT EXPANSION AND USE OF AMERICAN RESCUE PLAN FUNDS TO INCLUDE PLANNED COMMERCIAL AND OAKRIDGE DAIRY/AGRICULTURAL PROPERTIES ALONG JOBS HILL ROAD AND TOMOKA AVENUE.

- b. Discussion: draft text to add Low Impact Development to the Ellington Zoning Regulations.

Ms. Houlihan said the draft incorporates an initiative from the POCD and ties into the MS4 requirements that have to be adopted this year. The proposed text was shared with Tim Webb, Director of Public Works and Dana Steele, Town Engineer for their comments. Mr. Webb suggested adding curbless roads as a LID technique.

BY CONSENSUS, AGREED TO REVIEW DRAFT PROPOSAL AND DISCUSS AT THE NEXT REGULAR MEETING ON MAY 24, 2021.

- c. Discussion: Public Act 21-3 an Act Concerning the Outdoor Sale of Goods and Provision of Food and Beverage Service.

Ms. Houlihan briefly explained the Act, noting it's effective through March 31, 2022. She asked the commission if they support staff continuing to oversee plans to expand outdoor dining improvements for existing food establishments.

BY CONSENSUS, DELEGATED REVIEW OF SITE PLAN MODIFICATIONS FOR EXPANSION OF OUTDOOR DINING FOR EXISTING FOOD ESTABLISHMENTS TO PLANNING DEPARTMENT STAFF, PURSUANT TO SPECIAL ACT 21-3.

- d. Letter from Pullman & Comley, dated April 6, 2021, for petition for declaratory ruling for a solar array at 277 Sadds Mill Road, Ellington, CT, for CTEC Solar, LLC.

Ms. Houlihan reviewed the proposed solar project at 277 Sadds Mill Road. They are looking to develop approximately 30 acres of the land near the existing composting business and will be cutting some trees. The project is exempt from local oversight and is under the jurisdiction of the Connecticut Siting Council. The Board of Selectmen (BOS) has the right to hold public hearings if they choose to.

- V. ADJOURNMENT:
MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION MEETING AT 8:42 PM.**

Respectfully submitted,

Barbra Galovich, Recording Clerk