



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

FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING AGENDA MONDAY, JUNE 7, 2021, 7:00 PM

TOWN HALL MEETING HALL, 55 MAIN STREET, ELLINGTON, CT

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

I. CALL TO ORDER:

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):

III. PUBLIC HEARING(S):

1. V202107 – Betty Lukens, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 31ft and side yard setback from 10ft to 5ft for a detached garage at 28 Florence Avenue, APN 020-012-0000 in a Residential (R) zone.
2. V202108 – Cathy Pinard, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback to 3ft and the side yard setback to 7.3ft for changes to previously approved Variance V201722 granted for house and attached garage on the west side of road at 12 East Shore Road, APN 149-089-0000 in a Residential (R) zone.
3. V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the May 3, 2021 Regular Meeting Minutes.
2. Correspondence/Discussion:
 - a. Cease and Desist Order – 97 West Shore Road Re: Violation of the Zoning Regulations.

V. ADJOURNMENT:

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 this meeting agenda and posted on the Town of Ellington's webpage (www.ellington-ct.gov) under Agenda & Minutes, Zoning Board of Appeals. For questions and assistance please contact the Ellington Planning Department at 860-870-3120.

Join Zoom Meeting via link:
<https://zoom.us/j/98014768929>
Meeting ID: 980 1476 8929
Password: 288295

Join Zoom Meeting by phone:
1 646 558 8656 US (New York)
Meeting ID: 980 1476 8929
Password: 288295

Next Regular Meeting is scheduled for July 12, 2021

Town of Ellington

Zoning Board of Appeals Application

Application #
V202107
Date Received
4/27/2021

Type of Application: ☒ Variance ☐ Appeal of Decision ☐ Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

Owner's Information

Name: Betty J Lukens
Mailing Address: 28 Florence Ave
Ellington CT 06029
Email: _____

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

Primary Contact Phone #: 860-543-9772

Secondary Contact Phone #: _____

Owner's Signature: B. Lukens Date: 4/24/21

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 Board 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 Board or its staff.

Notices associated with this application will be sent to the applicant unless otherwise requested.

Applicant's Information (if different than owner)

Name: Same as owner
Mailing Address: _____
Email: _____
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APR 27 2021
TOWN OF ELLINGTON PLANNING DEPARTMENT

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

Primary Contact Phone #: _____

Secondary Contact Phone #: _____

Applicant's 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 Board have been submitted.

Street Address: 28 Florence Ave

Assessor's Parcel Number (APN): 020 - 012 - 0000 Zone: R

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

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 Conn. Gen. Stat. §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.

Previous Variances related to this property? ☐ Yes ☒ No If yes, specify date _____

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) Section 3.2.3 - Minimum

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)

Put Garage on Right Side of house

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

Had Skydiving accident, Have metal in both legs, a mental cage in my back and neck. Can't do stairs. house is on hilly land and can't walk around to other side of house where Garage is located. I have no balance and can't walk on snow and ice

Done

15 of 15



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TOWN OF JELLYSTONE
PLANNING DEPARTMENT



Done

5 of 5



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APR 27 2021

WILLINGTON
PLANNING DEPARTMENT



Betty Lukens
28 Florence Ave.

RECEIVED

MAY 19 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Revisions rec'd by
owner. B

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

In Line with Rear Marker

House

GARAGE
12' x 20'

In Line with PROPERTY Line Stone wall
Rear Marker and Stone wall

89' 3" 1/2 inches or inch

28 Florence

Street



28 Florence Avenue



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

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

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**TOWN OF ELLINGTON
PLANNING DEPARTMENT**

Town of Ellington Zoning Board of Appeals Application

Application #

V202108

Date Received

5/17/2021

Type of Application: ☒ Variance ☐ Appeal of Decision ☐ Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

Owner's Information

Name: Cathy Pinard
Mailing Address: 65 Sandy Beach Rd
Ellington, CT 06029
Email: cathy@cathypinard.comWHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS,
MAY NOTICES BE EMAILED TO YOU? ☐ Yes ☒ No

Primary Contact Phone #: 860-930-3667

Secondary Contact Phone #:

Owner's Signature: [Signature] Date: 5/17/21

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 Board 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 Board or its staff.

Notices associated with this application will be sent to the applicant unless otherwise requested.

Applicant's Information (if different than owner)

Name: Cathy Pinard
Mailing Address: 65 Sandy Beach Rd
Ellington, CT 06029
Email: cathy@cathypinard.comWHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS,
MAY NOTICES BE EMAILED TO YOU? ☐ Yes ☒ No

Primary Contact Phone #: 860-930-3667

Secondary Contact Phone #:

Applicant's Signature: [Signature] Date: 5/17/21

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 Board have been submitted.

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Street Address: 12 East Shore Rd

Assessor's Parcel Number (APN): 149 - 089 - 0000 Zone: R

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 ☒ NoAre there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin? ☒ Yes ☐ NoIs 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 Conn. Gen. Stat. §8-3(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.

Previous Variances related to this property? ☒ Yes ☐ No If yes, specify date Jan 2018, July 2018

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.3 Min Yard Setbacks

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)

see attached project narrative

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

Lot configuration, size and location of existing road and structures, topography of lot, located on a private road that runs through the property

Town of Ellington
Zoning Board of Appeals Application
June 2021 Meeting

RE: Cathy Pinard
12 East Shore Road

As some background information, I was granted a variance from ZBA in January 2018 which includes the following:

- reduce the front yard setback to the sewer easement line to 3'
- reduce the northern side yard setback to the property line to 8.7' with a condition that the overhang for house to be allowed at 7.3'

After receiving the variance in January 2018, I subsequently acquired the land strip adjacent to my property (approximately 2,900+/- sq ft). As a result of acquiring the land strip, my southern proposed property line is now conforming and I no longer need the variance previously granted for my southern property line. I will be combining the acquired parcel to my existing parcel as part of my approval process.

As part of acquiring the land strip, I am requesting approval from the board to make the following minor changes to my previously approved plan (see attached plan showing setbacks):

- construct a chimney on the northern side to the 7.3' setback previously granted for overhang
- construct a 2' x 13' bump out on the street side of the home to a 3.8' setback from the sewer easement line (front roadside left corner of house was previously granted a 3' setback from sewer easement line as mentioned above)
- expand the proposed garage to a minimum 4.6' setback from the sewer easement line

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INCORPORATED 1786

TOWN OF ELLINGTON

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ELLINGTON, CONNECTICUT 06029-0187

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PLANNING DEPARTMENT

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its January 8, 2018 regular meeting, granted the following Certificate of Variance:

Application Number: V201722
Description of Affected Premises: 12 East Shore Road/APN 149-098-0000
Owner(s) of Property: Cathy Pinard
65 Sandy Beach Road
Ellington, CT 06029
Applicant: Same
Zoning Regulations Varied: Section 3.2.3-Minimum Yard Setbacks

Nature of Variance:

To reduce the front yard setback to the sewer easement line to 3' and the northern side yard setback to the property line to 8.7' for a house and attached garage on west side of road; and to reduce the front yard setback to the sewer easement line to 4' and southern side yard setback to the property line to 5' for a carport on east side of road.

CONDITIONS:

- 1) Overhang for attached garage to be allowed at 9' to southern side yard setback.
- 2) Overhang for house to be allowed at 7.3' to northern side yard setback as shown on the survey as the distance to the existing overhang.
- 3) Carport must be open-sided.

HARDSHIP: TOPOGRAPHY; LOT CONFIGURATION; PREEXISTING LOCATION OF HOME

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 started on: January 11, 2018.

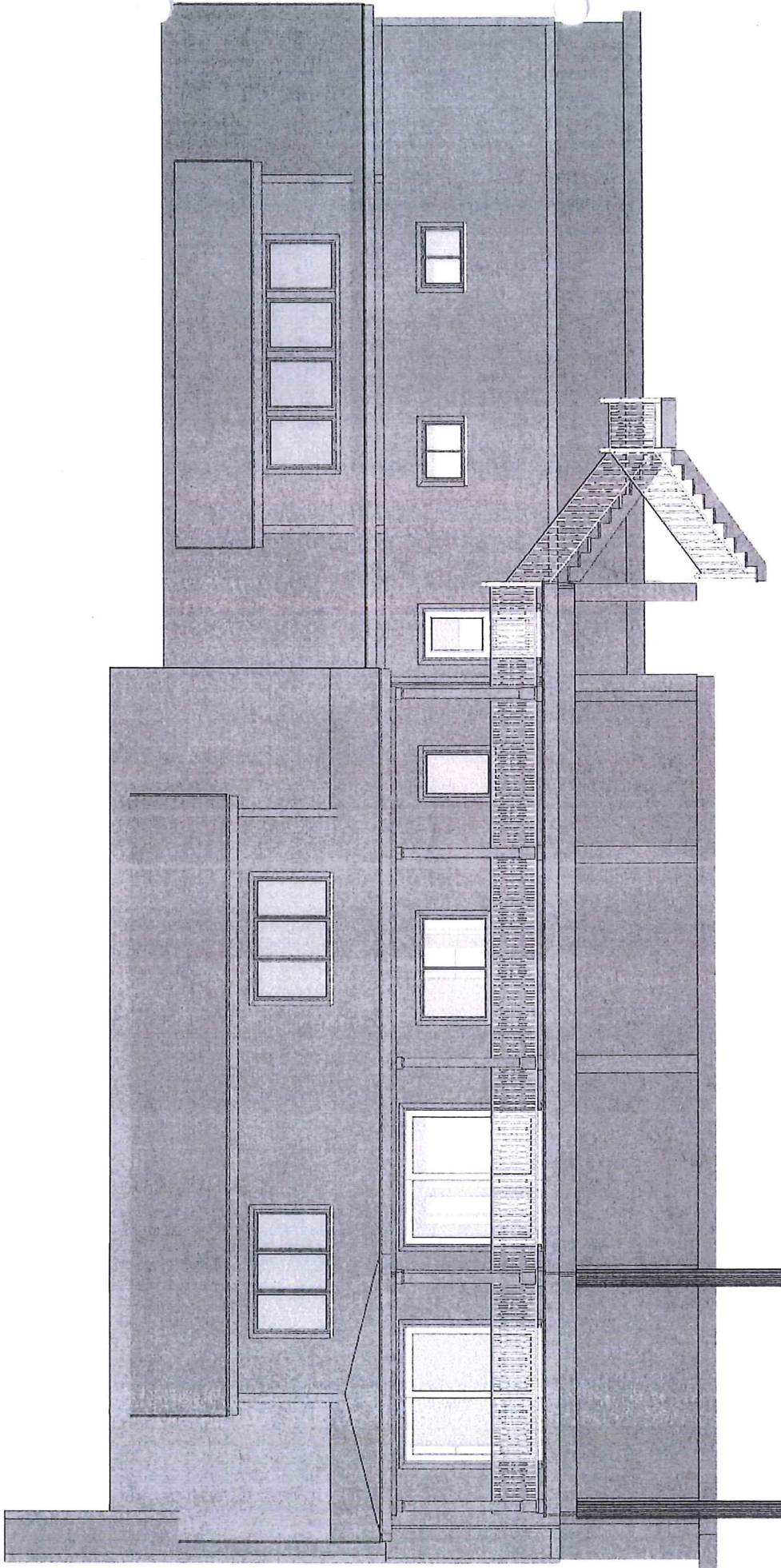
Mark Spurling, Chairman - Ellington Zoning Board of Appeals

This architectural elevation drawing depicts a building facade. The upper portion features a gabled roof with a central dormer containing two small, square windows. The main wall below the roof is divided into vertical sections by pilasters. On the left, there is a large, multi-paned window. To the right, a series of windows are arranged vertically: a large double window, followed by three smaller square windows, and another large double window. The bottom section of the facade shows a prominent entrance with two large, ornate double doors, each with a decorative transom above it. A small, rectangular window is positioned above the doors. To the right of the entrance, a set of stairs leads up to a platform. The drawing is rendered in a simple, line-art style with light gray shading on the building's surfaces.

MAY 17 2021

1700 GERTY LINGTON
 FARMERS MARKET

Lake view



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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Town of Ellington Zoning Board of Appeals Application

Application # V202101
Date Received 1/11/2021

Type of Application: ☐ Variance ☒ Appeal of Decision ☐ Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

Owner's Information

Name: Susann McCarthy
Mailing Address: P.O. Box 426
Tolland, CT 06084
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 #: _____

Owner's Signature: Susann McCarthy Date: Jan 8, 2021

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 Board 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 Board or its staff.

Street Address: 15 Green Street

Assessor's Parcel Number (APN): 129 - 043 - 0000 Zone: LR

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

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 (§8-31(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.

Previous Variances related to this property? ☐ Yes ☒ No If yes, specify date _____

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) N/A

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)

See Attached letter pages A-D (4 pages) & Reasons for Appeal
pages 1-9, Appeal in code violations cited in Cease + Desist order
from John - Section 21.7, Section 21.1 D, Section 3.1, Section 8-7,
and any others in the Cease + Desist letter.
Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

Exhibit# 1

pg 1 of 1

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JAN 11 2021
TOWN OF ELLINGTON

McCarthy, Susan 15 Green St - part of application
to Appeal Decision
of Zoning Officer

P. 1/9
plus A-D letter

Reasons Appealing

① I disagree with your decisions, order and alleged violations I am accused of.

② However, I removed the ~~opposite~~ fences that were ~~off~~ along my retaining wall of Sweeney St. ~~which~~ which you allege (claim) were in violation of Section 2.1.7.

③ I disagree that I have a junk yard or junk ^{you allege} in violation of Section 2.1.1.1) Section 3.1. as I do not have junk as defined by the Zoning Regulations as any article or material or collection thereof which is worn out, cast off or discarded and which is ready for ~~destruction~~ or have been collected or stored for salvage or conversion. Nor do I have two or more unregistered, ~~cars~~ inoperative automobiles stored outdoors. Nor do I have junk per junk yard definition for the storage, keeping or abandonment of junk or scrap or discarded materials or the dismantling demolition or abandonment of automobiles

2019 or other vehic. or machinery or parts thereof
Further I requested ^{following the recitation of decision} specifically what
item or items are you referring to as
"junk" so that I may address your
concerns and/or remove them. You did
not provide me with any specific item
or items. Therefore, your refusal to provide
me a specific item or items so that
I may address and or correct any alleged
violation, prevents me from being able to
know what you want me to specifically
remove and ^{others possibly prevent me to begin}
compliance which is ^{unfairly + unjust, based on} ~~McCarthy~~
Therefore, I believe I have remedied the
the situation you requested, although
I disagree with your order and alleged
violations

Therefore pursuant to Section 8-7 of the
Connecticut Statutes, I am also preserving my
right to appeal this decision within
the time frame and ^{the deadline} deadline you
stated to me and signed - January 11, 2021.
by end of town planning and zoning
hours and am enclosing the application
of appeal of decision along with the
appeal fee of \$210.00 (two hundred and ten dollars)

The zoning enforcement officer is negligent, including but not limited to negligence to perform, negligence to equally apply zoning in similar situations, negligence of agreeing to fence and then sending a letter and then a cease & desist, as well as malicious, wanton or willful acts or ultra vires acts.

The zoning enforcement officer is negligent because he is prejudicial and discriminatory against me as a single female.

The zoning enforcement officer is negligent and/or prejudicial against me and denying my rights under U.S. Federal Law and State of CT law regarding civil rights.

The zoning enforcement officer is discriminatory against me and preventing me from exercising my rights under the U.S. Federal Law and State of CT law of Freedom of Expression.

D. 41
9

The zoning and enforcement officer is discriminatory against me and or violating my rights to freedom of religion.

The zoning ^{enforcement} officer issued citations frivolously and without probable cause.

The zoning officer failed to properly notify McCarthy of notice of violating thus stripping her ability to address the concerns and fast tracked to a Cease and desist order.

The zoning officer Cease and Desist order does not comply with proper notice, following CT State Law and/or Ellington's laws, rules, and procedures.

The fence was legal and within the zoning regulations because but not limited to pre-existing fence prior

The information provided by the zoning enforcement officer to McCarthy, who reasonably expected it could be relied upon and was indeed relied upon to induce violation

5/9

to the detriment of McCarthy
and is highly inequitable
or oppressive to enforce the
regulation.

Further McCarthy spoke with other
town of ~~Edlington~~ ^{Edlington} CT officials
and again their representations
were relied upon and to the
detriment of McCarthy is
highly inequitable or oppressive
to enforce the regulation.

Further, the ~~Edlington~~ Zoning Enforcement
officer failed to pursue a
violation and waited so long after
the alleged violation that it
is unfair to enforce it now.

- I appeal this order because
of the following ^{allegations} but not limited
to. (1) I did not violate or
(2) I have a legal non-conforming
use ~~at~~ (3) and or if violation
occurred, I either rectified it or due to refusal of ^{zoning office} ~~to~~ ^{to} ~~rectify~~ ^{rectify}
- I appeal the order because it ^{was} ~~is~~ ^{was} vague in how to ^{rectify} ~~rectify~~ ^{remedy} the alleged violation
- The zoning enforcement officer
along with others knowingly and/or
aware that illegal searches and violations

26/9

of the fourth amendment.

The Zone Enforcement Officer and or the Complainants have unclear hands and are knowingly violating zoning or permit regulations or knowingly not enforcing so violations while pursuing me and my alleged violations. It would be unfair and unjust to enforce regulations or orders while ignoring others including the complainants violations - biased, prejudiced and unfair & inequitable.

The zoning enforcement officer and zoning and plans as well as the rules, regulations and guidelines provided both verbally orally and in writing clearly shows that the information provided to McCarthy and were relied upon conflict with the zoning enforcement officers now enforcement of an alleged violations, which were not considered violations.

The zoning enforcement officers and town officials are well aware of neighbors retaliation against McCarthy using ~~the~~ the town agencies

P. 7/9

and its employees to pursue continued harassment, threats, inspections and is knowingly assisting the complainants in their quest to harass, threaten McCarthy property and finances as a retaliation against her for their anger that McCarthy raised concerns regarding the building renovations they were proposing.

The zone enforcement officer is aware that at least one of complainants has admitted that they "want to purchase McCarthy's property from the town" and is using the enforcement officer to levy fines to attempt to acquire sale of the McCarthy property and to levy financial burden on McCarthy. The Zone Enforcement officer has knowledge of this conflict of interest but has continued to pursue and assist complainant through his actions of refusing to apply violations of similar nature and assisting complainants in their desire to retaliate and have McCarthy lose her property.

P.F./09

The Zoning Enforcement Officer has encouraged and provided and or directed and or assisted and or informed complainants or information needed to pursue McCarthy in which acting as the zoning enforcement agents have continually and persistently harassed stalked or disturbed the peace or invaded the privacy of McCarthy at her own property to assist the Zoning Enforcement Officer.

The zoning enforcement officer has predetermined the outcome before the actual ability to defend and unfairly & unequally is city orders and violations of McCarthy.

The zoning enforcement officer has been questioned by the zoning commission members regarding conversations that they had privately regarding McCarthy property with complainants outside the zoning appeals meeting and have predetermined this violations without hearing all the facts and putting burden and or pressure on the Enforcement Officer to fast track it.

P. 9/9

The Zoning Commission and or Zoning Enforcement Officers regular habit of only enforcing "complaints" and not enforcing known or observed violations has created and or festered and or assisted and or allowed the atmosphere of the following retaliation or conflict of interests, desire to secure property thru liens on violations, hostile environment, and undue duress, stress and safety and health concerns of ^{McCarthy} McCarthy.

The Zoning Commission and or Department or Enforcement Officer along with other town officials habit to prioritize complaints per their own regulations of known "neighbor disputes" and or "neighbor conflict of interests" as been violated and unduly prejudicial McCarthy inequitably.

After discovery is conducted, I reserve the right to amend my appeal right up to and including the actual hearing.

I reserve my right to provide evidence up to and including the appeal.
Thank You Susan McCarthy

January 8, 2021

To: The zoning board of appeals

From: Susann McCarty

Re: 15 Green St, Ellington, CT 06032
alleged zoning violations of the
above address -

letter
to
zoning
board
pages

I believe I have satisfied the cease
and desist order and of the
letter of notification (which I received
at the same time as the cease & desist
order). I am not in agreement
with the planner and zoning officers
enforcement alleged violations
and therefore am appealing her
decision to your board.

I am very concerned about fairness &
equity regarding these alleged violations.

There is retaliation by my leader
neighbors Rene and James Prentiss
the complainant whom over 5 years
they are still retaliating against
me for questioning their right to
block my water view of my property
with their proposed bulky
renovations.

They have recruited and work in
tandem with Mike Venguskas

14 Green St, Ellington CT to
disturb my peaceful enjoyment
of my property, to monitor me
via each time I arrive, yell, and
cursing at me and state derogatory,
hurtful and hateful things about
me - but most importantly admitted
they were going to pursue everything
to make me lose my property"
and so I should just move!

The constant attacks on screaming, yelling,
invasion of privacy is well known
as the police have been called,
the Selectman Lori Spellman is
aware of it and the Bully &
his office is aware of it.

However, it appears my complaints
regarding their violations goes in
dead ears while I have been
pursued for 9 months by the
Prentiss, Pengraskas & Delmarco.
~~husband~~ husband & wife team.

I am disappointed that the town
and its agencies are assisting
these people to harass me
by investigating their constant
"claims" that are not truthful.

I am also concerned that I want
to be able to have the full extent

P. Geo

of my rights to an open and fair appeal and not a predetermined decision.

I am also concerned because I want to exercise my right to discovery, to be prepared for the trial of appeals with you; however, John C. - your enforcement is telling me its Freedom of Information while I believe it is rightful discovery that I need to prepare my defense against these alleged violations.

Therefore I am respectfully request that the Song of Appeals meeting does not take place until I have received by law all the time due to me to have the discovery prior to any meeting/hearing so that I can prepare my defense, gather what witnesses I may need to counter the alleged evidence etc. -

I therefore am respectfully and exercising my right to full discovery which was requested in writing ~~letter~~ and also to see my entire ~~John C.~~ John's song file - which John has refused to provide me.

I will need at least 45 days from the receipt of the discovery to the scheduling of appeal so I can subpoena witnesses or question witnesses as well as defend myself.

Further I am concerned as I do not have "Zoom" capabilities and I have a right to be seen & heard and face my accusers and complaints - your emergency COVID-19 practice requiring Zoom when I do not have access will violate my ability to participate in my own defense therefore I respectfully request that if after the discovery process concludes, if you are still doing "Zoom" meetings - that my case is heard once in person appeals are being heard.

This should not be a problem because I believe I have already complied with his requests order - so it will not hurt anyone while it will unduly & unfairly bias myself and detrimental to my defense.

Sincerely Susan McCarty

Jan 8, 2020

Front: Susann McCarty

- I am requesting all written documents of all 15 Green St Ellington -

Thank you

SUSANA McCarthy

RECEIVED

JAN 08 2021

TOWNS OF ELLINGTON
PLANNING COMMITMENT

Best & fastest way -
* → flash drive - external photos.
~~email attachment~~
~~scribbles~~

Exhibit# 4

1061



CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT
FOR IMPORTANT CLAIM
INFORMATION

NOT
NEGOTIABLE

Pay to

Address

Re: Appeal

KEEP THIS
RECEIPT FOR
YOUR RECORDS

Serial Number
26345962315

Year, Month, Day
2021-01-11

Post Office

060290

Amount
\$210.00

Clerk

01



POSTAL MONEY ORDER

Serial Number

26345962315

Year, Month, Day
2021-01-11

Post Office
060290

U.S. Dollars and Cents

\$210.00

Two Hundred Ten Dollars and 00/100

Amount

Clerk

01

Pay to
Town of Ellington

Address
57 Main St.

Ellington, CT 06029

Money
Appeal Decision

From
Susan M. Canty

Address
PO Box 426

Ellington, CT 06029

1:0000008002:

26345962315

TOWN OF ELLINGTON

55 MAIN ST

ELLINGTON, CT 06029

8608703115

Cashier: Barbra G.

11 Jan-2021 4:07:44P

1 Zoning Board of Appeal	\$150.00
1 ZBA-State Surcharge	\$60.00

Total \$210.00

CHECK SALE \$210.00

Online: <https://clover.com/p/CZVTEBPMAT6ET>

Order ZWQG6GFZFERKP

Payment CZVTEBPMAT6ET

Clover Privacy Policy

<https://clover.com/privacy>

10/1

Exhibit# 5

Request for Discovery for Annual Case
Request for document ^{Jan 8, 2021} resubmitted
From: Susann McCarthy ^{on Jan 11, 2021}

- I am requesting all written documents of all 15 Green St. Ellington.
- Written documents include but limited to all electronics emails, faxes, texts, photo as well as hard copies; all notes of communications, phone log - and and all complaints date, time, parties and their complaint.
- all notes on verbal communication regarding 15 Green St. Ellington with any & all parties.

Thank you
Susann McCarthy

RECEIVED
JAN 11 2021

RECEIVED
JAN 08 2021

Best & fastest way
* → flash drive - aerial photos.
~~Small attachments~~
~~on a flash drive~~
pg 1 of 1 Exhibit# 6



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 FAX (860) 870-3122

January 11, 2021

Susann T. McCarthy
11 Winchester Court
Farmington, CT 06032

By Hand at Planning Department Office on January 11, 2021

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

On January 8, 2021, the Ellington Planning Department received your Freedom of Information Request dated January 8, 2021. This response is being delivered to you within the time period required by Conn. Gen. Stat. §1-206.

The Planning Department will provide the public records or files requested within this department, subject however to all applicable statutory exemptions, including without limitation the exemption for all preliminary drafts and notes and for all communications privileged by the attorney-client relationship. See Conn. Gen. Stat. §1-210(b).

Given the scope of the request, it will take staff approximately two (2) to three (3) weeks to research the request, compile the information, and calculate fees associated with providing the information in accordance with Conn. Gen. Stat. §1-211(a) and §1-212. You will be contacted if prepayment is required to provide the information requested.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

cc. Lori Spielman, First Selectman
Lisa Houlihan, Town Planner

*I requested
discovery documents
to prepare for
hearing case --*

*Susann McCarthy
Jan 11, 2021 - 4:15 PM*

pg 1 of 1 Exhibit# 7

John Colonese

From: Agma42 <agma42@aol.com>
Sent: Wednesday, January 13, 2021 1:13 PM
To: John Colonese
Subject: 15 Green St.

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.

Hello John: Per our earlier conversation of this morning, I will be canceling the ZBA meeting of February 1st. The next regular schedule meeting for ZBA will be March 1st 2021. This added time will give you time to accommodate the request made by Susan T. McCarthy for information regarding the Cease and Desist Order an letter of Dec 11th 2020, and providing her with ample time to reply. re: 15 Green St., Ellington, CT.

Regards,
Arthur G. Aube
Chairman of ZBA
Ellington, CT

pg 1 of 1

Exhibit# 8



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

FAX (860) 870-3122

January 22, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

*I Rcvd letter on Feb 4, 2021 pm
and picked up on Feb 5, 2021 after
getting certified check for \$11:50
By*

By Hand at Planning Department Office on 2/5/2021 1:10 pm By

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

Please accept the enclosed USB flash drive in response to your Freedom of Information Request dated and received January 8, 2020. The copies of public records and files produced on the USB flash drive are those contained within the Town of Ellington Planning Department pursuant to your request.

Please feel free to contact the office at 860-870-3120 if you have any questions.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

Enclosure

cc. Lori Spielman, First Selectman
Lisa Houlihan, Town Planner

*Barbra Gabovich left voice mails
@ 207-200-6966 on 1/22/2021, 1/25/2021 & 2/3/2021*

Pg 1 of 1

Exhibit# 9



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

FAX (860) 870-3122

January 26, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

By First Class Mail

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

Please accept this letter as a response to your Freedom of Information Request dated and received January 8, 2021. The information you requested within the Town of Ellington Planning Department is available to you on a USB flash drive upon payment. The fee for the USB flash drive is \$11.50 and can be paid to the Town of Ellington. You were notified by phone call that the information requested was ready for pick-up at the Planning Department upon payment, with voicemails left for you on January 22, 2021 and January 25, 2021.

Please contact the office at 860-870-3120 if you have any questions.

Respectfully,

Barbra Galovich, CZET
Land Use Assistant

Enclosure

cc. Lori Spielman, First Selectman
Lisa Houlihan, Town Planner

pg 1 of 2

Exhibit# 10

TOWN OF ELLINGTON

55 MAIN ST
ELLINGTON, CT 06029
8608703115

Cashier: Barbra G.
05-Feb-2021 1:10:15P

1 Photo Copies	\$11.50
----------------	---------

Total	\$11.50
--------------	----------------

CHECK SALE	\$11.50
------------	---------

Online: <https://clover.com/p/7BKCH1847TNRC>

Order EA8624MK6AJ6C
Payment 7BKCH1847TNRC

Clover Privacy Policy
<https://clover.com/privacy>

Pg 2 of 2

Barbra Galovich

From: Barbra Galovich
Sent: Wednesday, February 10, 2021 10:42 AM
To: Ann Marie Conti
Subject: RE: 15 Green St

Ann Marie,

Thank you for sharing the attached documents. Hope you had a relaxing time off.

Barbra

From: Ann Marie Conti
Sent: Wednesday, February 10, 2021 10:26 AM
To: Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>
Subject: 15 Green St

Hi Barb,

As requested attached please find a copy of the signed certified mail card and a signed change of address form from Ms. McCarthy.

Please let me know if you need anything else.

Ann Marie

Ann Marie Conti, CCMC
Ellington Tax and Revenue Collector
PO Box 158 / 55 Main Street/ Ellington, CT 06029
Phone: 860-870-3113 / Fax: 860-870-3704
Website: www.ellington-ct.gov Email: aconti@ellington-ct.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Susann T. McCarthy
11 Winchester Court
Farmington, CT 06032



9590 9402 2387 6249 0754 63

2. Article Number (Transfer from service label)

7019 0160 0000 1051 8500

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

S. McCarthy

C. Date of Delivery

JUN 29 2021

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes

☒ No

3. Service Type

- ☒ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

TOWN OF ELLINGTON
TAX and REVENUE COLLECTOR
PO BOX 158
ELLINGTON, CT 06029-0158
860.870.3113
860.870.3704 (fax)
taxcollector@ellington-ct.gov

CHANGE OF ADDRESS FORM

Name: Susann McCarthy
Property Address: 15 Green Street

Old Mailing Address:

Street: 15 Green Street

City/State/Zip: Ellington CT
120 Main St Suite 2029
Falmouth, Ma 02540

New Mailing Address:

Street: 11 Winchester Court

City/State/Zip: Farmington CT
06032

Changes to be made to the following accounts:

Real Estate

☒

Personal Property

☒

Refuse

☒

Sewer Use

☒

Motor Vehicle

☐

*change of address only reflected on the current grand list - must also be changed on your registration with the Department of Motor Vehicles

Signature

Susann McCarthy

Date

November 1, 2020

Internal Office Use Only:

Copy to Assessor Office (if applicable)

☒

Entered into computer system:

11/20/20
Date

dv
Initials

* I have not received mail at my 15 green st ellington address - if you mailed anything there also not at the P.O. Box in Falmouth - please resend

John Colonese

From: John Colonese
Sent: Thursday, February 11, 2021 12:34 PM
To: Ann Marie Conti
Subject: RE: 15 Green St

Thank you!

From: Ann Marie Conti
Sent: Thursday, February 11, 2021 12:02 PM
To: John Colonese <jcolonese@ELLINGTON-CT.GOV>
Subject: 15 Green St

John,

Attached is a copy of the forwarding address we received from the Post Office regarding 15 Green St dated 3/09/2020.

Ann Marie
Ann Marie Conti, CCMC
Ellington Tax and Revenue Collector
PO Box 158 / 55 Main Street/ Ellington, CT 06029
Phone: 860-870-3713 / Fax: 860-870-3704
Website: www.ellington-ct.gov Email: aconti@ellington-ct.gov



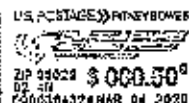
FORM 3547 fee due \$0.62

Restricted Data

First-Class Mail
Postage and Fees Paid
USPS
Permit No. G10

TAX COLLECTOR
TOWN OF ELLINGTON
P.O. Box 158
Ellington, CT 06029-0158

ADDRESSES SERVICE REQUESTED



WILLY BUSBY
P. Winchester
Framingham, Ct. 06032

05-04-2020 10:00

© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 395–402

OLD:

SUSANN MCCARTHY
11 WINCHESTER CT
FARMINGTON CT 06032-3423

TO THE POSTMASTER OF

NEW:

PO BOX 9404
BRISTOL CT 06011-9404

PO BOX 158
ELLINGTON CT 06029-9998

03/09/20 16:47 4501160000757 cl:1 proc:20200308 eff:20191012
PLANET: [id:94 Code:0092]344065420411206033342311



p11 of \$ plus attached

February 11th, 2021
hand-delivered in person to:

To: Zoning Board of Appeals - Ellington CT
Zoning Department Town of Ellington CT

Exhibit# 13

From: Susann McCarthy

RE: 15 Green St. Ellington CT - Appeal &
Request for Information per FOIA, (1966-1996)
per EFOIA & Privacy Act of 1974 - did
not receive it all & Requesting Rescheduling Appeal etc.

On January 8, 2021 I requested to inspect
documents at the Planning and Zoning Department
as I was in person at the office. Further
I also informed the department including
John Colonese and Barbara I owned the property
15 Green St, thus any personal information I
wanted as I was the owner of the property.
I was informed my oral request to inspect
could not be made, thus was denied and that
I must do it in writing. Therefore on
January 8, 2021 and again of January 11, 2021
I made two written requests for information.
I was informed that some of my oral requests
for inspection could take months, thus I
was discouraged from asking due to being told
the meeting was taking place Monday, Feb 1, 2021
and that this information was needed to prepare
thus my written request was less than my
verbal oral request to inspect documents and
was verbally denied.

Even after making the ^{Jan 8 10"} written request ^{pages 2 of 5 plus attachment} on Jan 11, 2021, I was informed, my request to inspect documents subsequently having to be an writing of January 8, 2021 would not be available for several weeks - indicating after the February 1st, 2021 zoning appeals meeting. I verbally protested as well as in my appeal - clearly stated that until I had all required & requested documents I would need a minimum of 45 days ^{after receipt of all} to prepare my defense. Well, I have not ^{not at all - just missing documents} received all documents I requested, some documents cannot be open, some documents only have partial information and not the documents in its entirety. Further, the documents I received although partial demonstrate other agencies and/or departments have information which because I did not receive from the planning dept. & zoning department. I now have to request these documents again from this department and also pursue information from the other departments and agencies. Therefore, I respectfully request the zoning board of appeals to postpone this appeal until I have the information necessary. ^{and}

page 4 of 5
plus attached

Further, I requested information including from the Board of Appeals members (past + current) and I did not receive this information as to any & all discussions, meetings, discussions, conversations, phone calls, letters, emails, texts, notes, photos, messages orally or in written form ^{by anyone internally, externally or other agents or departments} records or electronic regarding myself or 15 Green St. be provided to me. I did not receive any information from the Board of Appeals and/or its Board members past and present. Again, this lack of information unfairly & unduly prejudices me in my preparation to defend against the alleged violations. And therefore I need additional time to secure this information; thus the alleged March 1, 2021 date of an alleged zoning meeting for this appeal I request be postponed until & after 45 days of receipt of this information I rightfully have a right to and need to defend my appeal.

Further, it needs to be noted, I received a letter the night of Feb 4, 2021 and picked up the documents of Friday, Feb 5, 2021 and reviewed the sticks.

page 5 of 8
plus
attaches

and am making this request within
4 ^{business} days of when I received it.

February 11, 2021 Thursday, Feb 11, 2021.

Thus I respectfully request
this to be rescheduled appeal to
avoid both unnecessary expenses
of multiple mailings and to
ensure a fair & equitable process
as the Planning ^{Dept} and the Zoning
Board of Appeals has information
which it has refused and or
has not provided to me & is
detrimental to my defense. Thank
you for your consideration.

Sincerely,
Susan M. [Signature]

- Attached: is my 4th Request to Inspect Information
Attached has # 3 pages total.

This 4th Request has a total of 5 pages - plus the
attached of 3 pages for grand total 8 pages.

To: Zoning Board of Appeals and
Zoning Department

2-11-2021

p1/13

From: Susann McCarthy

Request made in
person on Feb 11, 2021
to inspect & to have
copies of documents inspected.
Written request given
in hand Feb 11, 2021.

Re: 2nd ^{Written} Request for Information (Third
Request in writing & 4th Request including verbal.
Per FOIA, EFOIA and when pertinent Privacy Act of 1974.
On Jan 8, 2011 I made a verbal request to
inspect information which I was denied,
I was informed I must put it in writing
while being told the Zoning Appeal meeting
was going to happen on Feb 2021 and that
some of the information I was asking for verbally
could take months—discouraging from requesting
it due to the duress of the upcoming Zoning
Appeal meeting. Thus on January 8, 2011 I
made a 2nd Request to inspect and have
information ^{via} in writing request and a 3rd Request
was made on January 11, 2021. Now I am
making my fourth request for information.
On the night of February 4, 2021 I received
a letter by Zoning Department stating documents
of my above requests were available via a
electronic memory stick for \$11.50 (must be
certified check as don't ^{take} accept cash) so
I immediately secured no cash payment
vice a certified check the very next morning
and presented to the Zoning Department.

FEB 11 2021

~~2-11-2021~~

(p283)

The memory stick I received on Friday afternoon, Feb 5, 2021 I immediately began to review and within 4 business days - Thursday, Feb 11, 2021 I again am requesting the information I requested as some information I did not receive at all - while other information cannot be opened - it is on the electronic stick but is unable to open, and some information such as for example an email letter says "here are the photos" but no photos are included in the email & do not indicate which if any photos are they?, further there are no phone logs, no date, time, phone numbers, contact information of phone calls conversations and no phone bills or other electronic or paper proof of these alleged phone calls. Also missing is any and all meetings oral &/or written meetings whether town meetings or in person meetings and the supporting information requested and as well as information from the Zoning Board of Appeals & its individual members (past & present) regarding myself and/or 15 Green St. Ellington Ct.

2-11-2021

page 3 of 3

Further, there appears to be missing photos ^{and} information on photos. All photos are not ~~is~~ substantiated as there are numbers/identifiers on photos that indicate either there are missing photos and/or the numbers are all the same - indicating how can all photos have the same # and thus question what/where these alleged photos came from and if manipulated, altered, etc. - thus where is the original photo and what did it consist of? Therefore, I need all photos, videos and all copies, edits, croppings, etc! and not just a few that may be similar or ones that were copied from an original & edited/cropped, enlarged etc. I definitely need the original source.

The large photo or video attached to memory stick I cannot open. I need to be able to view the video and/or photo as well as its details.

To: Ellington Board of Appeals and
Ellington Planning & Zoning Department and
Lisa Houlihan and John Colonese and
Barbara (Admin of Planning & Zoning Dept)

From: Susann McCarthy

(page 1 of 5)

Re: Request to Inspect Information

Exhibit# 14

RECEIVED

FEB 16 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Date: Friday, February 12, 2021

On Thursday, February 11, 2021 I dropped
off information to the above listed department
and/or individuals. Lisa Houlihan requested
I provide a more detailed ^{written} list of information
I am seeking. I wrote up this list

on Thursday evening night Feb 11, 2021
and returned with it on Friday, Feb 12,
2021 to hand deliver to Lisa Houlihan
and as well to the above addressed.

At 1:29 pm I attempted to open the
door (got into foyer - open) but door
to their office locked. I left a message
I had the information requested. Please
note that these items were requested to
inspect on January 8, 2021 when I verbally
requested to inspect. Again I am requesting this
information & to inspect. 1 cop. attached.

Per FOIA, EFOIA and when or where applicable the Privacy Act of 1974 I verbally and in person request to inspect the following information:

① any and all information that is, or was, or may, or could or shall contain any part or sub-part of the following but not limited to: ^{both oral and/or} written information, - memo, notes, ^{compliance} emails, texts, fax, photocopy, letter, report, forms, bills, videos, photos, ^{film} agenda, minutes, lists, phone logs, conversation logs, meeting logs, logs of any kind or format, letters, memos regardless of internal, external, interdepartment, multi-department, interagency, multi-agency ~~relations~~ phone bills, message logs, phone recordings, messages, ~~8~~ sketches, multiple versions, and all supporting documentation that accompanied any of the information.

② the information provided regardless if you are the creator, receiver as indicated or even if you discovered, came across, given or otherwise information you have or had in your possession, at any time.

③ The information shall be provided for any one or all of the following names, addresses, departments, etc:

① Susanna McCarthy*

② 15 Green St.

③ Rene Prentiss* or
Rene Prentiss*

④ 13 Green St,

⑤ 11 Green St.

⑥ 9 Green St.

⑦ 7 Green St.

⑧ James* or Jim* or Jimmy* (any spelling versions)
Prentiss* or Prentiss*

⑨ Mike Venguskas
Michael Venguskas
M. Venguskas

⑩ Deb, Debra, Deborah, Debbie Venguskas

⑪ 14 Green St.

⑫ Jim, James, Jimmy Bennett

⑬ 16 Green St.

or any spelling version
or part thereof -
i.e. Susan, Sue, Susie etc.
or Mcarty - misspelling
etc) for all names,
people & place etc.

- (N) Mike, Michael D'Amico or Damico*
Karen D'Amico, Damico, Rachael D'Amico, Damico*
- (O) 12 Keeney St.,
- (P) Any thing to do w/ Keeney St or any individual address at Keeney St.
- (Q) Any thing to do w/ Green St or any address at Green St or individual address
- (R) Anything to do with Sweeney St. or anything at an individual address of Sweeney St.
- (S) Anything to do with Red St., or Red Lane or Red way or any individual address.
- (T) Anything to do with White St or any individual address at White St.
- (U) Mike or Michael Stostonis
- (V) Crystal Lake and/or Sandy Beach (Town Beach)
- (W) Town owned properties on Green St, Red St, Sweeney St, Sandy Beach Rd, White St, Keeney St
Town owned properties from after the school/elementary school across the Church through after Crystal Ridge Rd.
- (X) Complaints log for past 3 years containing names of complanants, their address, contact info subject & specific complaints, date of complaints and each and every step taken to resolve complaints

- ① any and all communications for the last 3^{1/2} years ^{all} 2018, 2019, & 2020 to present date. suggesting, demanding, requesting, or similar to any property owner in the Town of Ellington. copy of each.
- ② any and all communications for the last 3^{1/2} years all of 2018, 2019, 2020 to present 2021 (update monthly) that your department sent out either in standard forms, letters, etc. informing, demanding, requesting, suggesting, requiring per complaint, per regulations, per code, per your departments pursue to any and all property owners. copy of each.
- aa: Rene, R., (or any variation of spelling first or last name) McGuigan
- bb: Any on Crystal Rd or Street any information regarding any address or property on Crystal Rd or Street.

John Colonese

From: Agma42 <agma42@aol.com>
Sent: Tuesday, February 16, 2021 3:03 PM
To: John Colonese
Subject: 15 Green St.

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.

Hello John: Confirming our telephone conversation, and reviewing the request made by Susan T. McCarthy for another extension, so she might received additional information from your department. Thus the extension is granted and she will be on the docket for the April 5th 2021 meeting.

Arthur G. Aube
Chairman ZBA

pg 1 of 1

Exhibit# 15



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 FAX (860) 870-3122

February 18, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

By First Class Mail

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

On February 11, 2021, the Ellington Planning Department received your Freedom of Information Request dated February 11, 2021 (8 pages total, separated into pages 1-5 & 1-3). This response is being delivered to you within the time period required by Conn. Gen. Stat. §1-206.

Given the scope of the request, it will take staff approximately a week to research the request, compile the information, and calculate fees associated with providing the information in accordance with Conn. Gen. Stat. §1-211(a) and §1-212. You will be contacted if prepayment is required to provide the information requested.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

cc. Lisa Houlihan, Town Planner

pg. 1 of 2

Exhibit# 16



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

FAX (860) 870-3122

February 22, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

By First Class Mail

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

On February 16, 2021, the Ellington Planning Department received your Freedom of Information Request dated February 12, 2021 (pages 1-5). This response is being delivered to you within the time period required by Conn. Gen. Stat. §1-206.

Given the extent of the request, it is undetermined how long it will take to research the request, compile the information, and calculate fees associated with providing the information in accordance with Conn. Gen. Stat. §1-211(a) and §1-212. Subsequently, you will be contacted with additional correspondence.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

cc. Lisa Houlihan, Town Planner

pg 1 of 2

Exhibit# 17



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 FAX (860) 870-3122

February 26, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

By First Class Mail

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

Please accept this letter as a response to your Freedom of Information Request dated and received February 11, 2021. Please see below responses to your eight (8) page, two part (pages 1-5 and 1-3) request below:

- Per page 4 of 5 of your request, the Town of Ellington Planning Department does not have any texts, messages orally or in hand written form regarding Susann McCarthy or 15 Green Street.
- Per page 4 of 5 of your request, the Town of Ellington Planning Department has already produced to you the discussions, conversations, phone calls, emails, notes, photos, and electronic messages regarding Susann McCarthy and 15 Green Street pursuant to your January 8, 2021 and January 11, 2021 requests in electronic format on February 5, 2020.
- Per page 4 of 5 of your request, the Town of Ellington Planning Department would like to direct you to the town's website (www.ellington-ct.gov) for Zoning Board of Appeals public meeting recordings, agendas, and minutes held in 2020 and 2021. For prior Zoning Board of Appeals public meeting years please indicate the specific date of the meeting(s) and recording(s) and they can be provided to you for a fee for copying the meeting minutes and/or producing the recording.
- Per page 2 of 3 of your request, the Town of Ellington Planning Department has already produced to you in electronic format on February 5, 2020 pursuant to your January 8, 2021 and January 11, 2021 requests an .mp4 video file. This is the file format that can be provided as this was the format provided to the Planning Department from an outside source in an email dated November 25, 2020.
- Per page 2 of 3 of your request, the Town of Ellington Planning Department has already produced the photos and emails regarding Susann McCarthy and 15 Green Street pursuant to your January 8, 2021 and January 11, 2021 requests in electronic format on February 5, 2020.
- Per page 2 of 3 of your request, the Town of Ellington Planning Department does not have any phone logs with date, time, phone number, contact information of phone call conversations, or phone bills, or other paper documents of phone calls regarding Susann McCarthy or 15 Green Street.

- Per page 2 of 3 of your request, the Town of Ellington Planning Department has already produced to you phone call information regarding Susann McCarthy and 15 Green Street pursuant to your January 8, 2021 and January 11, 2021 requests in electronic format on February 5, 2020.
- Per page 2 of 3 of your request, the Town of Ellington Planning Department would like to direct you to the town's website (www.ellington-ct.gov) for Zoning Board of Appeals public meeting recordings, agendas, and minutes held in 2020 and 2021. For prior Zoning Board of Appeals public meeting years please indicate the specific date of the meeting(s) and recording(s) and they can be provided to you for a fee for copying the meeting minutes and/or producing the recording.
- Per page 3 of 3 of your request, the Town of Ellington Planning Department has already produced the photos and videos regarding Susann McCarthy and 15 Green Street pursuant to your January 8, 2021 and January 11, 2021 requests in electronic format on February 5, 2020.
- Per page 3 of 3 of your request, the Town of Ellington Planning Department has already produced to you in electronic format on February 5, 2020 pursuant to your January 8, 2021 and January 11, 2021 requests an .mp4 video file. This is the file format that can be provided as this was the format provided to the Planning Department from an outside source in an email dated November 25, 2020.
- A memorandum was discovered from when your attorney provided information to the Zoning Board of Appeals on your behalf with regard to ZBA file V201515 for 13 Green Street. This memorandum can be viewed at the Planning Department office or produced to you for a fee.
- Complaint files were discovered regarding 11 and 13 Green Street from 2015. The complaints were made by you with regard to 11 and 13 Green Street. These files can be viewed at the Planning Department office or produced to you for a fee.

Please note recent documents and emails regarding your appeal, ZBA file V202101, can be found in the file and are available for your review at the Planning Department office.

Please contact the office at 860-870-3120 if you have any questions.

Respectfully,



John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

cc. Lisa Houlihan, Town Planner



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

FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES

MONDAY, MARCH 1, 2021, 7:00 PM

TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT

IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS AND ZOOM MEETING ATTENDANCE

PRESENT: Chairman Art Aube, Regular members Ken Braga and Katherine Heminway; Present via ZOOM meeting: Vice Chairman Sulakshana Thanvanthri, Regular member Subhra Roy, Alternates Ron Brown and Rodger Hosig

ABSENT: Alternate Ron Stomberg

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Present via ZOOM meeting: Barbra Galovich, Recording Clerk

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, explained general procedures for how the meeting will be conducted.

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:03 pm at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. V202102 – Andrian & Cheryl Kebalo, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 24ft and the side yard setback from 10ft to 8ft for a two story addition with a one car garage; and Section 3.2.4-Lot Coverage: to increase lot coverage from 25% to 26% at 1 Crystal Street, APN 149-069-0000 in a Lake Residential (LR) zone.

TIME: 7:03 pm

SEATED: Aube, Braga, Heminway, Thanvanthri, and Roy

Andrian and Cheryl Kebalo, 1 Crystal Street, were present to represent the application. Mr. Kebalo explained they are proposing to construct a second garage and a two story addition. Mr. Kebalo said there are two existing variances on the property from the previous owner. He

Zoning Board of Appeals
Regular Meeting Minutes
March 1, 2021
Page 1 of 4

Exhibit# 19

2. V202103 – 267 Jobs Hill Road, LLC, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 7.14.3(C.3)-Horse Boarding / Riding Arena: 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 at 267 Jobs Hill Road, APN 159-022-0000 in a Rural Agricultural Residential (RAR) zone.

TIME: 7:36 pm

SEATED: Aube, Braga, Heminway, Thanvanthri, and Roy

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 a 34'x150' building containing 22 stalls on the first floor and storage on the second floor, and a 30'x70' building containing 12 stalls and a tack storage area. 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 and 40'x70' storage area. The front 30'x30' building will be used for dry storage.

Mr. Colonese said the 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." He noted that these comments were forwarded to the applicant via email.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202103.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V202103 – 267 Jobs Hill Road, LLC, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 7.14.3(C.3)-Horse Boarding / Riding Arena: 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 at 267 Jobs Hill Road, APN 159-022-0000 in a Rural Agricultural Residential (RAR) zone.

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.

3. V202101 – Susann McCarthy, owner/applicant, to appeal a Cease & Deist Order from the Zoning Enforcement Officer at 15 Green Street, APN 129-043-0000 in a Lake Residential (LR) zone.



STATE OF CONNECTICUT - COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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

March 9, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

By First Class Mail

Re: Freedom of Information Act Request
Request to Inspect Information

Dear Ms. McCarthy:

On February 16, 2021, the Ellington Planning Department received your Freedom of Information Request dated February 12, 2021 (pages 1-5). An initial response was mailed to you on February 22, 2021.

In your request you ask for multiple items for multiple properties. We are in the process of gathering paper records for the addresses referenced in your letter and they will be available for your inspection in the Planning Department. Please contact the Planning Department to set up a schedule of appointments to inspect the paper records. Please be aware the cost to copy is \$.50 per page.

Due to the extent of the overall request it is still undetermined how long it will take to research the remainder of the request, compile the information, and calculate fees associated with providing the information.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

cc. Lisa Houlihan, Town Planner



STATE OF CONNECTICUT - COUNTY OF TOLLAND
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TOWN PLANNERS OFFICE

FAX (860) 870-3122

March 22, 2021

Susann T. McCarthy
P.O. Box 426
Tolland, CT 06084

RE: V202101 - Susann McCarthy, owner/applicant, to appeal a Cease & Deist Order from the Zoning Enforcement Officer at 15 Green Street, APN 129-043-0000 in a Lake Residential (LR) zone.

Dear Ms. McCarthy:

Enclosed please find the Legal Notice for your application that is scheduled for a public hearing on Monday, April 5, 2021 at 7:00 pm in the Town Hall Meeting Room, 55 Main Street, Ellington, CT.

The Ellington Zoning Regulations **REQUIRE THAT THE APPLICANT SEND NOTIFICATION** of the public hearing to the property owners within 100 feet of the subject site **NOT LESS THAN 10 DAYS PRIOR TO THE PUBLIC HEARING**. You may use the attached Legal Notice to notify the property owners **BY U. S. POSTAL SERVICE CERTIFICATE OF MAILING (NOT CERTIFIED MAIL)**. Please forward receipt of the Certificate of Mailing to the Ellington Planning Department prior to the scheduled public hearing. Failure to comply with notice requirements may result in delays and/or denial of your application.

If you have any questions, please contact the Planning Department at (860) 870-3120.

Sincerely,
Art Aube, Jr.
Art Aube, Chairman
Zoning Board of Appeals

AA/bg

Enclosures

*Requested extension
to open public hearing
BA*

RECEIVED

Exhibit# 22

MAR 25 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

V202101

3-24-2021

(p.1/4)

To: Board of Zoning Appeals (Town of Ellington CT)

From: Susann McCarthy

Re: 15 Green St. Appeal-

Request for Accommodation for
Zoning Appeals scheduled meeting
of April 5, 2021 to
for Religious Relief and Practice.

Date: ~~March 24, 2021~~ 24th March, Accommodation!

Dear Zoning Board of Appeals

As I recently received information and I understand that the Town of Ellington CT Zoning Board of Appeals is scheduled to conduct business on Easter Monday - April 5, 2021 and which I am scheduled to present my appeal on this date, I respectfully request an accommodation for religious reasons as this a religious observation, practice and belief which I participate and is one of days of worship and rest that I observe, believe and practice.

I greatly appreciate you giving due consideration to my accommodation request for religious purposes to reschedule this appeal to your regularly scheduled meeting per the towns website to May 2021 or

3-24-2021

(p2/4)

any subsequent regularly scheduled ZBA
so that I do not have to make ^{my} the impossible decision / choice ^{from} ^{Mayor} ^{and}
between faithfulness to God
and to attending my appeal to
the zoning board of appeals. It
would be especially appreciate
as you may recall one of my
concerns which I will be
addressing in the appeal
is my freedom to practice my
religious ~~and~~ beliefs and I pray
you will be supportive of this
including but not limited to this
religious accommodation of rescheduling
the appeal to your next scheduled
(regularly scheduled) board ZBA meeting.

I believe my accommodation request
is reasonable as it does not
place any undue hardship on
~~or~~ or additional cost onto the ZBA?

- ① as I am requesting to be scheduled
on the next regularly scheduled
ZBA meeting of each month or subsequent ones
- ② No notices to neighbors w/
100 feet (which I bore the cost of
the mailing) None have been sent
out as of yet.
- ③ As no notices have been sent to
neighbors - they will not be confused
to when to attend the meeting and no
hardship.

(p3/4)
3-24-2021

- ④ As I am preserving my rights of objection to the Towns Zoning officer through the appeal - but have complied with his request of removing the fence from the Sweeney Rd retaining wall - there is no hardship or cost to the Town of Ellington as well as there is not a junk yard or junk - therefore my reasonable accommodation for religious purposes should be granted, and have already complied with the town zoning officer request (in protest.)

Further my reasonable accommodation request for religious reasons places only a minor request on the Town of Ellington ZBA - to simply reschedule me from April 5, 2021 to your regularly scheduled ZBA meeting or monthly meeting of May 2021 if that is already booked or filled then to the following available regularly scheduled ZBA meeting. I am not requesting any special meetings be made - just scheduled or regularly scheduled meeting that takes place each month.

P4/4

3-24-2021

As the Town of Ellington observes closing on Good Friday, April second (2) of 2021 - the Ellington Town's (which the) schools and public town employees are not required to work on this religious holiday, I would hope you would find ~~the~~ my accommodation request for religious purposes just as important. As you know this time of year has major religious significance that is ~~not~~ observed not just for 1 day but for more days both prior & subsequent to the town's day off / closing of April 2, 2021 - Good Friday! Thus my religious accommodation is reasonable.

I am confident that you can arrange a suitable religious accommodation to my request by simply scheduling me to your next regularly scheduled ZBA meeting or the subsequent ZBA meetings regularly scheduled if the next one is filled.

I would like to thank you in advance for your anticipated cooperation with this request to accommodate scheduling conflicts with my religious beliefs, observances and practices. Sincerely, Susan McIntyre

Provided to
Susan McCarthy
in envelope left in
Annex front foyer on
3/25/21 per her request.

GENERAL STATUTES OF CONNECTICUT

(This is not the entire Sec. 8-7d. Information provided for decision timelines.)

Sec. 8-7d. Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry. (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 or an aquifer protection agency under chapter 446i and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed, and (3) a title search or any other additional method of identifying persons who own land that is adjacent to the land that is the subject of the hearing shall not be required. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered not later than sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered not later than sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered not later than sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered not later than sixty-five days after receipt of such application. Whenever a decision is to be made on an aquifer protection area application under chapter 446i on which no hearing is held, such decision shall be rendered not later than sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.



STATE OF CONNECTICUT - COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, APRIL 5, 2021, 7:00 PM TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT

IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS AND ZOOM MEETING ATTENDANCE

PRESENT: Chairman Art Aube, Regular members Ken Braga and Katherine Heminway; Present via ZOOM meeting: Vice Chairman Sulakshana Thanvanthri, Regular member Subhra Roy, Alternates Rodger Hosig and Ron Brown (arrived at 7:15 pm)

ABSENT: Alternate Ron Stomberg

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Present via ZOOM meeting: Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 pm at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. **V202101** - Susann McCarthy, owner/applicant, to appeal a Cease & Deist Order from the Zoning Enforcement Officer at 15 Green Street, APN 129-043-0000 in a Lake Residential (LR) zone.

TIME: 7:01 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Chairman Aube stated the Planning Department received a request to table the opening of the public hearing from the owner of 15 Green Street.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING TO THE MAY 3, 2021 REGULAR MEETING FOR V202101.

Donna Celotti was present to represent the application. Ms. Celotti stated the Hidden Still restaurant is seeking a variance to expand their existing outside dining area. They are looking to expand the patio from 87 West Road onto 89 West Road reducing the side yard setback from 10 feet to zero (0) feet and the front yard setback from 100 feet to 42 feet. Ms. Celotti reviewed the application, noting they would like to install a 6' fence around the new patio area and continue it around the existing patio. They will be creating a new exit as shown on the plan and fill in the existing exit way between the properties. She explained the two parcels are owned by the same people and the owner and the tenant have signed an agreement regarding the patio expansion.

Vice Chairman Thanvanthri asked if the new portion of the patio would be permanent or temporary during the pandemic. Ms. Celotti stated the patio will be permanent. Vice Chairman Thanvanthri asked about the proposed fire pit on the provided sketch drawings and how they will address the Fire Marshal's comments. Ms. Celotti explained they will need to comply with the Fire Marshal requirements during the building permit process.

Commissioner Roy asked about the existing parking. Ms. Celotti said the proposed construction will not eliminate any parking spaces. Commissioner Hosig said his concern is the existing driveway exit area. He suggested possibly adding bollards to protect the safety of the public on the new patio. Ms. Celotti said they plan to block off the existing exit area next to the new patio area.

Mr. Colonese stated he recommends the private agreement between owner and the tenant be reviewed by the Town Attorney with any additional fees to be borne on the applicant.

No one from the public spoke regarding the application.

MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202104.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V202105 – Ellington Realty, Inc. & 87 West, LLC, owners/ Still Group d.b.a. The Hidden Still, applicant, request for variances of the Ellington Zoning Regulations Section 2.1.14-Accessory Uses and Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the side yard setback from 10 feet to 0 feet and front yard setback from 100 feet to 42 feet for a patio expansion for outdoor restaurant dining across a property line, and Section 2.1.7-Construction in Required Yards: to allow a six foot fence within the front yard setback at 87 West Road, APN 028-017-0000 and 89 West Road, APN 028-016-0000 in a Commercial (C) zone.

Conditions of Approval:

- 1) Subject to compliance with Health Department and Fire Marshal requirements.**
- 2) Private agreement to allow outdoor restaurant dining patio across a property line subject to Town Attorney review with any costs associated with the review to be borne by the applicant.**

HARDSHIP: Lot configuration

IV. ADMINISTRATIVE BUSINESS:

- 1. Approval of the March 1, 2021 Regular Meeting Minutes.**



STATE OF CONNECTICUT -- COUNTY OF TOLLAND
INCORPORATED 1786

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

April 8, 2021

Susann T. McCarthy
PO Box 426
Tolland, CT 06084

By First Class Mail

Re: V202101 - 15 Green Street, Susann McCarty owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

Dear Ms. McCarthy:

In response to your request please find enclosed photos taken on December 3, 2020 which provides an example of discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on your property. These photos were previously provided to you on February 5, 2021 in response to your request for information.

Please contact the office at 860-870-3120 if you have any questions.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

Enclosures

pg 1 of 12

Exhibit# 25



Photo 1

Taken 12/3/20 facing front yard of 15 Green Street from the corner of ~~Keeney~~ *Sweeney* Street and Green Street *JRC*

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: white fence posts and panels, wood and white pallets, blue tarps and covered articles, green tarp and covered articles, wood posts, metal pipes along front of house, exercise device



Photo 2

Taken 12/3/20 facing front yard of 15 Green Street from Green Street

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: wood posts, white fence posts and panels, white wooden pallets, wooden spool, gray and white garbage bins by road, exercise device



Photo 3

Taken 12/3/20 facing side yard of 15 Green Street from Green Street

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: wooden pallets, tarps, and spools in rear yard; wood posts and white pallet in front yard



Photo 4

Taken 12/3/20 facing the front yard of 15 Green Street from Green Street

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue tarps and covered articles, green tarp and covered articles, wood pallets, wood pieces by stone wall, exercise device, metal pipes by front of house



Photo 5

Taken 12/3/20 facing front yard of 15 Green Street from Green Street

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue tarps and covered articles, green tarp and covered articles, wooden pallets, wooden spools, metal pipes by front of house



Photo 6

Taken 12/3/20 facing side of 15 Green Street from Keeney Street

Sweeney LLC

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: tarp and pallet next to house and covered articles, wood pallets, metal pipes by front of house



Photo 7

Taken 12/3/20 facing side of 15 Green Street from Keeney Street

Sweeney LLC

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and gray tarps by road covering articles; stacked white fence posts, metal shelving, and plastic edging by house



Photo 8

Taken 12/3/20 facing driveway of 15 Green Street from ~~Keeney~~ Street

Sweeney JAC

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and green tarps covering articles behind fence, gray and blue garbage bins in front of fence by edge of road, broken green lattice in front of stockade fencing



Photo 9

Taken 12/3/20 facing driveway of 15 Green Street from Keeney Street

Sweeney JRC

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and gray tarps covering articles by road, grey and blue garbage bins in front of fence by road, broken green lattice in front of stockade fencing, gray tarp coving large rectangular shaped article(s) behind fence in driveway



Photo 10

Taken 12/3/20 facing side of 15 Green Street from ~~Kearney~~ Street

Sweeney JAC

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and gray tarps covering articles by road, blue and gray garbage bins in front of fence at edge of road, gray tarp covering large rectangular shaped article(s) behind fence in driveway, long metal pipes along front of house, tarp and pallet covering articles by house side door

Barbra Galovich

From: Barbra Galovich
Sent: Monday, April 19, 2021 11:22 AM
To: 'smc42017@gmail.com'
Cc: John Colonese
Subject: V202101 - 15 Green Street abutter's letter
Attachments: V202102 - 15 Green St abutters letter.pdf

Susann,

Hope you are doing well. I have attached a copy of the abutter's letter, Public Hearing notification, list of abutters and copy of USPS Certificate of mailing form.

The Legal Notices to the property abutters will need to be post marked before Friday, April 23, 2021. **Please confirm receipt of this email.**

If you have any questions, feel free to call the office.

Thank you,
Barbra

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

TOWN OF ELLINGTON

55 MAIN ST.

P.O. BOX 187

ELLINGTON, CONNECTICUT 06029-0187

Planning Department



Susann T. McCarthy
P.O. Box 426
Tolland, CT 06084

Attachment 1



Photo 1

Taken 9/30/20 facing front yard of 15 Green Street from the corner of Sweeney Street and Green Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: wood and white pallets, large wooden spools, exercise device



Photo 3

Taken 9/30/20 facing driveway of 15 Green Street from Sweeney Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: gray tarp covering large rectangular shaped article(s) behind fence in driveway, green tarp and covered articles between house and car

Approximate 6 foot stockade fence located within front yard setback area

Attachment 2



STATE OF CONNECTICUT - COUNTY OF TOLLAND
INCORPORATED 1786

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TOWN PLANNER'S OFFICE

FAX (860) 870-3122

NOTICE OF VIOLATION REQUEST FOR VOLUNTARY COMPLIANCE

October 7, 2020

Susann T. McCarthy
P.O. Box 9404
Bristol, CT 06011

Certified Mail R/R 70162710000114698937
US POSTAL SERVICE

Re: 15 Green Street (Assessor Parcel No. 129-043-0000)
Violation of Ellington Zoning Regulations

Dear Ms. McCarthy:

Recently, you and I spoke about complaints that were received by the Ellington Planning Department regarding articles and materials being stored outdoors and the installation of stockade fences along Sweeney Street at 15 Green Street. In response to the complaint, an inspection of the subject property was conducted. It appears junk (as defined by the Ellington Zoning Regulations) is being stored outdoors, and stockade fences approximately six feet in height have been installed along Sweeney Street at the subject property in violation of the following Ellington Zoning Regulations:

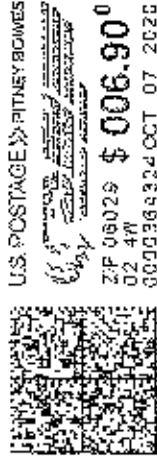
- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk outdoors and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk outdoors and a junk yard is not permitted in the Lake Residential Zoning District.
- Pursuant to Section 2.1.7 Construction in Required Yards: Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height.

TOWN OF ELLINGTON
55 MAIN ST.
P.O. BOX 187
ELLINGTON, CONNECTICUT 06029-0187
Planning Department

CERTIFIED MAIL



7016 2710 0001 1467 8937



U.S. POSTAGE & PITNEY BOWES

ZF 06029 \$006.90⁰
02 4W
0000360324 OCT 07 2025

Susann T. McCarthy
P.O. Box 9404
Bristol, CT 06011

061 DE 1 8811/06/20

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

05829-0187

06011\$9404 B052

05829-0187

06011\$9404 B052

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Extra Services & Fees (Indicate, add fee, appropriate)	Postmark Date
<input type="checkbox"/> Return Receipt (hardcopy) \$2.80	06029
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Package	
\$2.50	
Total Package and Fees	
\$6.90	





Sent to SUSANN T. MCCARTHY
Street and Apt. No. or P.O. Box
P.O. Box 9404
City, State, ZIP+4[®] BRISTOL, CT 06011

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

18 Jan 11

7016 2710 0001 1467 8937

Attachment 3

 UNITED STATES POSTAL SERVICE	FORM 3547 fee due \$0.62 <i>Restricted Data</i>	<i>First-Class Mail</i> <i>Postage and Fees Paid</i> USPS <i>Permit No. G10</i>		
<table border="1"> <tr> <td data-bbox="446 220 998 581"> TAX COLLECTOR TOWN OF ELLINGTON P.O. Box 158 Ellington, CT 06029-0158 ADDRESS SERVICE REQUESTED <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> <i>RECEIVED BY J. Winchester Farmington, CT 06032</i> </div> </td> <td data-bbox="998 220 1226 581" style="text-align: right;">  U.S. POSTAGE \$0.62 06029-0158 </td> </tr> </table>			TAX COLLECTOR TOWN OF ELLINGTON P.O. Box 158 Ellington, CT 06029-0158 ADDRESS SERVICE REQUESTED <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> <i>RECEIVED BY J. Winchester Farmington, CT 06032</i> </div>	 U.S. POSTAGE \$0.62 06029-0158
TAX COLLECTOR TOWN OF ELLINGTON P.O. Box 158 Ellington, CT 06029-0158 ADDRESS SERVICE REQUESTED <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> <i>RECEIVED BY J. Winchester Farmington, CT 06032</i> </div>	 U.S. POSTAGE \$0.62 06029-0158			

OLD: SUSANN MCCARTHY
11 WINCHESTER CT
FARMINGTON CT 06032-3423

NEW: PO BOX 9404
BRISTOL CT 06011-9404

01/09/20 16:47 4501160000737 d.1 proc20200308 eff20191012
PLANET: Id34 Code0092034406540941 1206032342311

TO THE POSTMASTER OF
PO BOX 158
ELLINGTON CT 06029-9998



Attachment 4



Photo 1

Taken 11/18/20 facing front yard of 15 Green Street from the corner of Sweeney Street and Green Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: white fence posts and panels, large wooden spools, green tarp by house and covered articles, exercise device, white pallets



Photo 3

Taken 11/18/20 facing driveway of 15 Green Street from Sweeney Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: grey and blue garbage bins in front of fence, tarp behind fence next to house covering articles, gray tarp covering large rectangular shaped article(s) behind fence in driveway

Approximate 6 foot stockade fence located within front yard setback area



Photo 5

Taken 11/18/20 facing driveway and side of 15 Green Street from Sweeney Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and gray tarps covering articles behind fence between car and house, wood pallets, white fence panels leaning against side of house

Approximate 6 foot stockade fence located within front yard setback area

Attachment 5



Photo 1

Taken 12/3/20 facing front yard of 15 Green Street from the corner of Sweeney Street and Green Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: white fence posts and panels, wood and white pallets, blue tarps and covered articles, green tarp and covered articles, wood posts, metal pipes along front of house, exercise device



Photo 3

Taken 12/3/20 facing side yard of 15 Green Street from Green Street

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: wooden pallets, tarps, and spools in rear yard; wood posts and white pallet in front yard



Photo 5

Taken 12/3/20 facing front yard of 15 Green Street from Green Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue tarps and covered articles, green tarp and covered articles, wooden pallets, wooden spools, metal pipes by front of house

Approximate 6 foot stockade fence located within front yard setback area



Photo 7

Taken 12/3/20 facing side of 15 Green Street from Sweeney Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and gray tarps by road covering articles; stacked white fence posts, metal shelving, and plastic edging by house

Approximate 6 foot stockade fence located within front yard setback area



Photo 9

Taken 12/3/20 facing driveway of 15 Green Street from Sweeney Street shows:

Discarded junk articles and materials which have been collected or stored for salvage or conversion constituting a junk yard maintained on the property such as: blue and gray tarps covering articles by road, grey and blue garbage bins in front of fence by road, broken green lattice in front of stockade fencing, gray tarp coving large rectangular shaped article(s) behind fence in driveway

Approximate 6 foot stockade fence located within front yard setback area

Attachment 6

Pg 37 of 81



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

FAX (860) 870-3122

CEASE AND DESIST ORDER

December 11, 2020

Susann T. McCarthy
11 Winchester Court
Farmington, CT 06032

Delivery by: State Marshal,
Certified Mail R/R 70162710000114698845
US POSTAL SERVICE & First Class Mail

Re: 15 Green Street (Assessor Parcel No. 129-043-0000)
Violation of the Ellington Zoning Regulations

Dear Ms. McCarthy:

On October 7, 2020, you were issued a Notice of Violation for storing junk outdoors, and constructing stockade fences approximately six feet in height along Sweeney Street at the subject property. The notice asked you to remove the stockade fences from the building setback line to the street on Sweeney Street or obtain a variance from the Ellington Zoning Board of Appeals. The notice also asked you to remove all the junk from the subject property. Please see the notice enclosed.

To date, subsequent inspections have found that junk (as defined by the Ellington Zoning Regulations) continues to be stored outdoors creating a junk yard and stockade fences approximately six feet in height are still located within the front yard setback area on the subject property in violation of the following Ellington Zoning Regulations:

- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk outdoors and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk outdoors and a junk yard is not permitted in the Lake Residential Zoning District.
- Pursuant to Section 2.1.7 Construction in Required Yards: "Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height." Therefore, a fence constructed within the front yard setback area over 2½ feet in height that provides more than fifty percent obstruction of vision through the fence, such as a stockade fence, or any fence over four feet in height is a violation.



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 FAX (860) 870-3122

NOTICE OF VIOLATION REQUEST FOR VOLUNTARY COMPLIANCE

October 7, 2020

Susann T. McCarthy
P.O. Box 9404
Bristol, CT 06011

*Copy sent to owner
via first class mail
on 10/7/20 JAC*

Certified Mail R/R 70162710000114698937
US POSTAL SERVICE

Re: 15 Green Street (Assessor Parcel No. 129-043-0000)
Violation of Ellington Zoning Regulations

Dear Ms. McCarthy:

Recently, you and I spoke about complaints that were received by the Ellington Planning Department regarding articles and materials being stored outdoors and the installation of stockade fences along Sweeney Street at 15 Green Street. In response to the complaint, an inspection of the subject property was conducted. It appears junk (as defined by the Ellington Zoning Regulations) is being stored outdoors, and stockade fences approximately six feet in height have been installed along Sweeney Street at the subject property in violation of the following Ellington Zoning Regulations:

- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk outdoors and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk outdoors and a junk yard is not permitted in the Lake Residential Zoning District.
- Pursuant to Section 2.1.7 Construction in Required Yards: Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height.

OF ELLINGTON

55 MAIN ST.

P.O. BOX 187

CONNECTICUT 06029-0187

ning Department



7016 2710 0001 1469 8845

7016 2710 0001 1469 8845



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0000364324 DEC 11, 2020

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Extra Services & Fees (check box, add fees as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.85
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage
\$ 4.50

Total Postage and Fees
\$ 6.90

Sent to Susan T. McCarthy
Street and Apt. No., or P.O. Box No. 11 Winchester Court
City, State, ZIP+4[®] Farmington CT 06032

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Domestic Mail Only

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Certified Mail Fee
\$ 3.55

Extra Services & Fees (check box, add fees as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.85
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage
\$ 4.50

Total Postage and Fees
\$ 6.90

Sent to Susan T. McCarthy
Street and Apt. No., or P.O. Box No. 11 Winchester Court
City, State, ZIP+4[®] Farmington CT 06032

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Susan T. McArthur
11 Newbester Lane
Farmington CT 06031*



9590 9402 2387 6249 0757 77

2. Article Number (Transfer from service label)

7026 2730 0001 3469 8845

PS Form 3811, July 2015 PSN 7530-02-000-9055

15 Green St.

Domestic Return Receipt

COMPLETE THIS SECTION (if DELIVERY)

A. Signature

☒ X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If yes, enter delivery address below: ☐ No

- | | |
|--|---|
| 3. Service Type | <input type="checkbox"/> Priority Mail Express |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation SM |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery over \$500 | |

Tim Poloski

Connecticut State Marshal
38 Risley Road
Vernon, CT 06066

(860) 508-6566

STATE OF CONNECTICUT

TOLLAND COUNTY

} ss: Ellington

December 11, 2020

Then and there and by virtue hereof, I left a true and attested copy of the within original Cease and Desist Order and Notice of Violation at the usual place of abode of **Susann T. McCarthy**, at 15 Green Street, Ellington, CT.

Afterwards on December 11, 2020, I left a true and attested copy of the within original Cease and Desist Order and Notice of Violation at the usual place of abode of **Susann T. McCarthy**, at 11 Winchester Court, Farmington, CT.

The within is the original Cease and Desist Order and Notice of Violation with my doings hereon endorsed.

ATTEST:



Tim Poloski
State Marshal

Fees:

Copies	8.00
Travel	42.55
Endorsements	1.60
Service	<u>80.00</u>
	\$132.15

Attachment 7

TOWN OF ELLINGTON
TAX and REVENUE COLLECTOR
PO BOX 158
ELLINGTON, CT 06029-0158
860.870.3113
860.870.3704 (fax)
taxcollector@ellington-ct.gov

CHANGE OF ADDRESS FORM

Name: Susann McCarthy
Property Address: 15 Green Street

Old Mailing Address:

Street: 15 Green Street

City/State/Zip: Ellington CT
120 Main St Suite 2029
Falmouth, Ma 02540

New Mailing Address:

Street: 11 Winchester Court

City/State/Zip: Farmington CT
06032

Changes to be made to the following accounts:

Real Estate

☒

Personal Property

☒

Refuse

☒

Sewer Use

☒

Motor Vehicle

☐

* change of address only reflected on the current grand list - must also be changed on your registration with the Department of Motor Vehicles

Signature

Susann McCarthy

Date

November 1, 2020

Internal Office Use Only:

Copy to Assessor Office (if applicable)

☒

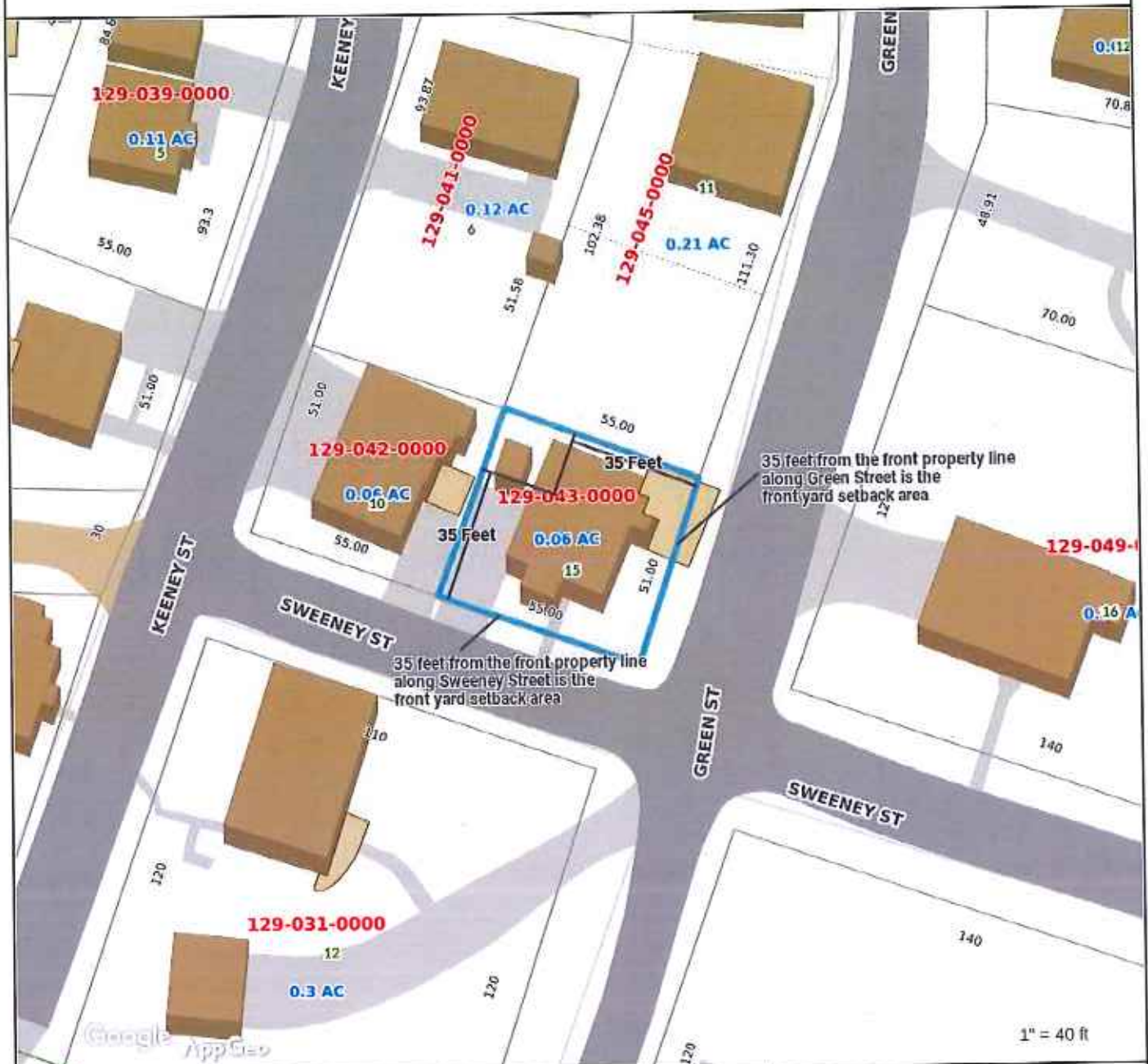
Entered into computer system:

11/20/20
Date

dv
Initials

* I have not received mail at my 15 green st ellington address - if you mailed anything there also not at the P.O. Box in Falmouth

Attachment 8

**Property Information**

Property ID: 129 043 0000
 Location: 15 GREEN ST
 Owner: MCCARTHY SUSANN T



**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

Print map scale is approximate.
 Critical layout or measurement activities should not be done using this resource.

Attachment 9

pg 57 of 81



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET • P. O. BOX 187
ELLINGTON, CONNECTICUT 06020-0187

www.ellington-ct.gov

TOWN PLANNER'S OFFICE

(860) 870-3120

(860) 870-3122

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its April 5, 2021 regular meeting, granted the following Certificate of Variance:

Application Number: V202105
Description of Affected Premises: 87 West Road/APN 028-017-0000
Owner(s) of Property: Eighty Seven West, LLC
89 West Road # 13
Ellington, CT 06029

Applicant: Still Group dba The Hidden Still
87 West Road
Ellington, CT 06029

Zoning Regulations Varied: Section 2.1.14-Accessory Uses, Section 4.2.1-Lot Area, Width & Yard Requirements and Section 2.1.7-Construction in Required Yards.

Nature of Variance: To reduce the side yard setback from 10 feet to 0 feet and front yard setback from 100 feet to 42 feet for a patio expansion for outdoor restaurant dining across a property line and to allow a six foot fence within the front yard setback.

Condition(s) of Approval:

- 1) Subject to compliance with Health Department and Fire Marshal requirements.
- 2) Private agreement to allow outdoor restaurant dining patio across a property line subject to Town Attorney review with any costs associated with the review to be borne by the applicant.

Hardship: Lot configuration

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: April 6, 2021.


Arthur Aube, Chairman
Ellington Zoning Board of Appeals

Pg 59 of 81



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1788

TOWN OF ELLINGTON

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

www.ellington-ct.gov

(860) 870-3120

TOWN PLANNER'S OFFICE

(860) 870-3122

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its January 8, 2018 regular meeting, granted the following Certificate of Variance:

Application Number: V201720

Description of Affected Premises: 1 Pinnacle Road/APN 047-034-0001

Owner(s) of Property: Patricia Decker
491 Oak Tree Road
Oradell, NJ 07649

Applicant: Matthew Couzens
66 Kibbe Road
Ellington, CT 06029

Zoning Regulations Varied: Section 2.1.7 – Construction in Required Yards

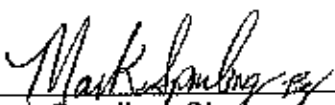
Nature of Variance: To allow a 4' to 5' high privacy fence within the front yard setback on Mountain Street on property located at 1 Pinnacle Road.

CONDITION(S):

- 1) Owner to sign agreement to hold the Town harmless if any damage is done to the fence by the Town. The hold harmless agreement is to be binding upon all subsequent owners of 1 Pinnacle Road.

HARDSHIP: CORNER LOT CONFIGURATION; TOPOGRAPHY; PRE-EXISTING SHRUBBERY ALONG MOUNTAIN STREET

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 started on: January 11, 2018.


Mark Spurling, Chairman - Ellington Zoning Board of Appeals



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1784

TOWN OF ELLINGTON

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

www.ellington-ct.gov

(860) 870-3120

TOWN PLANNER'S OFFICE

(860) 870-3122

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its May 4, 2015 meeting, granted the following Certificate of Variance:

Application Number: #V201503

Description of Affected Premises: 1 Crescent Circle/APN 009-059-0000

Owner(s) of Property: Frances & Louise Hann
1 Crescent Circle
Ellington, CT 06029

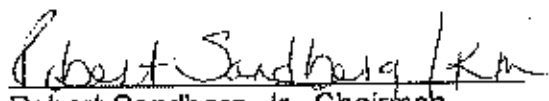
Applicant: Same

Zoning Regulations Varied: Ellington Zoning Regulations Section: 2.1.7--
Construction in Required Yards

Nature of Variance: To construct a 6' privacy fence within the front yard setbacks on Windsorville Road and Crescent Circle.

Hardship: CORNER LOT WITH TWO FRONT YARD SETBACKS

Conditions: PRIVACY FENCE 20' FROM WINDSORVILLE ROAD
WITHIN THE FRONT YARD SETBACK AND 16' FROM
CRESCENT CIRCLE WITHIN THE FRONT YARD
SETBACK.


Robert Sandberg, Jr., Chairman
Zoning Board of Appeals



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1796

TOWN OF ELLINGTON

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

www.ellington-ct.gov

(860) 870-3120

TOWN PLANNER'S OFFICE

(860) 870-3122

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its September 10, 2012 meeting, granted the following Certificate of Variance:

Application Number: #V201210

Description of Affected Premises: 12 Stafford Road/APN 111-001-0000

Owner of Property: Kevin Muphy
24 Lynn Drive
Vernon, CT 06066

Applicant: Same

Zoning Regulations Varied: Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback and 3.2.3-Minimum Yard Setbacks & Section 2.1.7-Construction in Required Yards.

Nature of Variance: To reduce the front yard setback to Burbank Road from 50' to 34' for deck and addition, to reduce the front yard setback to Burbank Road from 50' to 3' for a garage addition, to reduce the front yard setback to Stafford Road from 60' to 28' for a porch and addition; to allow a 6' fence in the front yard on Burbank Road and Stafford Road.

Hardship: HOUSE AND GARAGE ARE PRE-EXISTING NONCONFORMING; PROPERTY HAS TWO FRONT YARDS.

Conditions:

- STAIRS TO PORCH TO BE BUILT WITHIN 4' X 16' AREA SHOWN ON SUBMITTED PLAN.
- LENGTH OF 6' HIGH FENCE TO BE 50' FRONTING ON STAFFORD ROAD AND BURBANK ROAD.


Mary Gardin, Chairman
Zoning Board of Appeals

Pg 65 of 81



STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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

www.ellington-ct.gov

(860) 870-3120

TOWN PLANNER'S OFFICE

(860) 870-3122

CERTIFICATE OF VARIANCE

Notice is hereby given that the Ellington Zoning Board of Appeals, at its April 4, 2011 meeting, granted the following Certificate of Variance:

Application Number: #V201103

Description of Affected Premises: 116 West Shore Road/APN 168-109-0000

Owner of Property: William Chase
116 West Shore Road
Ellington, CT 06029

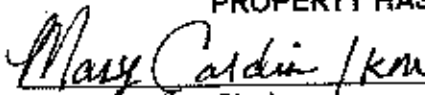
Applicant: Same

Zoning Regulations Varied: Sections 3.2.1—Lot Area, Width & Yard Requirements & 2.1.10—Highway Clearance Setback & Section 2.1.7—Construction in Required Yards.

Nature of Variance: To reduce the front yard setback to Stafford Road from 60' to 8' & for an addition and entrance overhang and from 60' to 15' for garage dormer and stairs & to allow a 6' fence to the property line on Stafford Road.

Conditions: 1. TO ALLOW A 6' FENCE TO THE PROPERTY LINE ON STAFFORD ROAD AT 45 FEET IN LENGTH TO BE PLACED ON THE PROPERTY 2. BASED ON PLOT PLAN DATED NOVEMBER 16, 1981 AND MARKED RECEIVED BY THE TOWN ON MARCH 17, 2011.

Hardship: 1. THE SLOPE OF THE PROPERTY FROM ROUTE 30 (STAFFORD RD) TO THE EXISTING HOUSE & LOT CONFIGURATION; 2. CANNOT BUILD ON THE NORTH SIDE OF THE HOUSE DUE TO SEWER LINE LOCATION; CANNOT BUILD ON EAST OR SOUTH SIDE OF HOUSE DUE TO THE SLOPE OF THE LAND; PROPERTY HAS TWO FRONT YARDS.


Mary Gardin, Chairman
Zoning Board of Appeals



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 FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES JULY 6, 2015

PRESENT: Chairman-Robert Sandberg Jr., Arthur Aube and Alternates Ron Stomberg, Alternate Ron Brown, Alternate Rodger Hosig

ABSENT: Vice Chairman-Mary Cardin, Mark Spurling, Kenneth Braga

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning & Wetlands Enforcement Officer and Kristin Michaud, Recording Secretary

I. CALL TO ORDER:

Chairman Sandberg called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): NONE

III. PUBLIC HEARINGS:

BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER TO HEAR ITEMS #2 AND #3 FIRST.

2. #V201513 - Donald Crabb, owner/applicant, for a variance of Ellington Zoning Regulations Section 4.2.1-Lot Area Width & Yard Requirements: to reduce the side and rear yard setbacks from 50' to 15' to replace a garage/storage structure on the existing footprint on property located at 121 Main Street, APN 063-005-0000 in a PC (Planned Commercial) zone.

TIME: 7:02

SEATED: R. Sandberg, R. Brown, A. Aube, R. Hosig, R. Stomberg

Donald Crabb, owner/applicant, came forward and reviewed his request, emphasizing how the barn is beyond repair. Mr. Crabb stated he would like to use the barn for storage and as a garage.

Chairman Sandberg questioned the 50' setback requirement.

John Colonese, Assistant Town Planner, read footnote 6, of Regulation 4.2.1 - Lot Area, Width & Yard Requirements. The regulation states a 50' side and rear yard setback is

FOR A VARIANCE OF ELLINGTON ZONING REGULATIONS SECTIONS 2.1.1.B-ZONING COMPLIANCE & 7.9.D-REAR LOT REQUIREMENTS: TO REDUCE THE LOT AREA OF AN EXISTING REAR LOT BY 4,181 SQ. FT. ON PROPERTY LOCATED AT 265 PINNEY STREET, APN 063-057-0000 IN AN RAR (RURAL AGRICULTURAL RESIDENTIAL) ZONE.

HARDSHIP: EXISTING POOR PROPERTY LINE AND SQUARING OF ABUTTING PROPERTY.

BY CONSENSUS THE COMMISSION WENT BACK TO ORIGINAL AGENDA ORDER.

1. #V201512 -- James Prentiss, Jr., owner/applicant, for a variance of Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35' to 1' and reduce the side yard setback from 10' to 4' to rebuild the house on the existing footprint with deck and front steps on property located on 11 Green Street, APN 129-045-0000 in an LR (Lake Residence) Zone. (CONTINUED FROM THE JUNE 1, 2015 MEETING)

TIME: 7:25

SEATED: R. Sandberg, K. Braga, A. Aube, R. Stomberg, R. Hosig

Chairman Sandberg briefly discussed how the commission had 4 commissioners present that sat on last month's hearing, explaining usually 5 commissioners sit on each hearing. Mr. Sandberg noted Commissioner Hosig was able to obtain and listen to a recording of last month's hearing and felt comfortable sitting on the hearing. Mr. Sandberg asked the applicants if they objected. Mr. & Mrs. Prentiss did not object.

James Jr. & Renee Prentiss, came forward and briefly described how the plans were redesigned to meet last month's requests by the commission. Noting the removal of the front door and placement of 4'4" x 12' recessed stairs, eliminating the request for a 1' setback to the road and presented a large set of plans with the measurements of the height of the house.

Chairman Sandberg inquired about the height of the house after construction. Mrs. Prentiss assured the commission the height of the house will be no higher than 31' 3/4", specifically noting the regulations allow for 38'.

Chairman Sandberg asked if there were any issues with combining the lots. Mrs. Prentiss assured the commission there were none.

Commissioner Brown felt the applicant has complied with all requests made by the commission.

Mike Damico, 12 Keeney Street, questioned which side of the house called for a 4' side yard setback, what the commission's definition of footprint is and questioned if the porch should be included within that definition.

Chairman Sandberg stated the right rear of the house is where the 4' request is. Mr. Sandberg also explained at last month's meeting the applicant explained the foundation under the porch was in need of repair.

Discussion ensued.

LOCATED ON 11 GREEN STREET, APN 129-045-0000 IN AN LR (LAKE RESIDENCE) ZONE.

MOVED (SANDBERG), SECONDED (BROWN) AND PASSED (A. AUBE-OPPOSED) TO APPROVE WITH CONDITIONS #V201512 - JAMES PRENTISS, JR., OWNER/APPLICANT, FOR A VARIANCE OF ELLINGTON ZONING REGULATIONS SECTION 3.2.3-MINIMUM YARD SETBACKS: TO REDUCE THE FRONT YARD SETBACK FROM 35' TO 3.42' AND REDUCE THE SIDE YARD SETBACK FROM 10' TO 4' TO REBUILD THE HOUSE ON THE EXISTING FOOTPRINT WITH DECK AND FRONT STEPS ON PROPERTY LOCATED ON 11 GREEN STREET, APN 129-045-0000 IN AN LR (LAKE RESIDENCE) ZONE.

HARDSHIP: BUILDING AND LOT ARE EXISTING NONCONFORMING

CONDITIONS:

- PARCELS 11 & 13 GREEN STREET TO BE COMBINED.
- APPLICANT TO ABIDE BY ALL STAFF COMMENTS.

4. #V201515 - James Prentiss, Jr., owner/applicant, for a variance of Ellington Zoning Regulations Section 2.1.7-Construction in Required Yards: to build a 10' privacy fence or install shrubs over 4' in height within the front yard setback on property located at 13 Green Street, APN 129-044-0000 in an LR (Lake Residence) zone.

TIME: 8:30

SEATED: R. Sandberg, R. Brown, A. Aube, R. Hosig, R. Stomberg

Renee Prentiss, owner came forward and reviewed the request for 10' fence pointing out the grade between properties is very drastic drawing attention to the request for 10' but on 15 Green Street the fence will only stand 6' in height.

Chairman Sandberg asked how far off the property line the shrubs or fence will be placed. Mrs. Prentiss explained if it is a fence they will place it 1' from the line for maintenance and if shrubs are chosen they will place them 2' to 3' from the line to allow for growth.

Mr. Colonese, indicated a photo received from the applicant shows a stepped fence and asked if the applicant knew the measurements of the fence all along the property line. Mrs. Prentiss stated it will be stepped as it goes down the hill making it less high at some points but will keep the fence at 6' from property line to property line along the 15 Green Street property. Mr. Colonese also questioned how high the fence will be after installation and Mrs. Prentiss was unable to get exact measurements for the fence all the way down the property line.

Discussion ensued.

Attorney Rintoul suggested the applicant abide by the front yard setback requirements for a fence, directing attention to Ms. McCarthy's patio in relation to placement of a 6' fence and how her view of the lake would be obstructed.

Mr. Colonese read Section 2.1.7 - Construction in Required Yards, stating this was Attorney Rintoul's reference.

Discussion ensued.

Attachment 11



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 FAX (860) 870-3122

NOTICE OF VIOLATION REQUEST FOR VOLUNTARY COMPLIANCE

December 11, 2018

Susann T. McCarthy
11 Winchester Court, Unit 11
Farmington, CT 06032

Certified Mail R/R 70130600000124765851
US POSTAL SERVICE

Re: 15 Green Street (Assessor Parcel No. 129-043-0000)
Violation of Ellington Zoning Regulations

Dear Ms. McCarthy:

Recently, you and I spoke about complaints that were received by the Ellington Planning Department regarding junk being stored outdoors at 15 Green Street, Ellington, CT. In response to the complaint, an inspection of the property was conducted. It appears junk is being stored outdoors on the subject property in violation of the following Ellington Zoning Regulations:

- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk and a junk yard is not permitted in the Rural Agricultural Residential Zoning District.

In order to remedy this situation on the subject property you must **remove all the junk**, certifying agreement with the Town of Ellington Zoning Regulations. *Junk* is defined by the Zoning Regulations as *any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors. Junk yard* is defined as *the use of any area, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.*

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Planning Postage \$.47
 Certified Fee 3.45
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 Total Postage & Fees \$ 6.67

ELLINGTON CT 06029
 DEC 11 2018
 Postmark Here

Sent To Susann T. McCarthy
 Street, Apt. No., or PO Box No. 11 Winchester Court, Unit 11
 City, State, ZIP+4 Farmington, CT 06032

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Susann T. McCarthy
11 Winchester Court, Unit 11
Farmington, CT 06032

2. Article Number
 (Transfer from service label)

7013 0600 0001 2476 5851

PS Form 3811, February 2004

Domestic Return Receipt

15 Green Street

102685-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature S. McCarthy 12/24/18
☒ Agent
☐ Addressee
- B. Received by (Printed Name) S. McCarthy 12/24/18
 C. Date of Delivery 12/24/18
- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

DEC 24 2018

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Pg 8/08/81



Town of Ellington

Planning Department

55 Main Street, PO Box 187, Ellington, CT 06029/Phone: 860-870-3120/ Email: jcolonese@ellington-ct.gov

DATE: April 28, 2021
TO: Zoning Board of Appeals
FROM: John D. Colonese, Assistant Town Planner/ZEO *JDC*
RE: V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

This memo explains how I arrived at my decision to issue a Cease and Desist Order for violations of the Ellington Zoning Regulations at 15 Greet Street which led to the current appeal, ZBA file V202101. In accordance with Section 8-7 of the Connecticut General Statutes, the following and attached are the papers and information constituting the record upon which the action was taken:

On 9/22/20 a resident called the Planning Department to make a complaint about 15 Green Street regarding a stockade fence along the front property line on Sweeney Street, as well as garbage, junk, pallets, crates, rocks, and exercise bike being in the yard.

On 9/23/20 Susann McCarthy called the Planning Department. We reviewed the complaint that was made the day prior. I said I would review the complaint, inspect the property, and respond. She did not leave a phone number for me to call her back on.

On 9/23/20 a second resident called the office to make a complaint about 15 Green Street regarding the following items on property: three pallets of stone, additional stone, items hanging up, empty table reels, stuff under tarps, wood, plywood, pieces of fence, dead bushes, and the property being a junk yard.

On 9/23/20 a third resident called the office to make a complaint about 15 Green Street regarding fences along the street line, and items behind fencing: rolls of chain link fence, wooden frames, pallets, seven wooden spindles, and lounge chairs.

On 9/30/20 I inspected the property and visually observed a fence located within the front yard setback area along Sweeney Street and discarded junk articles and materials which have been collected or stored for salvage or conversion maintained on the property constituting a junk yard as defined by the regulations (photos numbered 1 thru 4 dated 9/30/20 with descriptions – Attachment 1).

Based on inspection and cited regulations I issued a Notice of Violation, hereinafter the "Notice", on October 7, 2020 (Attachment 2) explaining possible remedies to the violations and how to bring the property into compliance. The Notice noted the property would be re-inspected no sooner than 15 business days from the date of the notice. The Notice was sent via US Postal Service First Class Mail and Certified Mail Return Receipt to the address on file with the Tax Collector and the Town Assessor (forwarding address received from Post Office – Attachment 3).

There was no response from Ms. McCarthy with regard to the Notice so I conducted additional inspections on 11/18/20 (photos numbered 1 thru 6 dated 11/18/20 with descriptions – Attachment 4) and 12/3/20 (photos numbered 1 thru 10 dated 12/3/20 with descriptions – Attachment 5) and visually observed a fence located within the front yard setback area along Sweeney Street and discarded junk articles and materials which have been collected or stored for salvage or conversion maintained on the property constituting a junk yard as defined by the regulations.

Based on the additional inspections from 11/18/20 and 12/3/20, and the lack of action to remedy the violations I issued a Cease and Desist Order, hereinafter the "Order", on 12/11/2020 citing the same violations referenced in the Notice (Attachment 6). The Order states the corrective action required to bring the property into compliance. The Order was sent via US Postal Service First Class Mail and Certified Mail Return Receipt, and State Marshal to both the property address and the address on file with the Tax Collector and Town Assessor (Change of Address Form received from Tax Collector – Attachment 7).

The Notice and Order reference the following Sections of Ellington Zoning Regulations:

- Pursuant to Section 2.1.1.D Zoning Compliance: The keeping of junk outdoors and a junk yard is not a permitted use or accessory to a permitted use and therefore "all uses not specifically permitted are prohibited."
- Pursuant to Section 3.1 Permitted Uses: The keeping of junk outdoors and a junk yard is not permitted in the Lake Residential Zoning District.
- Pursuant to Section 2.1.7 Construction in Required Yards: "Notwithstanding other provisions of these regulations, fences, walls, hedges and shrub plantings are permitted in any required yard or along the edge of any yard provided that no fence, wall or shrub planting along the street sides of corner lots, or from the building setback line to the street line shall be over 2½ feet in height. A fence or wall which is constructed in such a manner as to provide less than fifty (50) percent obstruction of vision through the fence along the entire distance and height of the fence may be erected in the front yard setback area up to four (4) feet in height." Therefore, a fence constructed within the front yard setback area over 2½ feet in height that provides more than fifty percent obstruction of vision through the fence, such as a stockade fence, or any fence over four feet in height is a violation.

The following definitions in Section 10.2 of the Ellington Zoning Regulations are pertinent to the Notice and Order:

Junk. Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors.

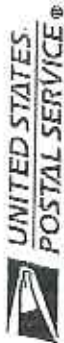
***Junk Yard.** The use of any area, whether inside or outside of a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.*

I considered the following additional information when issuing the Order:

- 1) It has been the interpretation of the Planning Department and the Zoning Board of Appeals that a fence constructed within the front yard setback area over 2½ feet in height that provides more than fifty percent obstruction of vision through the fence, such as a stockade fence, or any fence over four feet in height within the front yard setback area requires a variance. I've sketched the approximate front yard setback areas from Green Street and Sweeney Street for 15 Green Street based on this interpretation (Attachment 8). The following are examples of past variances granted by the Zoning Board of Appeals to Ellington Zoning Regulation Section 2.1.7 Construction in Required Yards (variances – Attachment 9):
 - a. 87 & 89 West Road – V202105
 - b. 1 Pinnacle Road – V201720
 - c. 13 Green Street – V201515
 - d. 1 Crescent Circle – V201503
 - e. 5 Hall Road – V201417
 - f. 12 Stafford Road – V201210
 - g. 1 Crystal Street – V201205
 - h. 116 West Shore Road – V201103
 - i. 87 West Road – V200916
- 2) Ms. McCarthy was present at the Zoning Board of Appeals meeting on July 6, 2015 during the public hearing for the variance request for a fence or shrubs within the front yard setback at 13 Green Street, the property that abuts 15 Green Street to the north (meeting minutes – Attachment 10). Ms. McCarthy's attorney provided testimony during the public hearing regarding the variance request at 13 Green Street. Ellington Zoning Regulation Section 2.1.7 Construction in Required Yards was read at the meeting, causing her awareness of the regulation.
- 3) On August 2, 2018, the Planning Department received three anonymous complaints forwarded from the First Selectman's office regarding junk in the yard at 15 Green Street. On August 20, 2018, I inspected the property and visually observed junk articles maintained on the property constituting a junk yard as defined by the regulations. I contacted Ms. McCarthy via telephone on August 30, 2018, explained to her the regulations and asked her to remove the junk articles from the yard and she said she would remove the articles from the yard to comply with my request. The same violation was visually observed on November 30, 2018, and I placed multiple phone calls to Ms. McCarthy but she no longer was returning my phone call messages, therefore I issued a Notice of Violation dated December 11, 2018 (Attachment 11) for storing junk on the property constituting a junk yard as defined by the regulations at 15 Green Street. According to US Postal Service Certified Mail Return Receipt, Ms. McCarthy received the notice on December 24, 2018 and ultimately complied with the notice based on re-inspection on January 3, 2019. This interaction represents the second time she was notified that storing of junk on the property constitutes a junk yard and is a violation.

- 4) Complaints were received from residents regarding this property on July 14, 2020, July 20, 2020, and August 11, 2020, regarding the property having junk and being a junk yard. I determined on these occasions through inspections and visual observation subsequent to each complaint that there were no violations pursuant to the complaints.
- 5) I also spoke to Ms. McCarthy on July 15, 2020 when she called me to inquire about possible complaints coming in from neighbors. I reviewed with Ms. McCarty the complaint received on July 14, 2015 regarding a potential junk yard. She said she brought in cinder blocks and 2" x 2" wood boards 8 feet long to delineate the patio area and to put a gate at the steps. We reviewed the fence regulation with regard to her inquiry. She stated she had concerns about people trespassing on her property which is why she said she was making changes to her property. She would not leave a phone number to contact her.

In accordance with Section 8-7 of the Connecticut General Statutes, the Zoning Board of Appeals may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from and shall have all the powers of the officer from whom the appeal has been taken.



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Susann T. McCarthy
P.O. Box 426
Tolland, CT 06084

SUSANN T MCCARTHY
11 WINCHESTER CT
FARMINGTON, CT 06032

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of Pieces Listed by Sender

TOTAL NO.
of Pieces Received at Post Office

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ELLINGTON, CT 06029

2

VENGRUSKAS MICHAEL + DEBRA J
14 GREEN ST
ELLINGTON, CT 06029

3

BENNETT JAMES E
16 GREEN ST
ELLINGTON, CT 06029

4

SHEA MATTHEW
22 GREEN ST
ELLINGTON, CT 06029

5

DAMICO MICHAEL P + KAREN H -LU+ RACH
12 KEENEY ST
ELLINGTON, CT 06029

6

GUILMETTE STEPHEN R
14 HOLMES RD
ELLINGTON, CT 06029



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Postmaster, per (name of receiving employee) SUSANN T MCCARTHY 11 WINCHESTER CT FARMINGTON, CT 06032		U.S. POSTAGE PAID WINDSOR LOCKS, CT 06096 APR 23 21 AMOUNT \$2.20 R2304W121792-11		UNITED STATES POSTAL SERVICE 0000			
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift	
1	ALTHAUS SHANNON R + ALBANESE STEPHEN V 9 KEENEY ST ELLINGTON, CT 06029						
2	TOPER KENNETH M 7 KEENEY ST ELLINGTON, CT 06029						
3	LAROCHÉ DANIEL J 6 KEENEY ST ELLINGTON, CT 06029						
4	TRACY LYNN M 5 KEENEY ST ELLINGTON, CT 06029						
5	PRZYBYLSKI JOHN R + KIM F 256 SANDY BEACH RD ELLINGTON, CT 06029						
6							

Pg 2 of 2



Photo 1

Taken 5-3-21 facing 15 Green Street from the corner of 15 Green Street and Sweeney Street

RECEIVED

MAY 03 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Submitted to ZBA
members @ meeting. Bg



Photo 3

Taken 5-3-21 facing 15 Green Street from Green Street



Photo 5

Taken 5-3-21 facing 15 Green Street from Sweeney Street



Photo 7

Taken 5-3-21 facing 15 Green Street from Sweeney Street



12/23/2014 01:24 PM

Exhibit# 32

pg 1 of 6

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MAY 03 2021

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APARTMENT
Rec'd by Mike Vojnyas
@ZBA meeting



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MAY 03 2021

TOWN OF
PLANNING DEPARTMENT

*Ross Mike
Venguskas
@ ZBA
Meeting*

12/23/2014 01:24 PM

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MAY 03 2021

TOWN OF
PLANNING & DEVELOPMENT

Reel by Mike Vengruska
@ ZB* Meeting





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MAY 03 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT
Rec'd by Mike Vengas
Kas

Pg 4 of 6



12/23/2014 01:24 PM

RECEIVED

MAY 03 2021

TOWN of Ellington
PLANNING DEPARTMENT
Redd by Mike Augustas
@ZBA Meeting

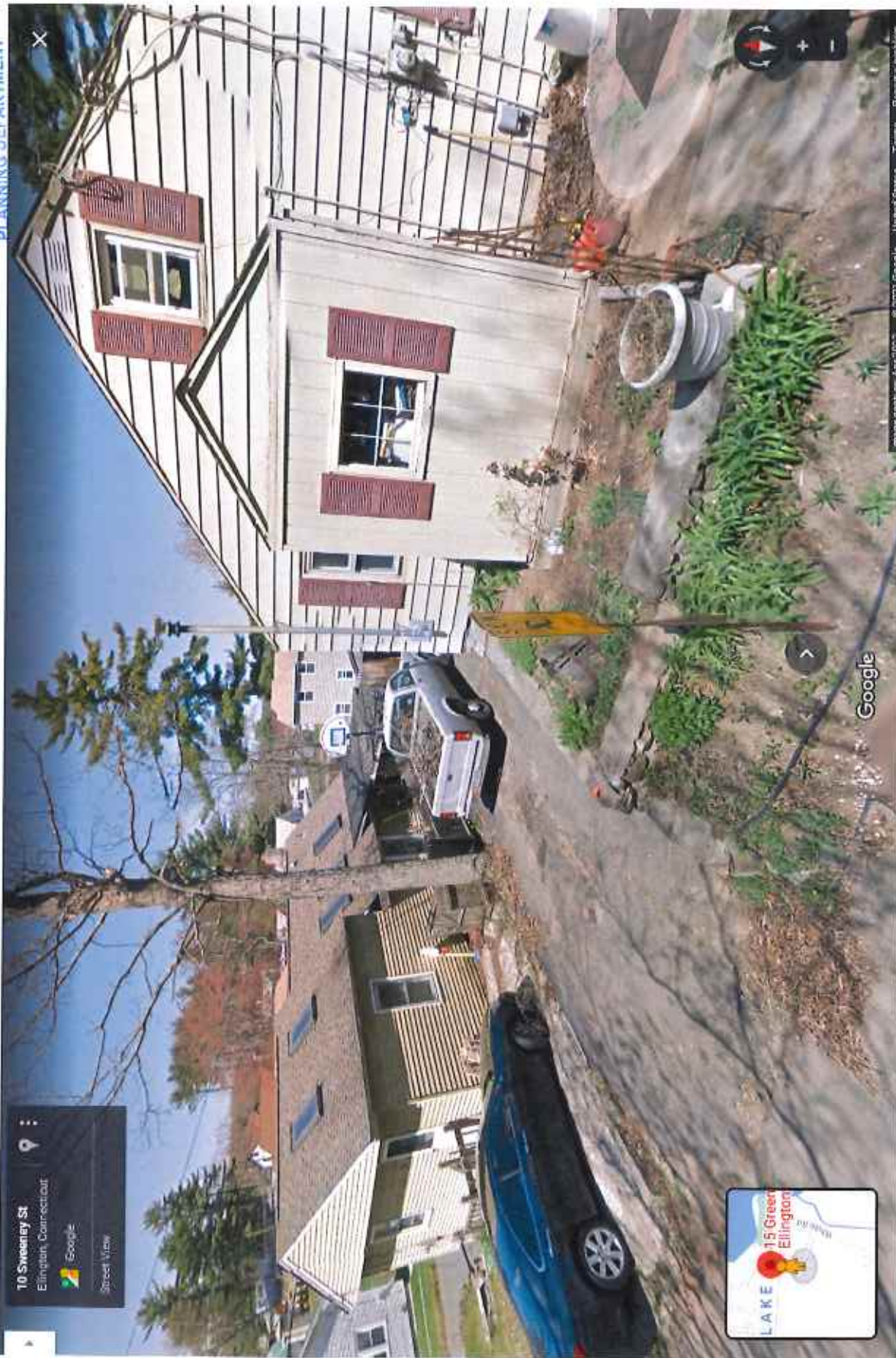
Pg 5 of 6

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Rec'd by
Mike Vemjaster
@ZBA meeting

MAY 03 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT



Pg 6 of 6

W/O#	DATE	ADDRESS OF COMPLAINT	PROPERTY OWNER(S)	NAME/ADDRESS/PHONE COMPLAINT	NATURE OF COMPLAINT/INQUIRY	RESEARCH/INVESTIGATIONS / ACTION TAKEN	RESEARCH/INVESTIGATIONS / ACTION TAKEN (CONTINUED)	Continued Complaints (date of latest inspection)	REDUCTION / ABANDONED TO
2	10/1/20	15 Green Street	Suzanne McCarthy	Mike Krasinski, 25 Green St	Junk yard, concerns regarding property value	10/6/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junkyard is defined by regulations on driveway and area of property along Sweeney Street (junk is defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/15/2020.	Inspected 11/10/20 and 12/2/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/2/20 Called owner at number provided to Public Works for call before you dig 207-230-8968 and left message to call me regarding property. Suzanne McCarthy returned call 12/2/20 after business hours. 12/6/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/10/20.	0	REC
2	06/23/20	15 Green Street	Suzanne McCarthy	Michael Danico, 12 Ramsey St, 800-918-0286	Fence along street line, behind fence: pile of chain link fence, wooden frames, pallets, 7 wooden sheds, large chain link gate	5/20/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junkyard is defined by regulations on driveway and area of property along Sweeney Street (junk is defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/15/2020.	Inspected 11/10/20 and 12/2/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/2/20 Called owner at number provided to Public Works for call before you dig 207-230-8968 and left message to call me regarding property. Suzanne McCarthy returned call 12/2/20 after business hours. 12/2/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/10/20.	0	REC
2	06/23/20	15 Green Street	Suzanne McCarthy	Michael Danico, 12 Ramsey St, 800-918-0286	Junk on property: 3 piles of debris, additional debris, items hanging up, empty metal bins, steel under logs, wood, plywood, pieces of fence, dead bushes, junk yard	5/20/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junkyard is defined by regulations on driveway and area of property along Sweeney Street (junk is defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/15/2020.	Inspected 11/10/20 and 12/2/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/2/20 Called owner at number provided to Public Works for call before you dig 207-230-8968 and left message to call me regarding property. Suzanne McCarthy returned call 12/2/20 after business hours. 12/2/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/10/20.	0	REC
2	08/22/20	15 Green Street	Suzanne McCarthy	Rene Plante, 11 Green Street 800-205-4788, Rene Plante called 11/24/20 to follow up on complaint and requested continued enforcement of the regulations	Exclude fence along front property line on Sweeney St. plywood, junk, pallets, crates, rocks, several trees in yard	8/24/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junkyard is defined by regulations on driveway and area of property along Sweeney Street (junk is defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/15/2020.	Inspected 11/10/20 and 12/2/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/2/20 Called owner at number provided to Public Works for call before you dig 207-230-8968 and left message to call me regarding property. Suzanne McCarthy returned call 12/2/20 after business hours. 12/2/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/10/20.	0	REC
2	08/11/20	15 Green Street	Suzanne McCarthy	Rene Plante, 11 Green Street 800-205-4788, Michael Vengulias, 15 Green Street, and Michael Danico, 12 Ramsey Street (all called office separately)	Junk Yard - 40 wooden fence, wooden pallets, other (junk), plywood, garbage under truck	8/11/20 Inspection - property does not appear to be a junk yard. Spoke with Mike Danico (814)761 about findings and left Rene Plante a message (814)261 to call office.	Inspected 11/10/20 and 12/2/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/2/20 Called owner at number provided to Public Works for call before you dig 207-230-8968 and left message to call me regarding property. Suzanne McCarthy returned call 12/2/20 after business hours. 12/2/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/10/20.	0	REC
2	01/02/20	15 Green Street	Suzanne McCarthy	Michael Vengulias, 14 Green Street 800-214-6630	installing a clock in front of her house and how installed 2x6s and a tarp to create an outdoor storage area for more junk	Inspection 1/2/20 - did not observe any junk in yard. Called complainant 1/20/20 to explain my findings on 1/24/20.	Inspected 11/10/20 and 12/2/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/2/20 Called owner at number provided to Public Works for call before you dig 207-230-8968 and left message to call me regarding property. Suzanne McCarthy returned call 12/2/20 after business hours. 12/2/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/10/20.	0	REC
2	07/14/20	15 Green Street	Suzanne McCarthy	Michael Vengulias, 14 Green Street 800-214-6630	Junk in yard hanging from back house	Spoke with Suzanne McCarthy 7/15/20 as she called office to check on possible complaint coming in from neighbors. She went over the complaint, then I called her to check on the 2' x 2' wood boards 6 feet long to determine patio area and put gate at steps. She indicated the fence regulation with regard to the height. She has concerns about people trespassing on her property which is why she is making changes to her property. She would like to have a phone number for a call.	8/16/20 inspected property - does not appear to be a junk yard. American flag not displayed by zoning regulations.	0	REC
2	06/02/18	15 Green Street	Suzanne McCarthy	Three Anonymous Complaints received 6/20/18, Received follow-up complaint from (Rashid) Vardi, 2 Ramsey St 800-475-1557 on 11/20/18 regarding the junk in the yard	Junk accumulating in yard	There was a complaint forwarded from Rashid Vardi's office on 6/20/18. Gary Johnson advised that zoning officer would be out on vacation for almost two weeks and would not be able to address said return. She still 8/22/18 and observed several furniture items in yard. Wood furniture appears to be junk and junkyard definition. 8/30/18 Called Suzanne McCarthy 663-1788 (814) and asked her to remove wood shelves in yard. She said she is having difficulty bringing them into home and needs help. She hopes to have them in a back porch or a well and will call when it is completed.	Suzanne McCarthy no longer receiving any calls November 2018. Inspection completed 11/30/18 and wood furniture still in yard. NOV sent 12/11/18. Inspection 1/18/19 junk fence has been removed. property appears compliant per complaint. Called Mr. Vardi only because of 10/18 inspection.	0	REC

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MAY 03 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

2 BA Meeting by
Suzanne McCarthy Esq.

Rec'd S. McCarthy

INTRODUCTION

Ellington Zoning Regulations regulate fences in several areas. Other regulations may impact where and how large the fence may be as well. This brochure will explain most of the issues that surround the construction and maintenance of fences in Ellington. Any questions not covered in this brochure should be addressed directly to the Planning Department at (860) 870-3120.

Do I need a Zoning Permit to construct a fence in Ellington?

Fences surrounding Single Family Residences do not require a Zoning Permit or review by the Planning and Zoning Commission. Only those circumstances where the fence does not comply with the Zoning Regulations, such as a fence that is too high in the front yard setback, will the Zoning Board of Appeals get involved.

What if my fence crosses a wetland?

Any construction/placement that lies within 100 feet of a wetland (250 feet in the Shenipsit Lake Drainage Basin) must be presented to the Ellington Inland Wetlands Agency for their review and approval. In the case of a fence crossing wetlands, the applicant must show that there will be minimal adverse impact on the wetland and that there is no other way to accomplish the property owner's desire except to impact the wetland.

IMPORTANT NUMBERS

Planning Department

Phone: 860-870-3120

Fax: 860-870-3122

North Central District

Health Department

Phone: 860-745-0383

Fax: 860-745-3188

Building Department

Phone: 860-870-3124

Staff

Lisa Houlihan, Town Planner
John Colonese, Assistant Town Planner/

ZEO/Wetland Agent

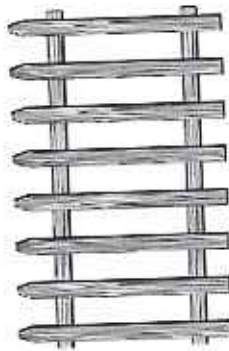
Barbra Galovich, Land Use Assistant

57 Main Street, P.O. Box 187
Ellington, Connecticut 06029

Town of Ellington Planning Department

**Town of Ellington
Planning Department**

**I want to Build
a Fence!**



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ELLINGTON
PLANNING DEPARTMENT

*Rec'd from Kaseen
McCarthy @ ZBA
meeting*

**Fences and Zoning Regulations
Town of Ellington Requirements**

I want to build a fence!

How high can my fence be in the front yard?

Ellington Zoning Regulations Sections 2.1.6 and 2.1.7 state the requirements. Section 2.1.7 states that a fence that is erected in the FRONT yard setback area may only be 2 1/2 feet in height. Although, a fence up to 4 feet in height shall be permitted in the front yard setback if there is 50% visibility throughout the entirety of the fence in the front yard setback area. If you live on a CORNER LOT, Section 2.1.6 states that no fence more than 2 feet in height shall be placed within the triangular area formed by the intersecting street lines and a straight line connecting points on said street line each of which point is 25 feet distant from the point of intersection.

What is the front yard setback?

The front yard set back area is the minimum distance from the street line to the nearest point of the building and defines the front yard. There are no buildings or structures allowed in this area. Most Residential Zones have a front yard setback of 35 feet. There are increased setback areas on certain roads. This increased setback area protects the property owner from possible future highway widening. On some roads the increased area can be as much as 25 feet, totaling a 60 foot front yard setback. Please call or consult Sections 3.2 and 2.1.10 of the Ellington Zoning Regulations to check the setback area.

How high can I make my fence around the rest of my yard?

There are no limitations on the height of the fence past the front yard setback. There are some practical limitations that should be considered however. Should the fence become unstable and fall on

someone, you would most likely be liable for any injuries. A practical maximum height should be around 6 feet; you will most likely find that most places that sell fencing materials consider that a normal fence height.

Where is the edge of my property?

Property boundaries are normally marked by metal property pins, but can be marked in other ways as well. Along the road edge of the property, pins can be located by looking about 10 to 15 feet from the edge of the pavement.

How do I find my property pins?

The property pins are normally shown on the property survey of the lot. A careful search normally reveals the pins. Sometimes a metal detector needs to be used when property pins have been driven below the surface.

Where do I find the survey for my property?

When new houses are constructed the survey is filed with the Planning Department. If your house is less than 30 years old there is a good chance you can get a copy of your survey from the town. If your house is more than 30 years old you can still check with the Building Department, but it is very unlikely that a survey will be on file. Occasionally some surveys are filed by the property owner in the Town Clerk's Office. Unfortunately, State law does not require filing a survey with the Town Clerk.

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

I couldn't find a survey, now what?

Another source of survey information about your property might include your neighbors. The neighbors might have a survey of their property that would show your mutual boundary. If you did not find any information, a fence may still be built, but the property owner must be very careful not to build the fence on the neighbor's yard or in any of the required front yard setback area. It is the property owner's responsibility to ensure that the fence is on his or her own property and that it complies with the law.

How close to my property line can I build my fence?

There are no zoning restrictions to how close you can build a fence to the property line. One should consider, however, that you need to maintain both sides of the fence. It should be placed in such a manner as to make it easy to maintain in the future.

Do I need to put the "good" side of the fence out?

Ellington Zoning Regulations do not recognize the "good" side of the fence. The purpose of the fence should determine which side faces out. It should be remembered that horizontal cross pieces can be climbed.

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

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Doc ID: 001397410003 Type: WARR
BK 463 PG 857-859

Exhibit V
ZBA
12-7-15

Return to:
Susan T. McCarthy
11 Winchester Court
Farmington, CT 06032

SPECIAL WARRANTY DEED

KNOW YE, THAT, FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION organized and existing under the laws of the United States of America acting herein by BENDETT & MCHUGH, PC, its duly appointed attorney in fact, hereinafter referred to as Grantor, for the consideration of FORTY-TWO THOUSAND AND 00/100 (\$42,000.00) DOLLARS received to its full satisfaction of SUSANN T. MCCARTHY hereinafter referred to as Grantee, does hereby grant, bargain, sell and confirm unto the said Grantee, all such right, title interest, claim and demand which the said Grantor now has in and to all that certain real property known as 15 Green Street, in the Town of Ellington, County of Tolland and State of Connecticut as further described on Schedule A attached hereto

THE ABOVE PREMISES ARE ALSO CONVEYED SUBJECT TO:

1. Any and all provisions of any municipal ordinance or regulation, any federal, state, or local law, including but not limited to, the provisions of any zoning, building, planning, or inland wetland rules and regulations governing the subject property.
2. Taxes to the Town of Ellington on the Grand List of October 1, 2014.
3. Easements, restrictions, and rights of way, as of record appear in the Ellington Land Records.

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MAY 03 2021
TOWN PLANNING DEPARTMENT
Submitted by Susan
McCarthy @ ZBA meeting

To have and to hold, the above granted and bargained premises with the appurtenances thereof unto the said grantee, and the survivor of her, her heirs and assigns to their proper use and behoof. And also, the said Grantor does hereby covenant with the said grantee, and to the survivor of her, her heirs and assigns, that it, acting by its duly authorized officer as aforesaid, has the full power and authority, to grant and convey the above described premises in manner aforesaid, and for itself and its successors and assigns does further covenant to warrant and defend the same to the said grantee, or the survivor of her, her heirs and assigns, against the claims and demands whomsoever claiming by, from or under it, for the period of the Grantor's ownership, except as is above written.

14104751

NO CONVEYANCE TAX COLLECTED
Dianna M. Keegan
TOWN CLERK ELLINGTON

I CERTIFY THIS TO BE A TRUE COPY
OF THE DOCUMENT RECORDED IN THE
ELLINGTON CONNECTICUT LAND RECORDS
DATED AT ELLINGTON, CONNECTICUT
THIS 3rd DAY OF December 2015

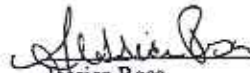
Forrest L. Robinson
TOWN CLERK/ASSISTANT

Exhibit# 35


Pg 1 of 3

Signed this 7th day of January 2015.

WITNESSED BY:



Jessica Rosa

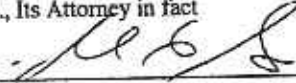


Maria E. Mejias
STATE OF CONNECTICUT)

COUNTY OF HARTFORD)

) ss: Farmington

Fannie Mae a/k/a Federal National Mortgage
Association acting herein by Bendett & McHugh,
P.C., Its Attorney in fact

By: 

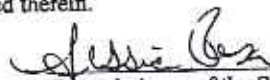
Meghan E. Smith, Attorney

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MAY 03 2021

*Rec'd by Susann
McCarthy @ ZBA
Meeting.*

On this the 7th day of January, 2015, before me personally appeared Meghan E. Smith, for
Bendett & McHugh, PC, Attorney In Fact for Fannie Mae a/k/a Federal National Mortgage Association,
known to me to be the person whose name is subscribed to the within instrument and acknowledged that
she executed the same for the purposes contained therein.



Commissioner of the Superior Court
Notary Public

JESSICA ROSA
NOTARY PUBLIC
State of Connecticut
My Commission Expires
September 30, 2017



14104751

Schedule A

a certain plot or parcel of land with all buildings and improvements thereon, situated in the Town of Ellington, County of Tolland, and State of Connecticut and being known as Lot No. 20 on Plan of William J. Bowler Crystal Lake, Conn., Surveyor, April-May 1919, March 1921 by C. W. Bancroft, Surveyor, more particularly described as follows, to wit:

Beginning at a stake at the Northeast corner of the land herein described, thence Southwesterly fifty-one (51) feet to a stake; thence Northwesterly fifty-five (55) feet to an iron pin; thence Northeasterly fifty-one (51) feet to an iron pin; thence Southeasterly fifty-five (55) feet to the first mentioned stake and bound. Said premises are bounded on the North by Lot No. 19 on said Plan, on the East and South by a road and on the West by Lot No. 21 on said Plan.

RECEIVED

MAY 03 2021

*rec'd by Susan
McCarthy @ ZBA meeting*

Received for Record at Town of Ellington, CT
On 01/13/2015 At 11:54:00 am

Wanda H. McKeegan



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 FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, MAY 3, 2021, 7:00 PM

TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT

IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS AND ZOOM MEETING ATTENDANCE

PRESENT: Chairman Art Aube, Regular members Ken Braga and Katherine Heminway and Alternate Ron Stomberg; Present via ZOOM meeting: Vice Chairman Sulakshana Thanvanthri, Regular member Subhra Roy, Alternates Rodger Hosig, and Ron Brown

ABSENT: None

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer, Lisa Houlihan, Town Planner and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 pm at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the Statement of Conduct for the meeting.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. V202106 – Pamela Peters, owner/applicant, request for a variance of the Ellington Zoning Regulations 2.1.10-Highway Clearance Setback and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Stafford Road from 60ft to 17ft, reduce the front yard setback along West Shore Road from 35ft to 7ft, and reduce the side yard setback from 10ft to 8ft to allow a pitched roof over an existing flat roof garage at 146 West Shore Road, APN 169-022-0000 in a Lake Residential (LR) zone.

TIME: 7:02 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Pamela Peters, 28 Samuel Lane, Mansfield, CT and Chris Dreaher, C.K. Construction Services, LLC, 26 Andrew Street, Meriden, CT were present to represent the application.

Ms. McCarthy proceeded to explain how the elevation of her land is higher at the corner of Sweeney Street and Green Street and then slopes down along Sweeney Street. She mentioned the existing very old tall oak tree and an overgrown lilac bush on the property. She continued to explain how the property slopes down towards the lake. She stated there is a three foot stone wall around the property and there is an eleven foot drop from the Sweeney Street side to the Green Street side yard property line.

Ms. McCarthy said that other neighbors in the area have fences and stonewalls within the front yard without any approvals. Chairman Aube reminded Ms. McCarthy to focus on the appeal of the Cease and Desist Order.

Ms. McCarthy explained that she was erecting the fencing to protect her house and noted that things were stolen off the property and her bushes had been cut. Ms. Houlihan told her if she is having trespassing issues to contact the State Trooper's office. Ms. McCarthy noted that she has called and reported the issues. Ms. McCarthy did not think the height of the fence was an issue.

Ms. Houlihan asked what materials the platforms are made of and what they are being used for. Ms. McCarthy stated the platforms are made of pine and she made a ramp over the walkway and they are 8 inches off the ground. She noted she prefers to walk on the wooden platforms as opposed to the existing sidewalk due to her bad ankle.

Commissioner Braga said when the issue was first brought to the commission he took a drive by the property and there was a lot of material on the property. He added that he drove by the property today and there is still a lot of material on the site. He asked her to address the materials on site. Ms. McCarthy said she wants to secure her property and plans to erect some chain link fence. She explained she plans to secure the chain link fence behind portions of the stone wall. Braga asked about items that are leaning against the house. She explained that she was painting the plywood and pieces of platform and only has so much space to work within the property.

Ms. McCarthy explained how she has been painting the pieces of the wood and how she will be utilizing them on the property, noting the 2x4 or 2x6 pieces of wood will be placed over the existing cement. Ms. Houlihan asked Ms. McCarthy if she had any additional information to be submitted for the record. Ms. McCarthy stated she did not receive the original Notice of Violation that Mr. Colonese sent. She then received the Cease and Desist Order by service of a State Marshal. Ms. McCarthy stated her parcel is a non-conforming lot and she reviewed the definition of what a non-conforming lot consists of, and added that since she has a non-conforming lot she is not bound by the setback requirements for a fence.

Ms. McCarthy submitted a copy of her deed and a copy of the zoning enforcement complaint log for 15 Green Street dated from August 2, 2018 to October 1, 2020. Ms. McCarthy referred to Mr. Colonese's memorandum and dates of the complaints. She noted that the first few times Mr. Colonese visited the site he found no violations. She questioned if he found no violations at those times how could he find violations thereafter.

Vice Chairman Thanvanthri said nothing is assembled on the property and therefore it looks like junk. She understands that Ms. McCarthy will be using the spools for tables and planters. She asked Ms. McCarthy when she plans on finishing the project with the fencing materials as it has been sitting on the property for a good part of the year. Ms. McCarthy said she was served the Cease and Desist Order so she halted work on it until she got clarification from Mr.

Ms. McCarthy that if she has additional documentation to present to the ZBA, it would need to be submitted the Planning Department by May 24th in order to be distributed to the members of the ZBA. Any new documentation will be provided to the members of the commission prior to the next regularly scheduled meeting on June 7, 2021.

Lynn Tracy, 5 Keeney Street, said Ms. McCarthy's property looks like it's a fire hazard with all the fencing and wood pallets on the property. She noted that many surrounding owners have gone through the process to obtain a variance to do work on their property. Ms. Tracy noted that Ms. McCarthy's property is decreasing surrounding property values.

Alternate Hosig suggested the discussion at the next meeting should be focused on the junk portion of the Cease and Desist Order rather than fencing, which was discussed in detail tonight.

Ms. Houlihan asked the commission members to review the zoning regulations and the documentation that was submitted in preparation for the next meeting. She clarified that Ms. McCarthy has not applied for a variance. Ms. Houlihan explained the process of applying for a variance with the ZBA. Ms. McCarthy said she will consider applying for the variance.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE THE APPEAL TO THE JUNE 7, 2021 REGULAR MEETING AT THE TOWN HALL MEETING HALL, 55 MAIN STREET, FOR V202101.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the April 5, 2021 Regular Meeting Minutes.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 5, 2021 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Letter from Pullman & Comley for CTEC Solar, LLC, dated April 13, 2021, submittal of a Petition for Declaratory Ruling to the Connecticut Siting Council for two solar-based electric generating facilities at 277 Sadds Mill Road, Ellington, CT.

V. ADJOURNMENT:

MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 9:49 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk

Arthur Aube
Chairman of Ellington ZBA

(P. 1/3)

Ellington, CT

May 5, 2021

Delivered $\frac{1}{2}$

Dropped off in person May 6, 2021

Exhibit# 38

RECEIVED

MAY 06 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Dear Mr. Aube:

I am following up after the Monday, May 3, 2021 Appeal Hearing in which Board members made suggestions and or requests and in order ^{for me} to proceed with making decisions, I do need some additional information which I am requesting listed below. I found Monday nights meeting to be very confusing as although you and the board members & the town employees all know each other, I do not and did not know who was who and which ones were voting and which ones were alternates - who was online? ~~online~~ residents? employees or agents? Board members? I do need some clarity as this was not clear to me - who was who. Thus I am requesting:

- 1.) A diagram of the seating arrangement (I made one for you) to be completed of each Board member, name, town employees.

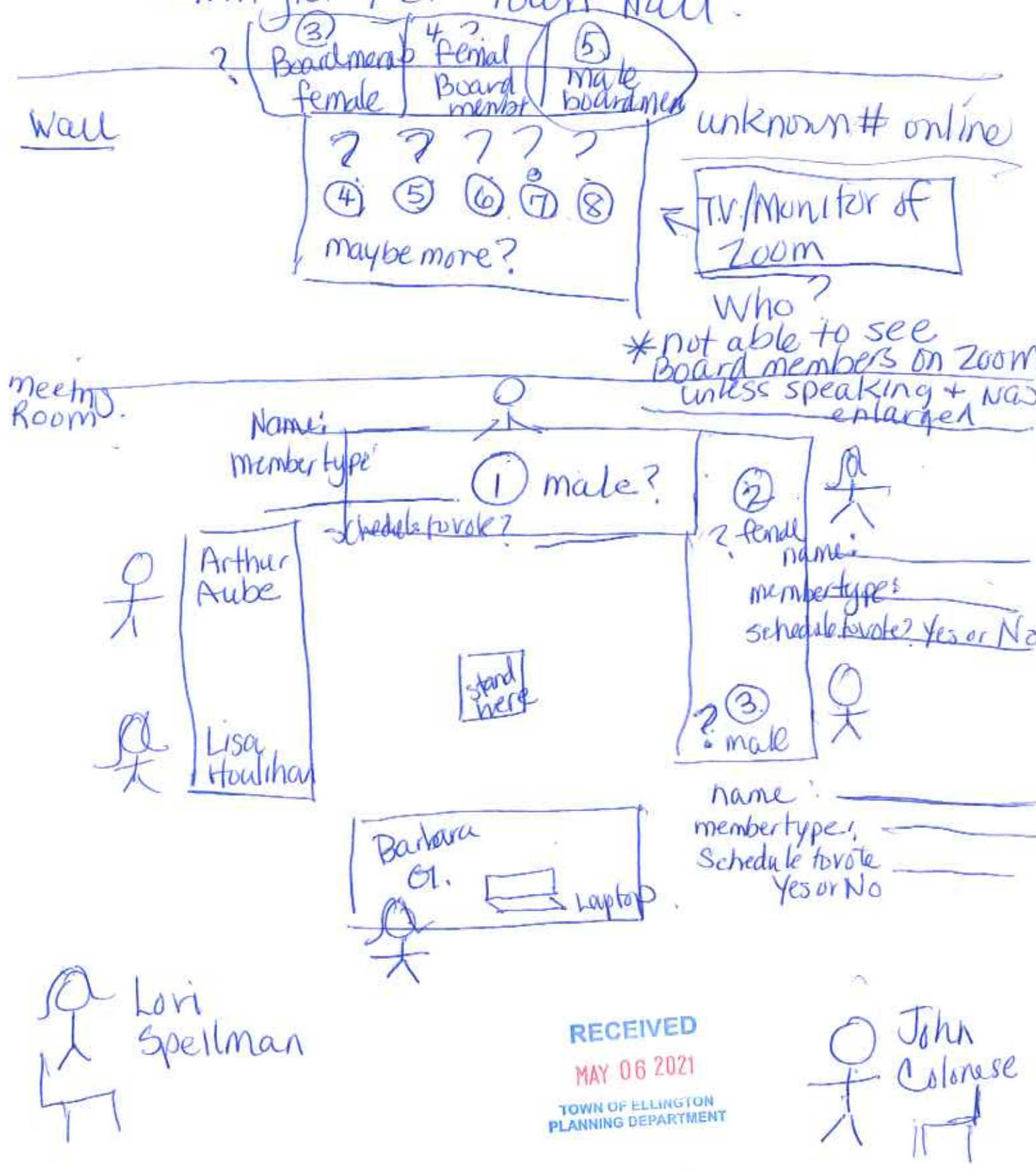
- 2) A diagram of Zoom Participants p. 2/3
- (A) and where they were located on Zoom because I could not see who was on Zoom except for when they were spoke + the operator of the Zoom program, I believe Barbara G. choose to enlarge them (but only 1 was viewed at a time the few times they were enlarged.
- (B) Was the Zoom participants members? If they are members - their names, if Board regular member or alternate. Are they voting on my appeal?
- (C) If they are employees of town - who (name) and what is there position? If they are contracted agents of the Town - name & company + capacity/purpose they serve the town.
- (D) If they were residents of the town - Name & Address
- (E) If they were visitors on zoom Name & Address.

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MAY 06 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

I appreciate your assistance on clarifying the participants at the meeting & the voting process. Sincerely,

Attachment - Seating Arrangement Plan
Susan W. McCarthy

May 3, 2021 - Plan - Seating Arrangement of ZBA meeting held in Ellington, CT town Hall.





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 PLANNERS OFFICE FAX (860) 870-3122

May 17, 2021

Susann T. McCarthy
P.O. Box 426
Tolland, CT 06084

RE: V202101 - 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

Dear Ms. McCarthy:

In response to your letter addressed to Arthur Aube, Chairman of the Ellington Zoning Board of Appeals (ZBA), dated May 5, 2021, I am providing you with the requested information.

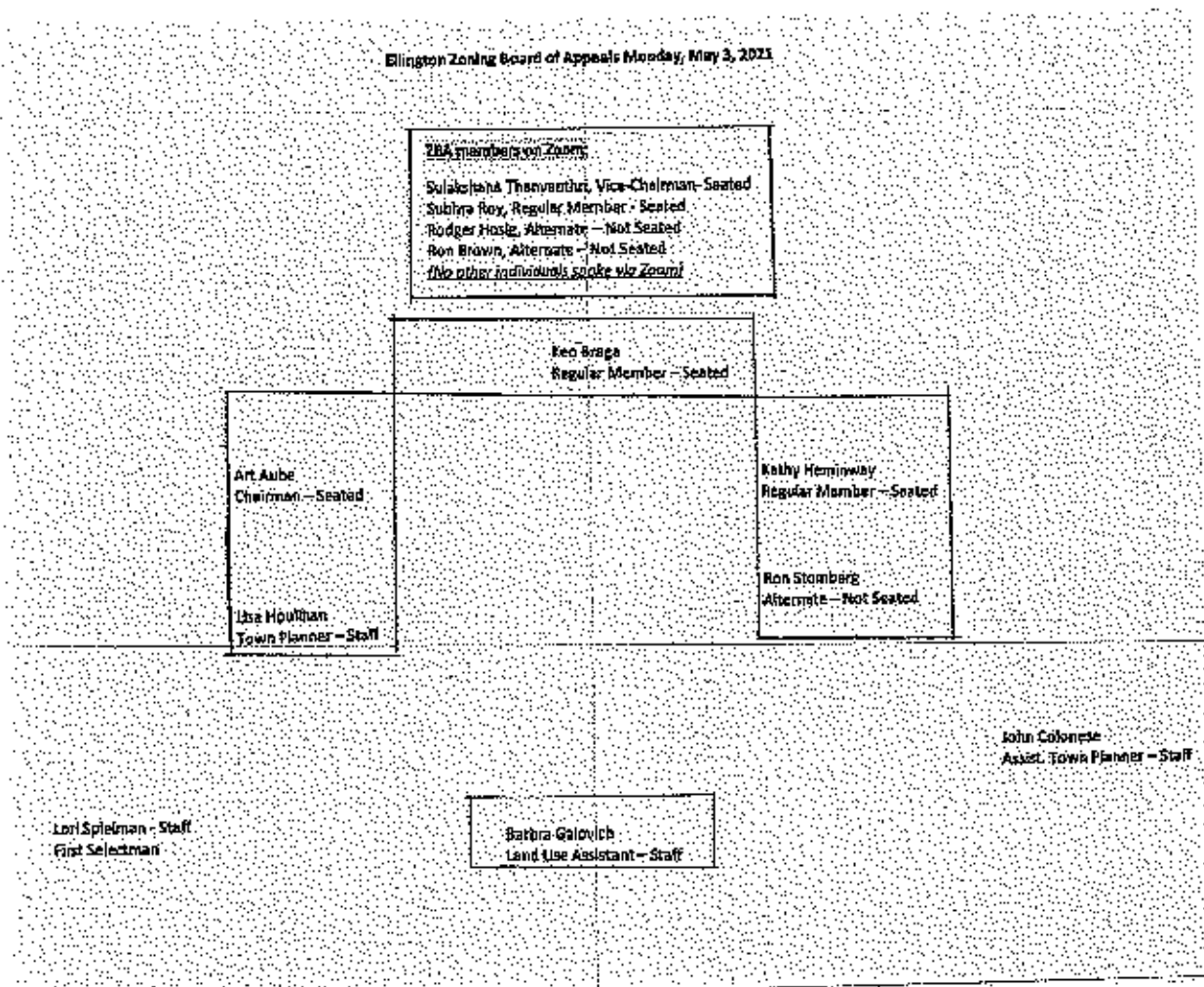
The following ZBA members were in attendance in the Town Hall Meeting Room:
Arthur Aube, Chairman - Seated
Ken Braga, Regular Member - Seated
Kathy Heminway, Regular Member - Seated
Ron Stomberg, Alternate - Not Seated

ZBA members in attendance via Zoom:
Sulakshana Thanvanthri, Vice Chairman - Seated
Subhra Roy, Regular Member - Seated
Ron Brown, Alternate - Not Seated
Rodger Hosig, Alternate - Not Seated

Town employees present for this meeting are as follows:
Lisa Houlihan, Town Planner
John Colonese, Assistant Town Planner, ZEO
Barbra Galovich, Land Use Assistant, Recording Clerk
Lori Spielman, First Selectman

The Zoning Board of Appeal operates with five (5) regular members and three (3) alternates. Please note, should a regular member of the ZBA not be in attendance at the next meeting, the Chairman will seat one of the alternates to be seated. As for

your inquiry about the Zoom meeting portion, the individual hosting the meeting does not have control over who is positioned where on the screen. For example, when the host is not sharing a file on the screen, the last person who spoke via Zoom will be shown in the middle of the screen. There were no members of the general public logged into the Zoom meeting, the only people logged into Zoom were the ZBA members.



Please see the attached Zoning Board of Appeals minutes from May 3, 2021 as a reference as to who spoke under Public comments during the appeal.

Should you need further clarification pertaining to the ZBA meeting, please feel free to contact the Planning Department at 860-870-3120.

Regards,

Barbra Galovich
 Barbra Galovich, CZET
 Land Use Assistant

TOWN OF ELLINGTON

55 MAIN ST.

P.O. BOX 187

ELLINGTON, CONNECTICUT 06029-0187

Planning Department

Susann T. McCarthy
P.O. Box 426
Tolland, CT 06084



RECEIVED

MAY 24 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

May 24, 2021

Susann McCarthy visited the
Ellington Annex on May 24, 2021
with the following:

- 6 packets of photos
- Various GIS maps
- OPM PZC statutes Jan. 1, 2005
- The U.S. Constitution + Bill of Rights + CT's
- Various website information
e.g. raingardens,
recycling, yard waste,
LWPCA, COVID19
- CGS revised to Jan. 1, 2021
various sections

We agree that she'll submit
a formal packet of info by
Fri, 5-28-2021, by 1:30.

Lisa Hauligan

Town Planner - Ellington

I am ^{McCarthy} May 24, 2021
Handing in evidence including preserving the right to
use any documents, photos, emails ^{or videos} or any information
or meetings, public hearings that the zoning board of
appeals has provided me access to view or is publicly
accessible; including audio-video of meetings of ZBA
and selectman meetings, town meetings, and any other
supplemental information that is provided to me.

I'm
Also, I'm reserving the right to use any and all documents
~~photos, videos, emails, correspondence~~
I have previously provided at any time to the Town of
Ellington, CT.

I'm Preserving the right to use as evidence any and all evidence
whether ^{or not} seen by me or disclosed by the Town of Ellington, CT.
because of refusal, omission, or unavailability

I May use for evidence any document within the Zoning
and Planning Department files including but not limited to
13 Green Street, 15 Green Street, 11 Green Street, 9 Green Street,
16 Green Street, Sandy Beach Road between the church and
Crystal Ridge Rd (houses and properties), houses and properties
in the Crystal Lake Zoning area, and any property located
within the jurisdiction and Town of Ellington files of Planning
Zoning and ZBA

Also, included is all information provided to me electronically
by Zoning and Planning including the USB stick (sticks) as well
all information provided electronically from any other department
in the town of Ellington and any electronic videos

pg 2 of 3

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

recordings, photos, documents,

Reserve the right to supplement and add to this evidence until the final decision is made by the ZBA. May supplement and add to at any time including after a decision has been made; including any and all formats of evidence including but not limited to: documents, photos, emails, videos, meetings, public hearings, audio-visual, recordings, and electronic information.

Also enclosing numerous photographs ^{videos} in which all are evidence. Reserve right to update ^{date} ~~right~~ as a ~~situation~~ situation arises.

Also enclosing 2 USB sticks with electronic copies and evidence

Also enclosing maps and reserve right to use any map on Town of Ellington ZBA mapping system.

Also enclosing drawings and reserve the right to update and provide additional drawings.

Reserve the right to bring new evidence when & if it reveals itself or to defend against complainants testimony or the ZBA, or zoning officials, employees or any other witness or person that asks questions or makes testimony.

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TOWN OF ELLINGTON
PLANNING & ZONING DEPT

Pg 3 of 3

Suzanne Miller

Colonese on what her requirements were to be in compliance with the town. Vice Chairman Thanvanthri suggested that she talk with Mr. Colonese about what is required and briefly explained to her how the ZBA serves the town. She told Ms. McCarthy she has the option to apply for a variance for the erection of the fence, just like other properties that have non-conforming lots. Ms. McCarthy noted she had an old stockade fence at the side of the property along the driveway.

Ms. Houlihan referred to Mr. Colonese's diagram showing the corner lot setbacks of 15 Green Street. Ms. McCarthy to read the definitions of a "Building Setback Line" and "Yard, Front" from the Ellington Zoning Regulations. She stated her building line is where the house is located, referring to the definition of "Building Setback Line" and this is where the fence can be located. She stated her building line begins at her mudroom along Sweeney Street, for example. Mr. Colonese explained his interpretation of the regulations, stating that a six foot stockade fence is not allowed within the front yard setback area, which would be 35 feet back from Green Street and Sweeney Street. Ms. McCarthy submitted a copy of the Planning Department fence brochure and reviewed some of its content, and noted that based on the way it is worded she is in compliance with the regulations. Ms. Houlihan explained the brochure is for informational purposes only, and reviewed the remainder of the brochure that includes the zoning regulations and how the front yard setback area is defined.

Chairman Aube opened up the hearing to public comment.

Michael Vengruskas, 14 Green Street, said they have been waiting for over a year for something to be done about this property. He referred to pictures that were taken by Mr. Colonese today on site. He said Ms. McCarthy is continuously bringing stuff onto the property. He noted she has stored 16 sheets of vinyl fencing under the platform and is hiding additional stuff behind the fencing. He added that she rents trucks and brings in materials at all hours of the night. Mr. Vengruskas noted that no one goes on the property and steals anything, and he stated the property is hazardous and the fencing is not properly installed. He submitted pictures of the house from December of 2014 prior to when Ms. McCarthy bought the house in 2015.

Rene Prentiss, 11 Green Street, stated this issue has been going on since February of 2015 and Ms. McCarthy is a hoarder. She noted that Ms. McCarthy cleaned up the area in 2018 after speaking with Mr. Colonese and then disappeared for two years. She said that Ms. McCarthy started bringing junk onto the property again last May. Ms. Prentiss noted that when she applied for a variance for a fence on her property in 2015, the ZBA told her that she could install shrubs but not a fence within 35 feet of the front yard setback. She said Ms. McCarthy currently has fencing within 35 feet of the front property line. She added that surrounding neighbors have put money into their property to better the neighborhood.

Michael Damico, 12 Kenney Street, said he agrees with a couple of the commissioners who said that the junk has not been addressed. He said Ms. McCarthy is trying to hide the debris by putting up fencing all around the property. He added that he has lived there for 36 years and there was never a fence at 15 Green Street.

Commissioner Braga asked Ms. McCarthy for permission to walk on the property. It was explained to her that only one commission member at a time could visit and they would be instructed to view the site and not engage in a conversation with the property owner. Ms. McCarthy said she would have to think about the request and decide at a later date. Commissioner Braga requested that Ms. McCarthy let the Planning Department know by May 24th if they will be able to walk the property and see behind the fencing. Ms. Houlihan asked

Ms. Peters stated she is looking to reroof her garage because it is leaking and is looking to construct a pitched roof, rather than having a flat roof. Alternate Brown asked if the roof will be extended. Mr. Dreaheer stated the proposed roof will have a 6 inch overhang from left to right. Alternate Hosig asked if the proposed seating area will extend past the existing roof. Mr. Dreaheer stated a portion of the roof will be pitched and the remainder will have a flat seating area facing the lake, and will not extend past the existing garage size. He added that the rear of the garage is built into the existing hillside.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202106.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202106 – Pamela Peters, owner/applicant, request for a variance of the Ellington Zoning Regulations 2.1.10-Highway Clearance Setback and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Stafford Road from 60ft to 17ft, reduce the front yard setback along West Shore Road from 35ft to 7ft, and reduce the side yard setback from 10ft to 8ft to allow a pitched roof over an existing flat roof garage at 146 West Shore Road, APN 169-022-0000 in a Lake Residential (LR) zone.

HARDSHIP: Existing non-conforming garage.

2. V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

TIME: 7:10 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Chairman Aube read a procedural statement for the appeal outlining the duties the ZBA has during an appeal in accordance with Conn. Gen. Stat. Section 8-6, and how the ZBA would proceed hearing the appeal. He said the Zoning Enforcement Office will review his findings, then Susann McCarthy, 15 Green Street, will have an opportunity to explain why she feels there is an error made in the requirement or decision referenced in the Cease & Desist Order. He recommended the commission discuss and decide the violations separately.

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, read his memorandum to the ZBA dated April 28, 2021 regarding how he arrived at his decision to issue a Cease and Desist Order for violations of the Ellington Zoning Regulations at 15 Green Street, which led to the appeal. He then referred to photos taken of the property dated May 3, 2021.

Chairman Aube asked Susann McCarthy to explain why she is appealing the Zoning Enforcement Officer's Cease and Desist Order. She explained that she is in the process of painting sections of platform that will be placed on the ground to walk on around the property. Ms. McCarthy stated she spoke with Mr. Colonese at her property and that he noted her neighbor, Rene Prentiss, had made a complaint to the Planning Department for an outdoor exercise bike, stone and slate, and fencing materials erected within the front yard setbacks. Ms. McCarthy said Mr. Colonese told her he was only there to look at the fencing.



Photo 8

Taken 5-3-21 facing 15 Green Street from Sweeney Street



Photo 6

Taken 5-3-21 facing 15 Green Street from Sweeney Street



Photo 4

Taken 5-3-21 facing 15 Green Street from Green Street



Photo 2

Taken 5-3-21 facing 15 Green Street from Green Street

Susann McCarthy on
May 28, 2021 - Handed
into ZBA office
1 large set of documents
evidence
(photos, print, maps, reports
packages A - F photos / color
4x6.

Signed
date:

Bolan

May-28-2021

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YOUNG & RUBICAM
PLANNING

Exhibit# 41

WFO	DATE	ADDRESS OF COMPLAINT	PROPERTY OWNER(S)	NAME/ADDRESS MAKING COMPLAINT	NATURE OF COMPLAINT/INQUIRY	RESEARCH / INVESTIGATIONS / ACTION TAKEN	RESEARCH / INVESTIGATIONS / ACTION TAKEN (CONTINUED)	CHARGE/ COMPLAINT/ OTHER PROPERTY/ JUNK/ YARD/ UNLAWFUL/ UNREMOVED	SUBJECT/IN/ JUNK/ YARD/ UNLAWFUL/ UNREMOVED
Z	10/1/20	16 Green Street	Suzann McCarthy	Mike Stewarts, 25 Green St	Junk yard, concerns regarding property value	3/30/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junk/junk yard as defined by regulations on driveway and area of property along Sweeney Street (junk as defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/7/2020.	Inspected 11/10/20 and 12/3/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/8/20 Called owner at number provided to Public Works for call before you dig 207-200-6966 and left message to call me regarding property. Suzann McCarthy returned call 12/8/20 after business hours. 12/8/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/11/20.	D	DEC
Z	08/23/20	13 Green Street	Suzann McCarthy	Michael Danico, 12 Kearney St, 550-818-9394	Items along street line, behind fence; lots of chain link fence, wooden frames, pallets, 1 wooden spindle, things cluttered junk	NOV/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junk/junk yard as defined by regulations on driveway and area of property along Sweeney Street (junk as defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/7/2020.	Inspected 11/10/20 and 12/3/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/8/20 Called owner at number provided to Public Works for call before you dig 207-200-6966 and left message to call me regarding property. Suzann McCarthy returned call 12/8/20 after business hours. 12/8/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/11/20.	O	DEC
Z	09/23/20	15 Green Street	Suzann McCarthy	Michael Vargus, 14 Green St, 860-214-8830. Mike Vargus called 11/24/20 to follow-up on the complaint and requested continued enforcement of the regulations.	Items on property, 3 pallets of stone/brickwork, items hanging up, empty table, wood, plywood, pieces of fence, dead bushes, junk yard	3/30/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junk/junk yard as defined by regulations on driveway and area of property along Sweeney Street (junk as defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/7/2020.	Inspected 11/10/20 and 12/3/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/8/20 Called owner at number provided to Public Works for call before you dig 207-200-6966 and left message to call me regarding property. Suzann McCarthy returned call 12/8/20 after business hours. 12/8/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/11/20.	O	DEC
Z	09/22/20	15 Green Street	Suzann McCarthy	Rene Prontas, 11 Green Street 860-205-6768. Rene Prontas called 11/24/20 to follow-up on complaint and requested continued enforcement of the regulations.	Stacked fence along front property line on Sweeney St, garbage, junk, pallets, crates, metal, excessive bike in yard	Suzann McCarthy called office on 9/23/20, reviewed with her the complaint that was made by Rene Prontas. She asked if her fence was in violation, and I said I would review the complaint, inspect, and respond to her. She did not have a phone number. 3/30/20 Inspection - property appears to have fence within front yard setback on Sweeney Street and junk/junk yard as defined by regulations on driveway and area of property along Sweeney Street (junk as defined "articles and materials which have been collected and stored for salvage and/or conversion"). No phone number for owner. NOV sent 10/7/2020.	Inspected 11/10/20 and 12/3/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/8/20 Called owner at number provided to Public Works for call before you dig 207-200-6966 and left message to call me regarding property. Suzann McCarthy returned call 12/8/20 after business hours. 12/8/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/11/20.	O	DEC
Z	08/11/20	15 Green Street	Suzann McCarthy	Rene Prontas, 11 Green Street 860-205-6768, Michael Vargus, 14 Green Street, and Michael Danico, 12 Kearney Street (all called office separately)	Junk Yard - 4x6 wooden box, wooden pallets, empty blocks, plywood, garbage under truck	Inspected 8/13/20 took photos. Property does not appear to be a junk yard. Spoke with Mike Danico 8/14/20 about findings and left Rene Prontas a message 8/14/20 to call office.	Inspected 11/10/20 and 12/3/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/8/20 Called owner at number provided to Public Works for call before you dig 207-200-6966 and left message to call me regarding property. Suzann McCarthy returned call 12/8/20 after business hours. 12/8/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/11/20.	O	DEC
Z	07/25/20	15 Green Street	Suzann McCarthy	Michael Vargus, 14 Green Street 860-214-8830	Inspected a deck in front of her home and has installed deck and a tarp to create an outside storage area for junk	Inspection 7/27/20 - did not observe any junk in yard. Called complainant back to explain my findings on 7/28/20.	Inspected 11/10/20 and 12/3/20 and observed additional junk items on property and fence has not been removed along Sweeney Street. 12/8/20 Called owner at number provided to Public Works for call before you dig 207-200-6966 and left message to call me regarding property. Suzann McCarthy returned call 12/8/20 after business hours. 12/8/20 Called owner and left message to call me regarding property. Did not hear back from owner. Issued Cease & Desist sent 12/11/20.	C	JUN
Z	07/14/20	15 Green Street	Suzann McCarthy	Michael Vargus, 14 Green Street 860-214-8830	Junk in yard hanging from house	Spoke with Suzann McCarthy 7/15/20 as she called office in shock on possible complaints coming in from neighbors. We went over the complaint. She said she brought in cedar blocks and 2" x 2" wood boards 8 feet long to delineate patio area and put gate at steps. We reviewed the fence regulation with regard to her inquiry. She has concerns about people trespassing on her property which is why she is making charges to her property. She would not leave a phone number to contact her.	7/15/20 Inspected property - does not appear to be a junk yard. American flag not modified by zoning regulations.	O	DEC
Z	06/02/18	15 Green Street	Suzann McCarthy	Three Anonymous Complaints forwarded 6/21/18. Received follow-up complaint from Ronald Wada, 7 Kearney St 860-815-0287 on 11/25/18 regarding the junk in the yard.	Junk accumulating in yard	Three anonymous complaints forwarded from First Selectman's office on 6/21/18. Complainants advised that Zoning Officer would be out on vacation for almost two weeks and would not be able to address small issues. She sent 6/29/18 and observed wood furniture sitting in yard. Wood furniture appears to meet junk and junk yard definition. 6/30/18 Called Suzann McCarthy 860-715-8233 and asked her to remove wood furniture in yard. She said she is having difficulty bringing them into home and would help. She hopes to have them in house within a week and will call when it is completed.	Suzann McCarthy no longer receiving phone calls November 2018. Inspection completed 11/29/18 and wood furniture still in yard. NOV sent 12/11/18. Inspection 10/19/19 junk items have been removed property appears to comply per complaint. Called Mr. Wada with outcome of 10/19 inspection.	C	DEC

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Exhibit#

42

**RATES
SERVICE**

FORM 3547 fee due \$0.62

Restricted Data

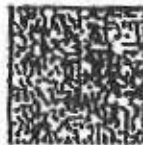
**First-Class Mail
Postage and Fees Paid
USPS
Permit No. G10**

**ELECTOR
TOWN OF BELLINGTON**

1ST

CT 06029-0158

SERVICE REQUESTED



**U.S. POSTAGE & FINANCIAL SERVICES
75¢ 06029 S 060.50
00003412241500 04 2020**

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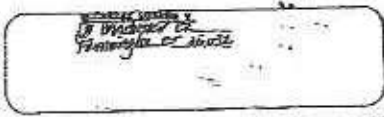
MAY 28 2021

**TOWN OF BELLINGTON
PLANNING DEPARTMENT**

Exhibit# **43**

Pg 1 of 2

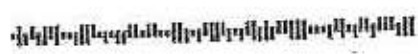
*W. W. WICKS, JR.
BELLINGTON, CT 06032*

 UNITED STATES POSTAL SERVICE	FORM 3547 fee due \$0.62 <i>Restricted Data</i>	<i>First-Class Mail</i> <i>Postage and Fees Paid</i> USPS <i>Permit No. G10</i>
<div data-bbox="438 262 665 378"> TEK COLLECTION TOWN OF ELLINGTON P.O. Box 158 Ellington, CT 06029-0158 ADDRESS SERVICE REQUESTED </div> <div data-bbox="982 262 1201 346">  5 000.50¢ 0000000000 04 2020 </div> <div data-bbox="495 462 876 577">  </div>		

OLD: SUSANN MCCARTHY
11 WINCHESTER CT
FARMINGTON CT 06032-3423

TO THE POSTMASTER OF
PO BOX 158
ELLINGTON CT 06029-9998

0000000000 04 2020
0000000000 04 2020



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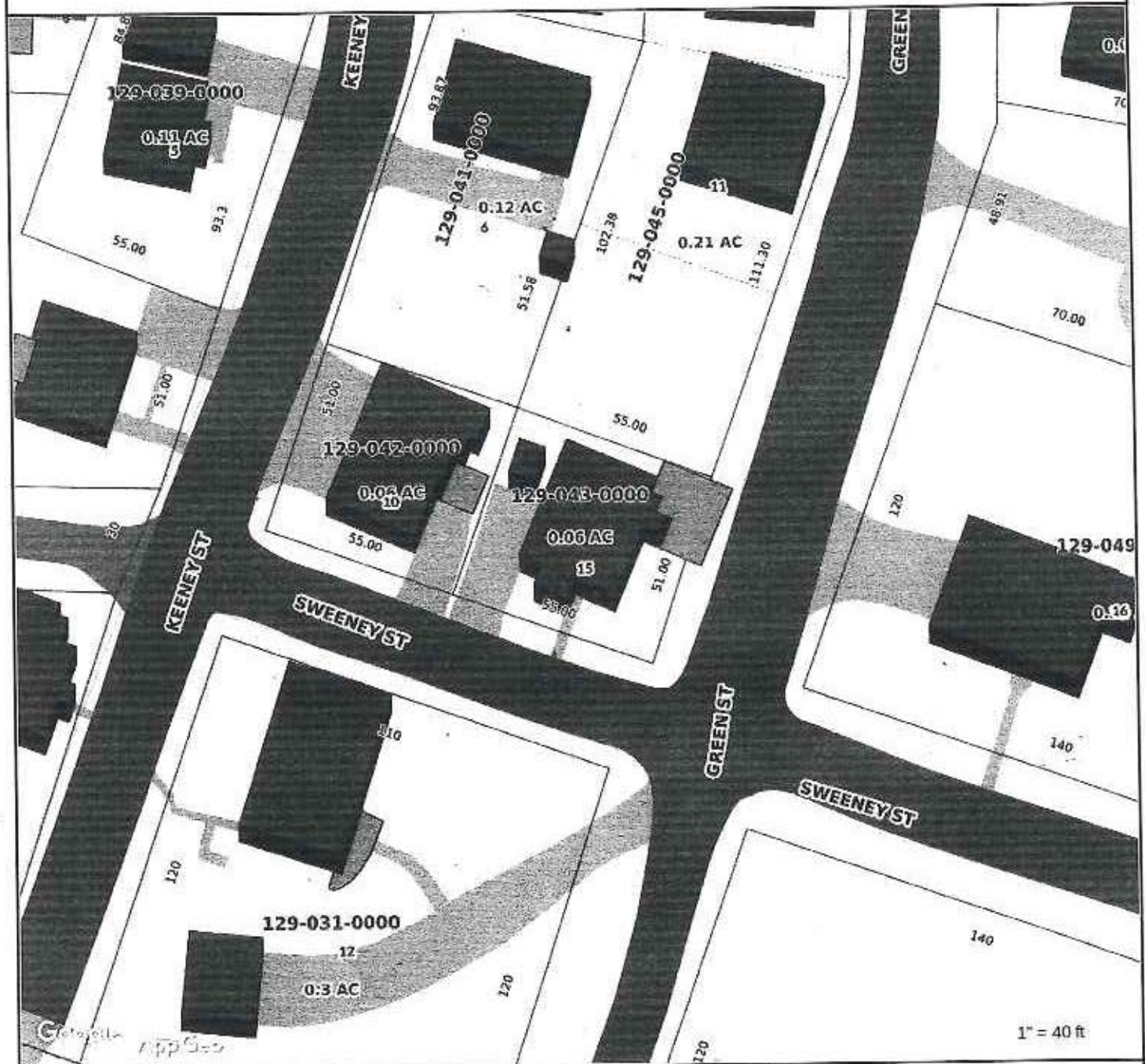
Geometry updated 7/23/2020
Data updated 7/23/2020

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TOWN OF ELLINGTON
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15 Green Street



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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Geometry updated 7/23/2020
Data updated 7/23/2020

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Unique ID: 00352600

Ellington

Location:		15 GREEN ST		
911 Address:				
Map Id:		129 043 0000		
General Description	Description	Area/Qty	Value	
Building Use	Single Family	1,201	92,777	
Unit	Fair	858	17,160	
Overall Condition	D	0	7,500	
Class	1.40		117,437	
Stories	Cape			
Design (Style)	Wood Frame			
Construction	1950			
Year Built	100			
Percent Complete				
Finished Area 1201				
Finished Area Does Not Include Finished Basement Area				
Foundation				
Basement Area	858			
Finished Basement	0			
Garage Bays	0			
Outside Entry	No			
Sump Pump				
HVAC				
Heating Type	Forced Hot Air	100 %		
Fuel	Oil			
Cooling Type	None	0 %		
Interior				
Floors	Carpet Vinyl			
Attic Access				
Walls	Drywall			
Bath Cond	Typical			
Kitchen Cond	Typical			
Exterior				
Exterior	Aluminum Siding			
Roof Cover	Asphalt			
Roof Type	Gable			
Special Features				
Type	Count/Area			
		Exhibit# 45		
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		MAY 28 2021		
		TOWN OF ELLINGTON PLANNING DEPARTMENT		
		Pg 1 of 2		
Attached Components				
Type	Year	Area	Value	
Patio	1950	312	1,170	
Enclosed Porch	1950	48	450	
Open Porch	1950	48	270	
Detached Component Computations				
Type	Year	Condition	Area/Qty	Value
Frame Shed	2009	Fair	48	288
		Total Building Value:		48,870
		Grade Factor:		0 %
		Physical Depr:		50 %
		Economical Depr:		0 %
		Functional Depr:		10 %
Room Summary				
Total Bedroom	8	4	1	0
Kitchens Full Baths		1	1	0
Half Bath				

33

6

8 EP 26

1.4S FR+

12

8

5

OP

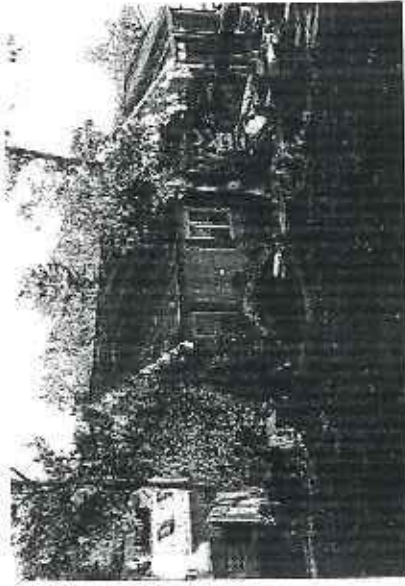
8

Patio

18

12

20



Residential Fieldcard



James S. York II
Fire Marshal

Carl W. Dojan
Deputy Fire Marshal

TOWN OF ELLINGTON, CONNECTICUT

DEPARTMENT OF TOWN FIRE MARSHAL

www.ellington-ct.gov

57 Main St., P.O. Box 187 Ellington, CT 06029-0187

Tel: 860-870-3126 Fax: 860-870-3122

Email: firemarshal@ellington-ct.gov

Sydney C. Kern
Deputy Fire Marshal/Executive
Officer

October 1, 2020

Rene McGuigan
11 Green St
Ellington, CT 06029

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MAY 28 2021

RE: Email Complaint regarding 15 Green St Ellington, CT

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Dear Ms. McGuigan,

The following is the official response of the Fire Marshal in regards to your concerns of 15 Green St being "dangerous and a fire concern".

- The Connecticut Fire Safety Code and Connecticut Fire Prevention Code do not apply to single and two-family homes.
- A limited and specific state statute regarding general fire safety concerns MAY apply to specific and limited instances. In this case state statute does not address the issues you have raised.
- This office inspected the property (15 Green St) the week of September 21st after receiving a phone call from you.
- The issues you have raised in your email, including attached photos, do not rise to the level of any fire code violations.

If there are any changes to the circumstances at this property that you feel rise to a level of concern above and beyond the current status please feel free to follow up with my office.

Sincerely,

James S. York II
Fire Marshal

Cc: Lori Spielman, First Selectman
Ray Martin, Building Official
Lisa Houlihan, Town Planner

Pg 1 of 1

Exhibit# 46



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

FAX (860) 870-3122

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TOWN PLANNING DEPARTMENT

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, JANUARY 4, 2021, 7:00 PM ZOOM MEETING

PRESENT: Vice Chairman Ken Braga and Present via ZOOM meeting: Chairman Art Aube, Regular members Sulakshana Thanvanthri and Erin Stavens, Alternates Ron Brown and Rodger Hosig (arrived 7:09 pm)

ABSENT: Alternate Ron Stomberg

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Present via ZOOM meeting: Barbra Galovich, Recording Clerk

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, explained general procedures for how the meeting will be conducted.

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. V202011 – Gladys Prouty, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.10-Highway Clearance Setbacks and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Maple Street from 60ft to 21ft for an addition, partial second story addition, and dormer at 11 Berr Avenue, APN 072-027-0000 in a Residential (R) zone.

TIME: 7:03 pm

SEATED: Aube, Braga, Thanvanthri, Stavens, and Brown

Gladys Prouty, 11 Berr Avenue, was present to represent the application. Ms. Prouty stated she is requesting a variance for an addition to the side of the house to rebuild and expand the existing pantry and add a bathroom within the home. She said she hired a structural engineer which informed her that the floor is crumbling and does not have good support. They need to reinforce the structure and floors and would like to add a 3' 8" X 8' 9" addition for the bathroom.

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PLANNING DEPARTMENT

Commissioner Brown asked if they would be replacing any beams and piers. Ms. Prouty explained the house is old and was built with no supports and that a foundation would be constructed for the addition. Chairman Aube asked if any of the foundation would be replaced. Ms. Prouty explained a portion of the old foundation will be replaced. Commissioner Brown ask how the applicant came up with the reduction of the front yard setback from 60 feet to 21 feet. Ms. Prouty stated she measured 25 feet from the double yellow line to get an approximate location of her front property line in order to determine the setback. Mr. Colonese stated the applicant did not provide a property survey with the application therefore the distances to the existing structure and proposed addition are approximate. He noted that he met Ms. Prouty at her property to review her request and that the proposed addition squares off two points on the existing foundation.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202011.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202011 – Gladys Prouty, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.10-Highway Clearance Setbacks and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Maple Street from 60ft to 21ft for an addition, partial second story addition, and dormer at 11 Berr Avenue, APN 072-027-0000 in a Residential (R) zone.

HARDSHIP: Existing dwelling is not safe and is nonconforming to current setback requirements.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the December 7, 2020 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 7, 2020 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Cease and Desist Order - 15 Green Street Re: Violation of the Zoning Regulations

Mr. Colonese stated he received complaints from neighbors of 15 Green Street and inspected the property based on those complaints. He explained that a Notice of Violation was issued to the property owner and then a Cease and Desist Order. The Cease and Desist Order was sent via first class mail, certified mail and Connecticut State Marshal. The owner has thirty days to appeal the Order to the Zoning Board of Appeals. To date, no appeal has been received in the Planning Department.

Mike Vengruskas, 14 Green Street, addressed the Board concerning 15 Green Street. He complained about junk being stored on the property, the construction of fences and fence posts and requested more aggressive enforcement be conducted.

Mike Damico, 12 Keeney Street, seconded what Mr. Vengruskas said and stated that something needs to be done by the Town. He noted there are no utilities in the house and the owner does not reside there.

BY CONSENSUS, THE BOARD ADDED TO THE AGENDA ELECTION OF OFFICERS.

3. Election of Officers.

a. Chairman Position

MOVED (BROWN) TO NOMINATE COMMISSIONER (AUBE) FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2021.

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

MOVED (BRAGA), SECONDED (HOSIG) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (AUBE) FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2021.

b. Vice Chairman Position

MOVED (BROWN) TO NOMINATE COMMISSIONER (THANVANTHRI) FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2021.

COMMISSIONER (THANVANTHRI) ACCEPTED THE NOMINATION.

MOVED (AUBE) TO NOMINATE COMMISSIONER (BRAGA) FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2021.

COMMISSIONER (BRAGA) DECLINED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (AUBE), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (THANVANTHRI) FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2021.

V. ADJOURNMENT:

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:45 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk

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PLANNING DEPARTMENT



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

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

TEL. (860) 870-3120

TOWN PLANNER'S OFFICE

FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, DECEMBER 7, 2020, 7:00 PM ZOOM MEETING

PRESENT: Chairman Art Aube, Vice Chairman Ken Braga and Alternate Ron Stomberg; Present via ZOOM meeting: Regular members Sulakshana Thanvanthri and Erin Stavens, Alternates Ron Brown (Joined meeting 7:09 pm) and Rodger Hosig

ABSENT: Regular member Mort Heidari

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Present via ZOOM meeting: Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, explained general procedures for how the meeting will be conducted.

III. PUBLIC HEARINGS:

1. V202007 – Pamela Peters, owner/ Carl Sallstrom, dba Creative Decks, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 7ft for a deck at 149 West Shore Road, APN 169-010-0000 in a Lake Residential (LR) zone.

TIME: 7:03 pm

SEATED: Aube, Braga, Thanvanthri, Stavens and Stomberg

Pamela Peters, 28 Samuel Lane, Mansfield, CT and Carl Sallstrom, 426 Hunter Road, Tolland, CT were present to represent the application.

Mr. Sallstrom stated they reduced the size of the proposed deck from what was originally submitted after they had the property pins located with the hope of gaining an approval to construct. The new plan shows the deck going straight back from the house. The side property line is on an angle making it difficult to maintain the setback requirement. He noted

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

he met with Mr. Colonese and took measurements on site and they measured from the proposed location to the property pin and the closest portion of the deck is seven to eight feet from the property line. Commissioner Thanvanthri asked about the Health Department requirement. Mr. Colonese said North Central District Health Department (NCDHD) requested the applicant show the location of the water line on their plan for approval. Mr. Sallstrom explained he could see in the basement where the water line is located and also see the pipe at the edge of the lake, and so he added the information to the plan.

No one from the public spoke regarding the application.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202007.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202007 – Pamela Peters, owner/ Carl Sallstrom, dba Creative Decks, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 7ft for a deck at 149 West Shore Road, APN 169-010-0000 in a Lake Residential (LR) zone.

HARDSHIP: House was built prior to zoning regulations; lot configuration.

2. V202009 – JLM Associates, LLC, owner/ Ky Jensen, Budget Auto Repair, LLC, applicant, request for location approval for dealing in and repairing motor vehicles pursuant to Conn. Gen. Stat. Section 14-54 at 360 Somers Road, APN 105-002-0000 in an Industrial (I) zone.

TIME: 7:09 pm

SEATED: Aube, Braga, Thanvanthri, Stavens and Stomberg

Ky Jensen, 161 Leonard Road, Stafford, CT was present to represent the application.

Mr. Jensen said he is seeking location approval for dealing in and repairing motor vehicles. He is only requesting a name change for the existing business as it will be under new ownership. Commissioner Stavens stated she does not see any reason for denial as the new business name is filed with the state. Alternate Brown asked if any other businesses are changing within the building, and Mr. Jensen replied that they are not.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202009.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202009 – JLM Associates, LLC, owner/ Ky Jensen, Budget Auto Repair, LLC, applicant, request for location approval for dealing in and repairing motor vehicles pursuant to Conn. Gen. Stat. Section 14-54 at 360 Somers Road, APN 105-002-0000 in an Industrial (I) zone.

3. V202010 – Adam Piader, owner/applicant, request for variances of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 50ft to 27ft for a high tunnel agricultural structure and from 50ft to 43ft for a chicken coop at 66 Burbank Road, APN 128-003-0000 in a Rural Agricultural Residential (RAR) zone.

TIME: 7:13 pm

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PLANNING DEPARTMENT

SEATED: Aube, Braga, Thanvanthri, Stavens and Stomberg

Adam Piader, 66 Burbank Road, Ellington, CT was present to represent the application.

Mr. Piader said they are requesting a variance for a chicken coop and greenhouse within the front yard setback requirements. He noted they are proposing this location because it is a high spot on the hayfield and will minimize damage to the existing hayfield. Commissioner Stomberg asked what the proposed dimensions of the greenhouse will be and what the floor will be made out of. Mr. Piader stated they are proposing a 26 foot by 48 foot structure with a dirt floor.

Mr. Colonese said the application was sent to the Connecticut Water Company for comments, since the project is within a public water supply watershed. He received a letter dated December 7, 2020 from the Connecticut Water Company that was sent the Agency members and the applicant. Mr. Piader said the water company had been out to the site in the past and reviewed their method of composting manure. Commissioner Brown asked if the chicken coop would be covered, Mr. Piader responded that the coop will have a roof.

Mr. Colonese read an email in support of the application into the record from Jeffrey & Patricia Folger of 67 Burbank Road. No one from the public spoke regarding the application.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202010.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V202010 – Adam Piader, owner/applicant, request for variances of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 50ft to 27ft for a high tunnel agricultural structure and from 50ft to 43ft for a chicken coop at 66 Burbank Road, APN 128-003-0000 in a Rural Agricultural Residential (RAR) zone.

HARDSHIP: Location of structures is beneficial to the management of the hayfield.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the November 2, 2020 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE NOVEMBER 2, 2020 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Letter to owner of 9 Deborah Drive Re: Pending Enforcement Matter.

Mr. Colonese stated a letter was sent to the owner of the new property. The new owner visited the Planning & Building Departments after receipt of the letter and said he was aware of the violation but would like to keep the structure and apply for a variance. He was informed that he would need to hire a certified land surveyor in order to locate his property line prior to completing the application for a variance.

V. ADJOURNMENT:

**MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE
ZBA MEETING AT 7:22 PM.**

Respectfully submitted,

Barbra Galovich, Recording Clerk

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PLANNING DEPARTMENT**

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

**TOWN OF ELLINGTON
PLANNING DEPARTMENT
ZONING ENFORCEMENT POLICY AND GENERAL PROCEDURES**

Purpose and Authority

In accordance with Title 8, Chapter 124 of the Connecticut General Statutes, as may be amended, and other applicable General or Special Acts or Ordinances, a duly appointed officer of the Ellington Planning Department shall have the authority to enforce the Ellington Zoning and Subdivision Regulations.

General Policy

Enforcement shall be prioritized to protect the public health, safety, welfare and property values of the community, in a fair and equitable manner. Enforcement will include both proactive and reactive enforcement. Zoning enforcement is not to be used as a means of furthering neighbor and/or civil disputes.

General Procedures

These procedures are not inflexible and adjustments may be made depending upon the nature and severity of the violation.

- Complaint received, evaluated for priority, and pertinent town records researched;
- Site investigation conducted. If violation found, site inspection notes compiled and photographs taken, when possible. Violation file created and violator contacted. Contact may be either written or oral. Nature of violation explained and remedy provided.
- Re-inspection conducted. If violation remains a formal Notice of Violation / Request for Voluntary Compliance may be issued, citing the regulation being violated and the remedy and timeframe for compliance.
- If the violation remains upon the expiration of the voluntary compliance date, a Cease and Desist Order may be issued, citing the violation, the required remedy and the right to appeal.
- If the violation remains and the right to appeal has expired, a Citation or other legal remedies may be issued/taken.

Enforcement Priorities

The following are general policies relating to prioritizing enforcement of the Ellington Zoning and Subdivision Regulations:

- Violations that pose immediate danger to the public health, safety and general welfare of the community.
- Violations related to development projects that are in the construction phase.
- Proactive enforcement programs initiated by the Commission or its staff.
- Reactive or complaint based enforcement.
- Anonymous complaints not posing an immediate threat to the public health, safety and welfare of the community.
- Complaints associated with neighbor and/or civil disputes shall receive the lowest priority.

From: John Colonese
To: Ann Marie Conti
Subject: 15 Green St
Date: Monday, November 26, 2018 11:45:00 AM

RECEIVED

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Good morning Ann Marie,

I hope you had a nice Thanksgiving. I have a question for you regarding 15 Green Street when you have a moment if you can give me a call. Thank you.

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov

Pg 1081

Exhibit# 50

From: John Colonese
To: Ann Marie Conti
Subject: 15 Green Street
Date: Friday, January 04, 2019 11:28:00 AM
Attachments: IMG_0905.JPG
IMG_0906.JPG
IMG_0907.JPG

RECEIVED
MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Hi Ann Marie,

I hope you enjoyed the holidays. Please find attached photos of 15 Green Street from my most recent inspection on 1/3/19. The owner has cleaned up debris and junk since my prior two inspections.

Please let me know if you have any questions.

Regards,

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov

1061

Exhibit#

51

From: Raymond Martin
To: John Colonese
Subject: FW: 15 Green St
Date: Wednesday, July 15, 2020 11:50:58 AM

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

RECEIVED
MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

From: Raymond Martin
Sent: Monday, July 06, 2020 4:23 PM
To: Lori Spielman <lspielman@ELLINGTON-CT.GOV>
Cc: 'Michael Caronna' <mcaronna@ncdhd.org>
Subject: 15 Green St

Hi Lori,

After I received your call this afternoon, I stopped by 15 Green St to take a look at the property. The owner, Susann McCarthy, was outside at the property. I had a conversation with her and she stated that she is not living at the structure. She informed me that she is living elsewhere and comes by to work on the outside of the property to try to clean up the landscaping and mold on the exterior. She also stated that there is electricity and running water at the structure. I observed that the electric meter is still installed at the property and all doors and windows are secure. At this point, there is nothing further that I can do from a building code standpoint.

Let me know if you need anything further.

Ray

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

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1081

Exhibit# 52

Public Works - Spring Info

The Public Works Summer Hours (M-R 6:30a-3:30p/F 6:30a-12:30p) will take effect on Monday, April 5.

Hoffman Road Brush Drop Off Area has a **new opening day** due to Friday, April 2 being Good Friday. The new opening day this year will be Tuesday, April 6th at 1:00 pm.

The Electronics/Recycling Shed will be open one Saturday per month; upcoming dates include April 17th and May 15th. **All electronics should be brought to the recycling shed.**

The Household Chemical Waste Center will open on April 17th at 9:00 am.

Weather permitting, street sweeping will begin this week, starting in the Crystal Lake Area and proceeding to Longview for now.

Please be diligent in your recycling habits! Visit RecycleCT.com (<http://RecycleCT.com>) to learn what items are acceptable. If you require an additional recycling container, please call 860-870-3140; All American Waste will then check your recycling habits to see if you qualify. **Textiles should not be placed in recycling - bring them to the white containers in the Public Works yard.**

Residents who have two garbage containers may call the office for pickup of the additional container if they no longer want it.

We have a new shipment of compost bins and rain barrels; please call us if you're interested in either item.

Don't Show Again

RECEIVED

MAY 28 2021

TOWN OF CRYSTAL LAKE
PLANNING DEPARTMENT

1 of 1 Exhibit#

53

From: John Colonese
To: Mike Caronna
Subject: 15 Green Street, Notice of Violation - Junk
Date: Tuesday, December 11, 2018 2:18:00 PM
Attachments: 15 Green Street.pdf

RECEIVED
MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Hello Michael,
Please see the attached Notice of Violation sent to the owner of 15 Green Street for having 'junk' on the property.
Feel free to contact me if you have any questions.
Regards,

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov

1 of 1

Exhibit# 54

From: John Colonese
To: Raymond Martin; James York; Lori Spielman; Sydney Kern; Carl Dojan; Mike Caronna
Cc: Lisa Houlihan
Subject: 15 Green Street
Date: Thursday, October 08, 2020 9:10:00 AM
Attachments: 15 Green St - NOV.pdf

RECEIVED
MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Hello,

Yesterday I issued the attached Notice of Violation to the owner of 15 Green Street for storing junk outdoors and maintaining a junk yard, as well as constructing stockade fences along Sweeney Street.

Please let me know if you have any questions.

Regards,

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov

1081

Exhibit# 55

From: John Colonese
To: MICHAEL D'AMICO
Subject: RE: 15 green st
Date: Friday, August 14, 2020 8:40:00 AM

RECEIVED
MAY 28 2021
TOWN OF
PLANNING DEPARTMENT

Hi Mike,

Thank you for the photos. Please call me at 860-870-3120 today when you have a moment.

Thank you,

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov

From: MICHAEL D'AMICO [mailto:mpdamico@comcast.net]
Sent: Friday, August 14, 2020 7:42 AM
To: John Colonese <jcolonese@ELLINGTON-CT.GOV>
Subject: Fwd: 15 green st

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.

John, Here's some more pictures since your driveby yesterday.. Three of these are from Rene's backyard, and two are from the street. All she did was rearrange and try to hide stuff. Now she's tried to put some form of fence up to hide things behind. As I understand it, this does not meet zoning requirements for a fence, which are supposed to be no more than 4" tall and have 50% visibility since she's a corner lot. If you come by again, I think it would be best if you walked the property line so you can really see things not visible from the car.

Thanks

Mike D'Amico

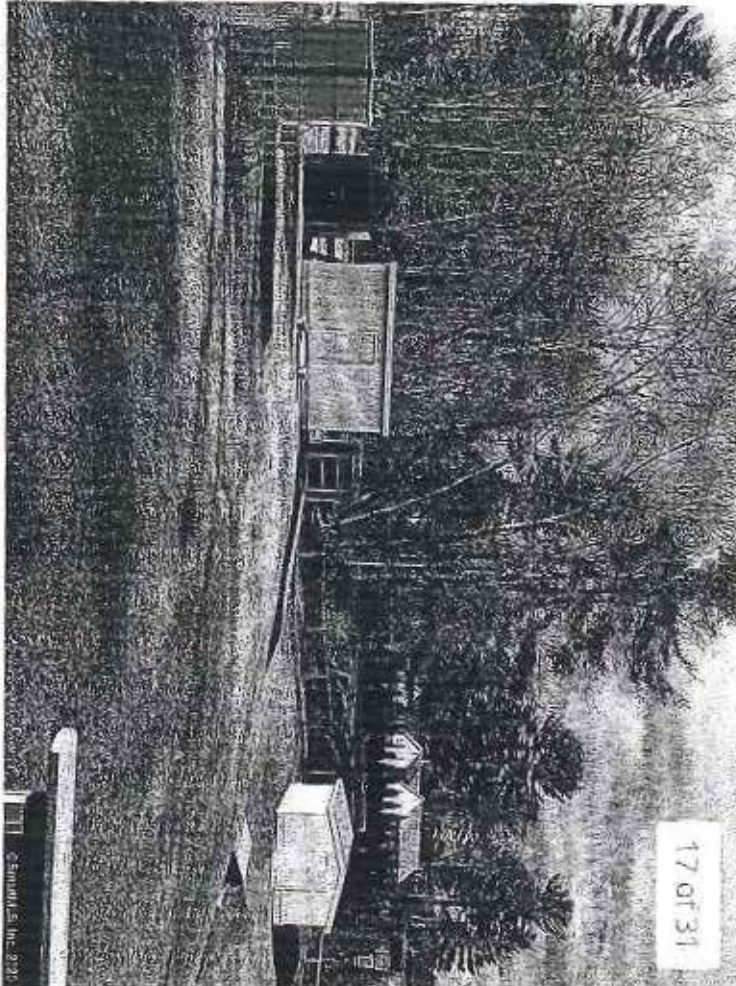
----- Original Message -----
From: mpdamico <mpdamico@comcast.net>
To: mpdamico@comcast.net
Date: 08/14/2020 7:23 AM
Subject: 15 green st

Pictures

1061

Exhibit# 56

RECEIVED
MAY 28 2021
TOWN OF ALEXANDRIA
PLANNING DEPARTMENT



Sold: \$155,000 (3 beds, 2 baths, 900 Square Feet)

Save Home

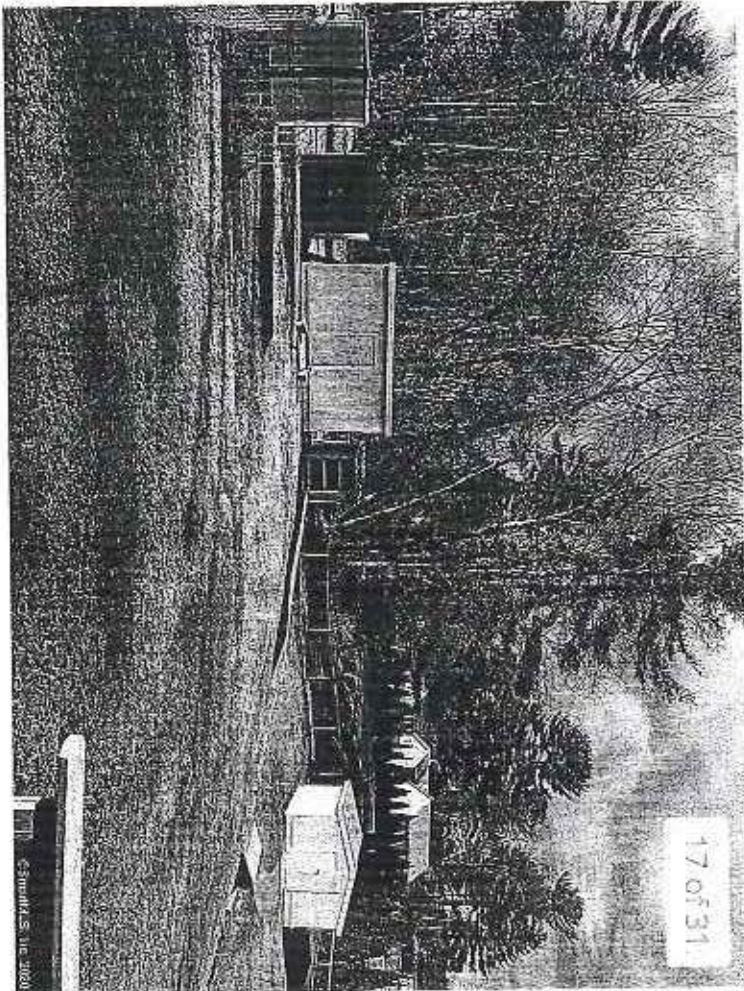
Share



1061

Exhibit# 57

RECEIVED
MAY 28 2021
TOWN OF
PLANNING DEPARTMENT



Sold: \$155,000 (3 beds, 2 baths, 900 Square Feet)

 Save Home

 Share



1081

Exhibit# 58

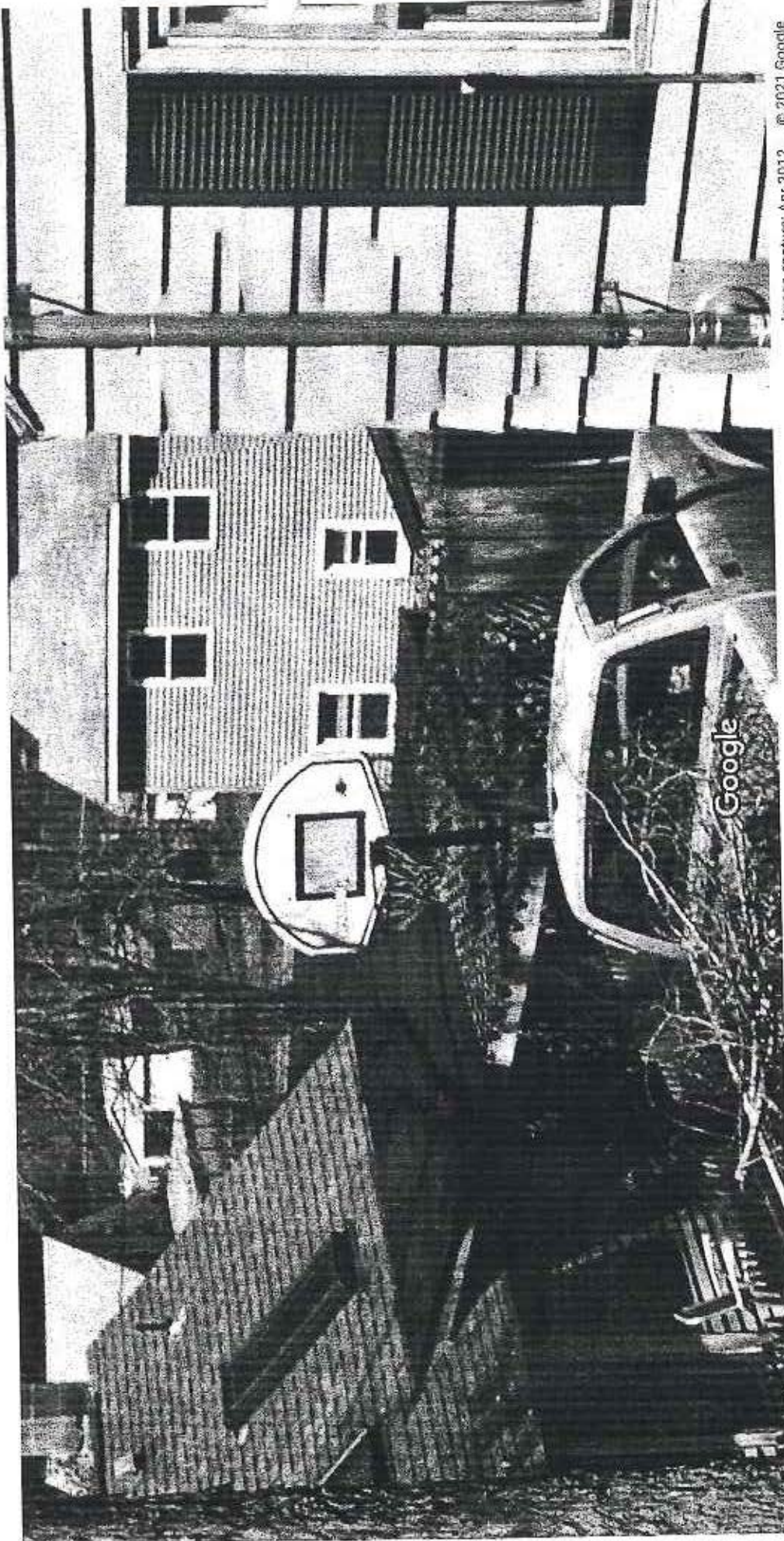


Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

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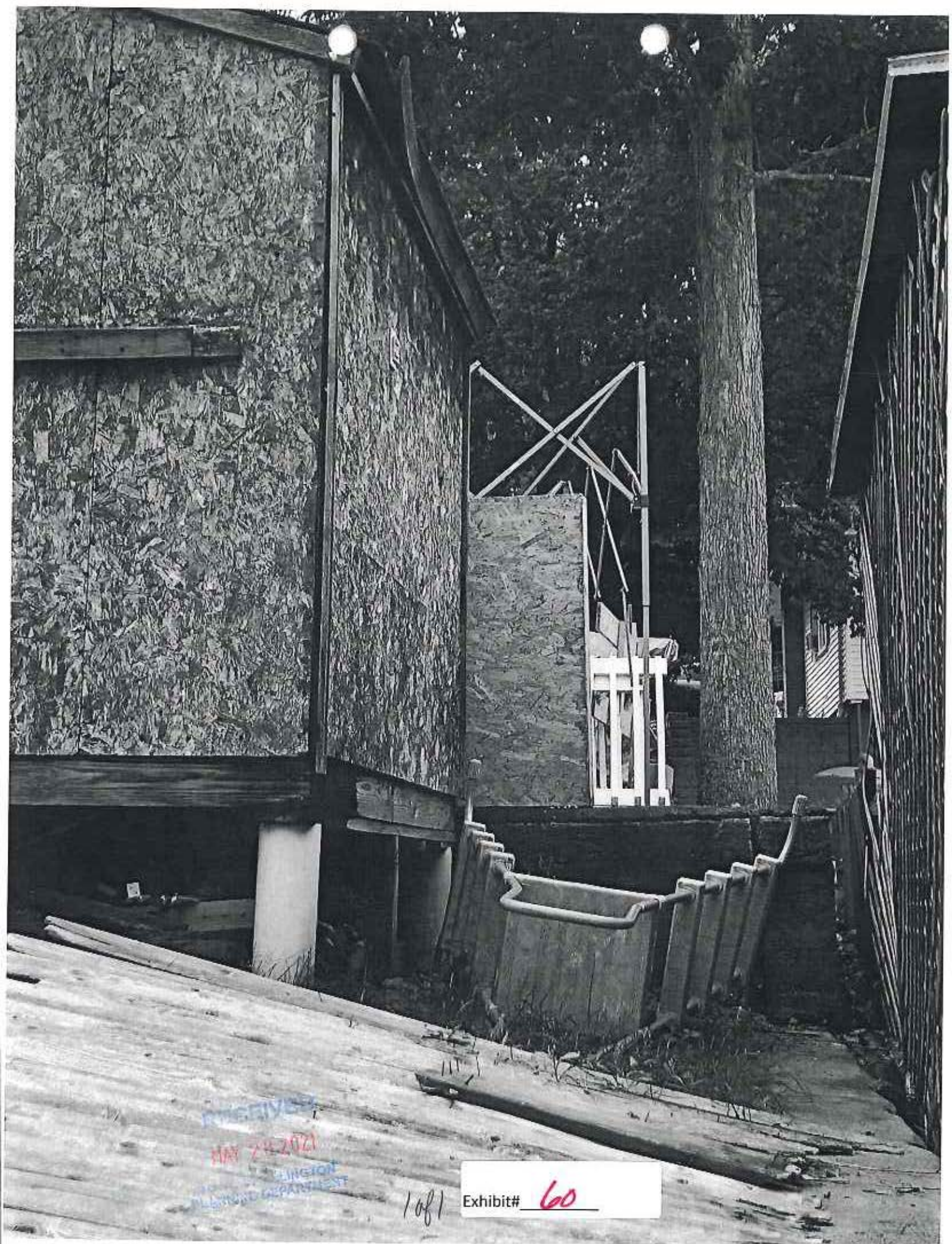
MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Exhibit#

59

1061



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MAY 24 2021
LINGSTON
PLANNING DEPARTMENT

1081

Exhibit# 60

From: Ann Marie Conti
To: John Colonese
Subject: RE: 15 Green Street
Date: Friday, January 04, 2019 12:26:28 PM

Happy New Year John -

Wow! I imagined worse. Thank you for the pictures. She hasn't followed through with making payments. We will move forward with enforcing collections.

Have a nice weekend.

Ann Marie Conti

Tax and Revenue Collector

Town of Ellington

P.O. Box 158

Ellington, CT 06029-0158

Phone: 860-870-3113/ Fax: 860-870-3704

Email: aconti@ellington-ct.gov / Website: www.ellington-ct.gov

From: John Colonese
Sent: Friday, January 4, 2019 11:29 AM
To: Ann Marie Conti <AConti@ELLINGTON-CT.GOV>
Subject: 15 Green Street

Hi Ann Marie,

I hope you enjoyed the holidays. Please find attached photos of 15 Green Street from my most recent inspection on 1/3/19. The owner has cleaned up debris and junk since my prior two inspections.

Please let me know if you have any questions.

Regards,

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov

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1062

Exhibit# 601

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

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MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

From: Lisa Houlihan
To: John Colonese
Subject: Request for copy of 2nd notice to 15 Green
Date: Wednesday, December 16, 2020 1:29:50 PM

Mike, owner of 14 Green Street, called and requested a copy of the second notice sent to 15 Green Street. He requested the copy be mailed to him. In case you have any questions, his number is 860-214-8632.
Thanks!

Lisa

Lisa M. Houlihan, AICP
Ellington Town Planner
PO Box 187 / 55 Main Street/ Ellington, CT 06029
Phone: 860-870-3120 / Fax: 860-870-3122
Website: www.ellington-ct.gov/ Email: lhoulihan@ellington-ct.gov

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SEP 22 1994

CLARK COUNTY
PLANNING DEPARTMENT

Exhibit#

63

1086



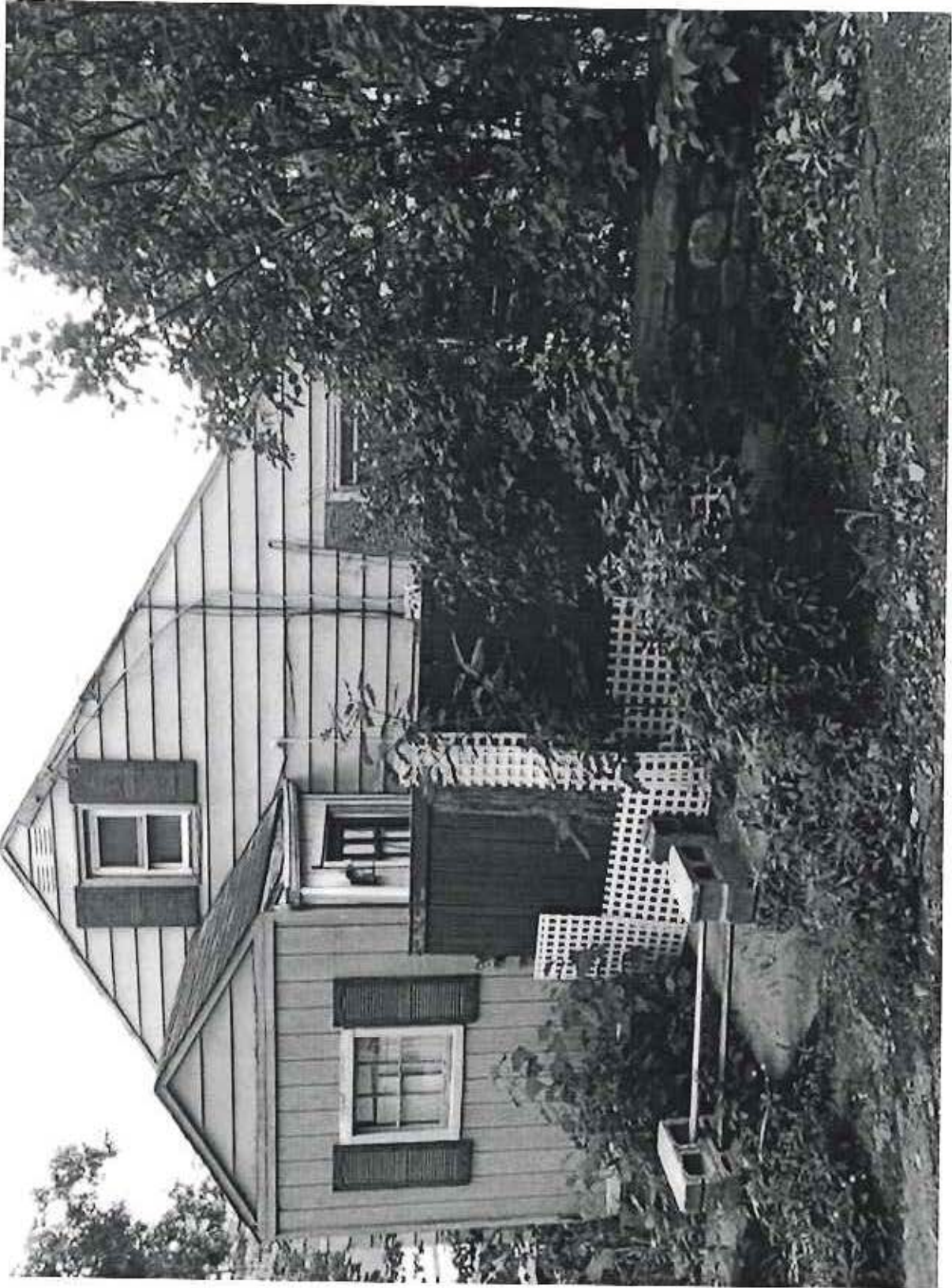
20/6

FLORIDA
PLANNING

RECEIVED

MAY 28 2021

TOWN OF ...
PLANNING DEPARTMENT



3a/b



RECEIVED

MAY 28 2021

TOWN OF LEBANON
PLANNING DEPARTMENT

Hobbs

RECEIVED

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT



RECEIVED
MAY 28 2021
TOWN OF CLERKSTON
PLANNING DEPARTMENT



6086

PERSONAL PROPERTY DECLARATION DETAILS REPORT - NONFILED RECORD

ASSM YEAR: 2020
LIST # : 0041036
UNIQUE ID: 20190047

STATUS : NON-FILED
RECORD DATE :
PRINTED DATE : 01/29/2021
PRINTED TIME : 09:19:00 AM

MCCARTHY SUSANN T
MCCARTHY SUSANN T -MV
11 WINCHESTER CT
FARMINGTON CT 06032

RECEIVED
MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Record Details

Prop Loc: 15 GREEN ST
BUS. TYPE 2015

ITEM(s) CODE	DETAILS	APPLIED AMT	DISPOSED	DEF.AMT	70% ASSM
09	0000/FORD/F150 PICKUP/	5,000			3,500
25		3,500		880	880
<u>GRAND TOTAL</u>		8,500		880	4,380
TOTAL GROSS		4,380			
TOTAL EXEMPT		4,380			
TOTAL NET					

Pg 1 of 2

Exhibit# 64

PERSONAL PROPERTY DECLARATION DETAILS REPORT - NONFILED RECORD

ASSM YEAR: 2020
LIST #: 0041036
UNIQUE ID: 20190047

STATUS : NON-FILED
RECORD DATE :
PRINTED DATE : 03/17/2021
PRINTED TIME : 03:25:38 PM

RECEIVED
MAY 28 2021
TOWN OF FARMINGTON
PLANNING DEPARTMENT

MCCARTHY SUSANN T
MCCARTHY SUSANN T -MV
11 WINCHESTER CT
FARMINGTON CT 06032

Record Details

Prop Loc: 15 GREEN ST
BUS. TYPE: 2015

ITEM(s) CODE	DETAILS	APPLIED AMT	DISPOSED	DEP. AMT	70% ASSM
09	0000/CHEV/PICKUP/ <i>Corrected</i>	5,000			3,500
25		3,500		880	880
<u>GRAND TOTAL</u>		8,500		880	4,380
TOTAL GROSS		4,380			
TOTAL EXEMPT					
TOTAL NET		4,380			

Vehicle info per Ms. McCarthy

Call Summary Report

Call Remarks

Remark Date/Time: 10/20/20 14:56

Name: Prentiss, Rene Lee

DOB: 05/07/1979

Address: 11 Green ST

City: Ellington

State: CT

Phone: 860-205-6788

Work Phone: - -

Op Id: 206585685

Comments:

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MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Remark Date/Time: 10/20/20 15:10

Animal Indicator:

EMD Indicator:

ONGOING NEIGHBOR DISPUTE BETWEEN NEIGHBORS THAT LIVE 2 HOUSES DOWN FROM EACH OTHER. COMPLAINANT (SUSAN) STATED THAT RENEE BLOCKED HER IN HER DRIVEWAY WHILE WALKING HER DOG AND BEGAN RAISING HER VOICE AT HER. RENEE STATED THAT SUSAN IS CRAZY AND SHE IS WELL KNOWN IN THE NEIGHBORHOOD AS BEING THE CRAZY LADY THAT VIDEO RECORDS EVERYONE AND TRIES TO GT EVERYONE IN TROUBLE. RENEE STATED THAT SHE WAS JUST WALKING HER DOG DOWN THE STREET AND SUSAN CLAIMED THAT SHE WAS BLOCKING HER IN WHEN SHE WAS NOT. SUSAN TRIED SHOWING ME A VIDEO BUT IT WAS GRAINY AND INCONCLUSIVE. CONTRADICTING STATEMENTS. VERBAL ONLY. ADVISED BOTH OF THEM TO TRY AND BE CORDIAL OR STAY AWAY FROM EACH OTHER.

Pg 1 of 3

Exhibit# 105

Call Summary Report

Call Remarks

mark Date/Time: 08/08/20 19:20

Name: Prentiss, Rene Lee

DOB: [REDACTED]

Address: 11 Green ST

City: Ellington

State: CT

Phone: 860-205-6788

Work Phone: - -

Op Id: 206585685

Comments:

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MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Remark Date/Time: 08/08/20 19:21

Name: Mccarthy, Susann Teresa

DOB: [REDACTED]

Address: 11 Winchester CT

City: Farmington

State: CT

Phone: - -

Work Phone: - -

Op Id:

Comments:

Remark Date/Time: 08/08/20 19:39

Animal Indicator:

EMD Indicator:

PRENTISS REPORTS THE ACCUSED MCCARTHY IS WALKING UP AND DOWN THE STREET VIDEOTAPING HER RESIDENCE AND HER/HER FAMILY AND NEIGHBORS. MCARTHY STATES SHE WALKS TO THE MAILBOX DOWN THE STREET AND IS HARRASSED BY THE NEIGHBORS. SHE SAYS THEY SWEAR AT HER AND VIDEOTAPE HER FROM THE STREET. MCCARTHY SAYS SHE USSUALLY STAYS AT ANOTHER HOUSE IN WINCHESTER CT. MCCARTHY SAYS NEITHER HER OR THE NEIGHBRS GO ON EACH OTHERS PORPERTY. EACH PARTY FEELS THEY ARE THE VICTIM/BEING HARRASSED BY THE OTHER. AT THIS TIME THERE WAS NOTHING CRIMINAL ON BEHALF OF EACH PARTY.

Call Summary Report

mark Date/Time: 08/08/20 19:46

Animal Indicator: EMD Indicator:

SPOKE A RESIDENT NEXT DOOR WHO STATED THE COMPLAINANT DOES NOT LIKE MCCARTHY BECASUE WHEN THEY WERE TRYING TO BUILD MCCARTHY WAS TRYING TO PREVENT THEM FROM BUILDING. THIS GOES BACK ABOUT FIVE YEARS ACCORDING TO THE NEIGHBOR. HE ASLO HAS NOT HEARD ANYONE SWAER AT EACH OTHER.

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TOWN OF
PLANNING DEPARTMENT

Remark Date/Time: 08/08/20 20:03

Animal Indicator: EMD Indicator:

CHAPTER 124*

ZONING

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

*Constitutionality of zoning; restoration of nonconforming use. 110 C. 92. No impairment of vested rights by adoption of regulations after contract made to purchase land and work commenced. Id., 141. Cited. 112 C. 240, 245; 113 C. 50; 116 C. 555; 118 C. 7; 123 C. 480; 124 C. 54. History of zoning laws in state. 133 C. 250. Cited. 139 C. 119; 143 C. 152, 280. No municipality is obliged to establish a planning commission, and statutory authority granted to towns, cities and boroughs under this chapter for establishment of zoning commission is not conditioned on simultaneous exercise of powers granted under chapter 126. 144 C. 117. Cited. 145 C. 435, 625; 147 C. 65; 148 C. 492. Entire history of zoning legislation indicates clear intention on part of General Assembly, subject to certain underlying principles, to leave solution of zoning questions to local authority; courts must not substitute their discretion for wide and liberal discretion enjoyed by zoning agencies; court can grant relief on appeal only where local authority has acted arbitrarily or illegally and has thus abused discretion vested in it. 150 C. 79. Cited. Id., 131; 154 C. 203; Id., 463. Chapter is a general zoning enabling act and has no effect in city of Hartford whose legislative body has not acted to adopt it, except as to such provisions as Secs. 8-8 through 8-10 which the legislature intended should apply to all municipalities. 155 C. 360. Provisions of Sec. 8-7 held not to apply to municipality until it has adopted chapter as provided in Sec. 8-1. Id., 422. City of Norwalk has been acting under general statutes in zoning matters since 1929; therefore provisions of chapter apply to appeal from its board. Id., 550. Cited. 157 C. 308, 552. Whether or not a municipality adopts chapter, appeals from its final zoning authority are governed by Sec. 8-10. 159 C. 1. Cited. Id., 598. Amendments to zoning regulations are essentially legislative actions and courts will not disturb them unless amendment violates chapter or is "patently arbitrary". 164 C. 210. Zoning in Norwich is controlled by special act, hence its charter and not this chapter controls the reference to referendum of a zoning ordinance. 167 C. 579. Cited. 171 C. 480. Fact that town and zoning enforcement officer, defendants in the action, were not named in the two previous actions does not preclude application of doctrine of res judicata; since they represent the rights of the municipality, the agents of the same municipal corporation are in privity with each other and with the municipality. 181 C. 556. Cited. 189 C. 261; 208 C. 267; 211 C. 690; 213 C. 604; 221 C. 374; 227 C. 71.

Cited. 2 CA 595; 22 CA 407; 35 CA 317.

Where building permit has been properly obtained, it may not arbitrarily be revoked, particularly where, on faith of it, owner has incurred material expense and substantial liabilities. 23 CS 461. Cited. 25 CS 278; 28 CS 286.

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Sec. 8-1a. "Municipality" to include district.

Sec. 8-1b. Alternate members of zoning commission or combined planning and zoning commission.

Sec. 8-1c. Fees for municipal land use applications.

Sec. 8-1d. Hours for holding land use public hearings.

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Sec. 8-1z. Exclusion of conservation easement from open space percentage allocation required for land use application.

Sec. 8-1aa. Ridgeline protection: Definitions.

1081

Exhibit#

66

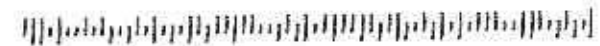
TAX COLLECTOR
TOWN OF ELLINGTON
P.O. Box 158
Ellington CT 06029-0158



U.S. POSTAGE >> PITNEY BOWES
ZIP 06029 \$ 000.50⁰
02 4W
0000364324 JAN 15 2021

Susann T. McCarthy
11 Winchester Court
Farmington, CT 06032

0603233423 R008



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1085

Tax Collector's Demand for Payment

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TOWN OF
PLANNING DEPARTMENT

January 15, 2021

Tax Collector's Office
PO Box 158
Ellington, CT 06029
(860) 870-3113

Susann T. McCarthy
11 Winchester Court
Farmington, CT 06032

Re: Delinquent Real Estate Taxes

Parcel #00352600, 15 Green St., Ellington, CT 06029

In compliance with the laws of the State of Connecticut, payment is herewith DEMANDED for the taxes and other charges due me as Tax Collector, amounts of said taxes and charges being levied on the above property and listed on the attached pages, plus interest and fees.

Grand Total Due: \$28,701.79

This demand must be complied with by Friday, January 29, 2021.

Your failure to pay this account will make it the duty of the Tax Collector to take legal proceedings as follows:

Levy any of your taxable goods or chattels and dispose and sell them in the manner provided in the case of executions; order the suspension of all your motor vehicle registrations; order the revocation of any license or permit required in the operation of a business; garnish wages as if judgment therefore had been entered, in accordance with Section 52-361; levy against and seize any funds on deposit in any bank in this state in accordance with Section 52-367a; initiate a suit to collect under Section 12-161; enforce by levy and sale any lien upon real estate for said taxes, or levy upon and sell your interest in any real estate as exists at the date of the levy; or issue an Alias Tax Warrant for collection by marshal or constable.

Ann Marie Conti, CCMC, Tax Collector

Above includes interest and fees through January 29, 2021 only. Additional interest charges and collection costs will accrue on properties subject to tax sale. Please note the term "demand" is prescribed by state law, and is not meant to imply rudeness toward you as a taxpayer.

Cc: Dorian Famiglietti, Town Attorney

TOWN OF ELLINGTON

DELINQUENT STATEMENT

TAX AND REVENUE COLLECTOR
P O BOX 158
ELLINGTON, CT 06029
(860)870-3113
taxcollector@ellington-ct.gov

OUR RECORDS INDICATE
AS OF 01/15/2021
A BALANCE ON THE FOLLOWING
TAX GRAND LIST

OUR RECORDS INDICATE AN UNPAID BALANCE ON YOUR REAL ESTATE TAXES

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MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

MCCARTHY SUSANN T
11 WINCHESTER CT
FARMINGTON, CT 06032-0000

BILL #	UNIQUE ID TYPE PROPERTY DESCRIPTION	TAX	INTEREST	L/FEES	TOTAL
2019-01-0003368	: 00352600 RE 15 GREEN ST DEV LOT #2 129-043-0000-BACK TAXES	1,940.04	101.85	0.00	2,041.89
2018-01-0003357	: 00352600 RE 15 GREEN ST DEV LOT #2 129-043-0000-BACK TAXES	1,940.04	465.61	24.00	2,429.65
2017-01-0003392	: 00352600 RE 15 GREEN ST DEV LOT #2 129-043-0000-BACK TAXES	2,899.28	1,217.70	24.00	4,140.98
2016-01-0003392	: 00352600 RE 15 GREEN ST DEV LOT #2 129-043-0000-BACK TAXES	2,899.28	1,739.57	24.00	4,662.85
2015-01-0003520	: 00352600 RE 15 GREEN ST DEV LOT #2 129-043-0000-BACK TAXES	2,789.54	2,175.85	24.00	4,989.39
2014-01-0003520	: 00352600 RE 15 GREEN ST DEV LOT #2 129-043-0000	2,877.38	2,762.28	24.00	5,663.66
	TOTAL	15,345.56	8,462.86	120.00	

PAYMENT MADE AFTER 01/15/2021
NOT REFLECTED ON THIS STATEMENT.
INTEREST APPLIES THRU 01/29/2021

** TOTAL DUE:

23,928.42

3085

TOWN OF ELLINGTON

DELINQUENT STATEMENT

TAX AND REVENUE COLLECTOR
P O BOX 158
ELLINGTON, CT 06029
(860)870-3113
taxcollector@ellington-ct.gov

OUR RECORDS INDICATE
AS OF 01/15/2021
A BALANCE ON THE FOLLOWING
ASSM/USAGE BILLING(S)

OUR RECORDS INDICATE AN UNPAID BALANCE ON THE FOLLOWING SEWER USE FEE(S)

RECEIVED

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

MCCARTHY SUSANN T
11 WINCHESTER CT
FARMINGTON, CT 06032-0000

BILL #	DATE	TYPE	PRINCIPAL	INTEREST	L/FEES	TOTAL
	PROPERTY DESCRIPTION					
2018-06-0150640	: 150640 SU		290.00	121.80	24.00	435.80
	15 GREEN ST					
	129-043-0000-BACK TAXES					
2018-06-0250640	: 150640 SU		290.00	95.70	24.00	409.70
	15 GREEN ST					
	129-043-0000-BACK TAXES					
2017-06-0150640	: 150640 SU		285.00	171.00	24.00	480.00
	15 GREEN ST					
	129-043-0000-BACK TAXES					
2017-06-0250640	: 150640 SU		290.00	147.90	24.00	461.90
	15 GREEN ST					
	129-043-0000-BACK TAXES					
2016-06-0150640	: 150640 SU		280.00	218.40	24.00	522.40
	15 GREEN ST					
	129-043-0000-BACK TAXES					
2016-06-0250640	: 150640 SU		285.00	196.65	24.00	505.65
	15 GREEN ST					
	129-043-0000-BACK TAXES					
2015-06-0150640	: 150640 SU		280.00	268.80	24.00	572.80
	15 GREEN ST					
	129-043-0000					
2015-06-0250640	: 150640 SU		280.00	243.60	24.00	547.60
	15 GREEN ST					
	129-043-0000-BACK TAXES					
	TOTAL		2,280.00	1,463.85	192.00	

PAYMENT MADE AFTER 01/15/2021
NOT REFLECTED ON THIS STATEMENT.
INTEREST APPLIES THRU 01/29/2021

** TOTAL DUE:

3,935.85

4 of 5

TOWN OF ELLINGTON

DELINQUENT STATEMENT

TAX AND REVENUE COLLECTOR
P O BOX 158
ELLINGTON, CT 06029
(860)870-3113
taxcollector@ellington-ct.gov

OUR RECORDS INDICATE
AS OF 01/15/2021
A BALANCE ON THE FOLLOWING
ASSM/USAGE BILLING(S)

OUR RECORDS INDICATE AN UNPAID BALANCE ON THE FOLLOWING TRASH FEE(S)

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

MCCARTHY SUSANN T
11 WINCHESTER CT
FARMINGTON, CT 06032-0000

BILL #	DATE	TYPE	PRINCIPAL	INTEREST	L/FEES	TOTAL
2017-07-0002872	: 00352600	RB	125.00	50.63	0.00	175.63
	15 GREEN ST					
	129-043-0000	BACK TAXES				
2016-07-0002872	: 00352600	RB	125.00	73.13	0.00	198.13
	15 GREEN ST					
	129-043-0000	BACK TAXES				
2015-07-0002872	: 00352600	RB	125.00	95.63	0.00	220.63
	15 GREEN ST					
	129-043-0000	BACK TAXES				
2014-07-0002872	: 00352600	RB	125.00	118.13	0.00	243.13
	15 GREEN ST					
	129-043-0000					
TOTAL			500.00	337.52	0.00	

PAYMENT MADE AFTER 01/15/2021
NOT REFLECTED ON THIS STATEMENT.
INTEREST APPLIES THRU 01/29/2021

** TOTAL DUE:

837.52

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

**TOWN OF ELLINGTON
PLANNING DEPARTMENT
ZONING ENFORCEMENT POLICY AND GENERAL PROCEDURES**

Purpose and Authority

In accordance with Title 8, Chapter 124 of the Connecticut General Statutes, as may be amended, and other applicable General or Special Acts or Ordinances, a duly appointed officer of the Ellington Planning Department shall have the authority to enforce the Ellington Zoning and Subdivision Regulations.

General Policy

Enforcement shall be prioritized to protect the public health, safety, welfare and property values of the community, in a fair and equitable manner. Enforcement will include both proactive and reactive enforcement. Zoning enforcement is not to be used as a means of furthering neighbor and/or civil disputes.

General Procedures

These procedures are not inflexible and adjustments may be made depending upon the nature and severity of the violation.

- Complaint received, evaluated for priority, and pertinent town records researched;
- Site investigation conducted. If violation found, site inspection notes compiled and photographs taken, when possible. Violation file created and violator contacted. Contact may be either written or oral. Nature of violation explained and remedy provided.
- Re-inspection conducted. If violation remains a formal Notice of Violation / Request for Voluntary Compliance may be issued, citing the regulation being violated and the remedy and timeframe for compliance.
- If the violation remains upon the expiration of the voluntary compliance date, a Cease and Desist Order may be issued, citing the violation, the required remedy and the right to appeal.
- If the violation remains and the right to appeal has expired, a Citation or other legal remedies may be issued/taken.

Enforcement Priorities

The following are general policies relating to prioritizing enforcement of the Ellington Zoning and Subdivision Regulations:

- Violations that pose immediate danger to the public health, safety and general welfare of the community.
- Violations related to development projects that are in the construction phase.
- Proactive enforcement programs initiated by the Commission or its staff.
- Reactive or complaint based enforcement.
- Anonymous complaints not posing an immediate threat to the public health, safety and welfare of the community.
- Complaints associated with neighbor and/or civil disputes shall receive the lowest priority.

TOWN OF ELLINGTON

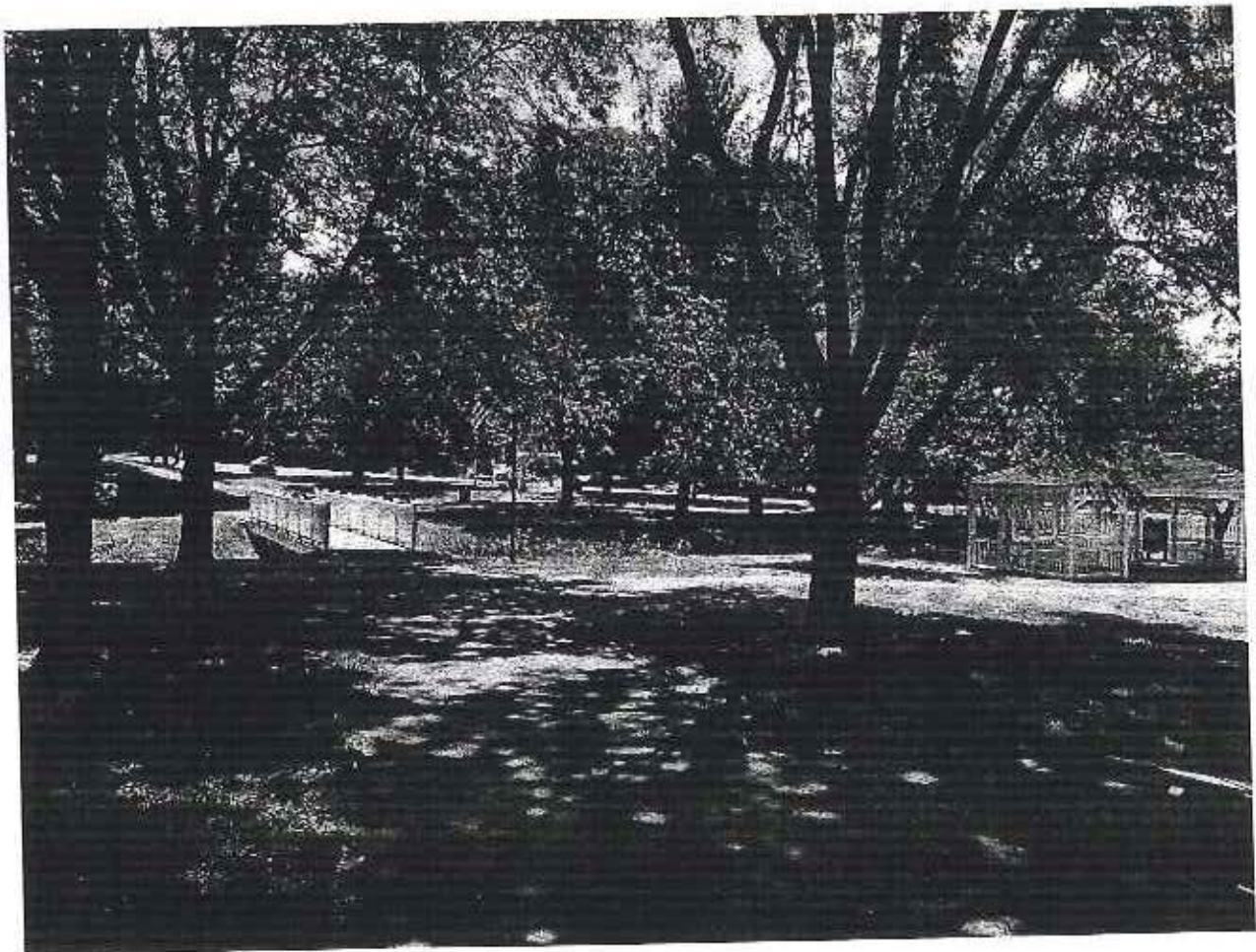
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PLANNING DEPARTMENT



ZONING REGULATIONS



FIRST ADOPTED AUGUST 1, 1952

REVISED THROUGH DECEMBER 1, 2020

Exhibit#

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Town of Ellington Zoning Board of Appeals Application

Type of Application: <input type="checkbox"/> Variances <input checked="" type="checkbox"/> Appeal of Decision <input type="checkbox"/> Auto Dealer/Repairer License		Application # _____
Owner's Information		Applicant's Information (different than owner)
Name: <u>Susan McCarthy</u>	Name: <u>Same as owner</u>	
Mailing Address: <u>P.O. Box 426</u> <u>Tolland, CT 06087</u>	Mailing Address: _____	
Email: _____	Email: _____	
WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS MAY NOTICES BE EMAILED TO YOU? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS MAY NOTICES BE EMAILED TO YOU? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Primary Contact Phone # _____	Primary Contact Phone # _____	
Secondary Contact Phone # _____	Secondary Contact Phone # _____	
Owner's Signature: <u>Susan McCarthy</u> Date: <u>10/2/2014</u>	Applicant's Signature: _____ Date: _____	
<small>By signing below, 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 Board have been submitted. Moreover, by signing above, I hereby acknowledge that I am aware of and understand the application and access to records by the Board on its right.</small>		<small>By signing below, 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 Board have been submitted.</small>
Street Address: <u>Kenyon Park Hwy and John St. Tolland, CT</u>		<u>Kenyon Park Hwy and John St. Tolland, CT</u>
Assessor's Parcel Number (APN): <u>129 0443 0000</u> Zone: <u>LR</u>		_____
Public Water: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Public Sewer: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department, Council Offices.</small>		_____
Is parcel within 500' to any municipal boundary? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		_____
Are there any wetlands/water courses within 100' of construction activity or within 250' of wetlands/water courses when located in the Shennepit Lake Drainage Basin? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		_____
Is the project in a public water supply watershed area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>If yes, applicant shall notify Connecticut Water Company and Connecticut Public Health about the proposed project by certified mail, return receipt within 7 days of application. Copy of application, plans, and supporting documents must be accompanied. Proof of notice and copies of return receipts must be provided to the Planning Department.</small>		_____
Previous Variances related to this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. If yes - specify date: _____		_____
Requesting a Variance to Zoning Regulations Section: (For Variance Application only)		
Describe Variance Request: Appeal of Decision, or Auto Dealer/Repairer License (Attach additional sheets if needed)		
<u>See Attached Letter pages A-D (4 pages) & Reasons for Appeal</u> <u>Pages 1-9, Appeal of a Code Violation Filed in House & Desist Order</u> <u>from Susan McCarthy, 7, Section 3.1.D, Section 3.1, Section 8.7</u> <u>and any others in the House & Desist Order</u>		
Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)		

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MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

January 8, 2021

To: The zoning board of Appeals

From: Susann McCauley

letter
to
zoning
Board
(pgs)

Re: 15 Green St, Ellington, CT 06032
alleged zoning violations of the
above address.

I believe I have satisfied the cease
and desist order and of the
letter of notification (which I received
at the same time as the cease & desist
order). I am not in agreement
with the planner and zoning officers
enforcement alleged violations
and therefore am appealing her
decision to your board.

I am very concerned about fairness &
equity regarding these alleged violations.

There is retaliation by my neighbors
Rene and James Prentiss
the complainant whom over 5 years
they are still retaliating against
me for questioning their right to
block my water near of my property
with their proposed building
renovations.

They have recruited and work in
tandem with Mike Venguskas

14 Green st, Ellington CT to
disturb my peaceful enjoyment
of my property, to monitor me
via each time I arrive, yell, and
cursing at me and state derogatory,
hurtful and hateful things about
me - but most importantly admitted
they were going to pursue everything
to make me lose my property
and so I should just move.

The constant attacks on screaming, yelling,
invasion of privacy is well known
as the police have been called,
the Selectman Lori Spellman is
aware of it and the Bully &
Post Office is aware of it.

However, it appears my complaints
regarding their violations goes in
dead ears while I have been
pursued for 9 months by the
Prentiss, Bengtson & Belmarco.
~~husband~~ husband & wife team.

I am disappointed that the town
and its agencies are assisting
these people to harass me
by investigating their constant
"Claims" that are not truthful.

I am also concerned that I want
to be able to have the full extent

P. 8c

of my rights to an open and fair appeal and not a predetermined decision.

I am also concerned because I want to exercise my right to discovery, to prepared for the trial of appeals with you; however, John C. - your enforcement is telling me its Freedom of Information while I believe it is rightful discovery that I need to prepared my defense against these alleged violations.

Therefore I am respectfully request that the ~~your~~ of Appeals meeting ~~does~~ not take place until I have received by law all the time due to me to have the discovery prior to any meeting/hearing so that I can prepare my defense, gather what witnesses I may need to counter the alleged evidence etc. -

I therefore am respectfully and exercising my right to full discovery which was requested in writing ~~attorneys~~ and also to see my entire ~~John's~~ file - which John has refused to provide me.

I will need at least 45 days from the receipt of the discovery to the scheduled appeal so I can subpoena witnesses or question witnesses as well as defend myself.

Further I am concerned as I do not have "Zoom" capabilities and I have a right to be seen & heard and face my accusers and complaints - your emergency COVID-19 practice requiring Zoom when I do not have access will violate my ability to participate in my own defense therefore I respectfully request that if after the discovery process concludes, if you are still doing Zoom meetings - that my case is heard live in person appeals are being heard.

This should not be a problem because I believe I have already complied with his requests order - so it will not hurt anyone while it will unduly & unfairly bias myself and detrimental to my defense.
Sincerely Sean McCarty

McCauley, Susan 15 Green St part of application
to Appeal Decision
of zoning officer

Reasons Appealing

P. 19
Please A-D letter

① I disagree with your decisions, order and alleged violations I am accused of.

② However, I removed the ~~opposite~~ fences that were ~~off~~ along my retaining wall of Sweeney St. ~~which~~ which you allege (claim) were in violation of Section 2.1.7.

③ I disagree that I have a junk yard or junk ^{you allege} in violation of Section 2.1.1.D Section 3.1. as I do not have junk as defined by the Zoning Regulations as any article or material or collection thereof which is worn out, cast off or discarded and which is ready for ~~destruction~~ or have been collected or stored for salvage or conversion. Nor do I have two or more unregistered, ~~cars~~ inoperative automobiles stored outdoors.

pg 10 of 21 Nor do I have junk per junk yard definition for the storage, keeping or abandonment of junk or scrap or discarded materials or the dismantling or demolition of automobiles.

pg 19

or other vehicles or machinery or parts thereof
Further I requested ^{following the receipt of decision notice} Specifically what
item or items are you referring to as
"junk" so that I may address your
concerns and/or remove them. You did
not provide me with any specific item
or items. Therefore, your refusal to provide
me a specific item or items so that
I may address and or correct any alleged
violation, prevents me from being able to
know what you want me to specifically
remove and ^{others possibly prevents me to begin}
^{compliance which is unfair & unjust, but I must}
Therefore, I believe I have remedied the
the situation you requested, although
I disagree with your order and alleged
violations

Therefore pursuant to Section 8-7 of the
Connecticut statutes, I am also preserving my
right to appeal this decision within
the time frame and deadline you
stated to me and signed ^{stop deadline} - January 11, 2021.
by end of town planning and zoning
hours and am enclosing the application
of appeal of decision along with the
appeal fee of \$210.00 (two hundred and ten dollars)
Pg 20 of 21

The zoning enforcement officer is negligent, including but not limited to negligence to perform, negligence to equally apply zoning in similar situations, negligence of agreeing to fence and then sending a letter and then a cease & desist as well as malicious, wanton or willful acts or ultra vires acts.

The zoning enforcement officer is negligent because he is prejudicial and discriminatory against me as a single female.

The zoning enforcement officer is negligent and prejudicial against me and denying my rights under U.S. Federal Law and State of CT law regarding civil rights.

The zoning enforcement officer is discriminating against me and preventing me from exercising my rights under the U.S. Federal Law and State of CT law of Freedom of Expression.

D. 4/9

The zoning and enforcement officer is discriminatory against me and or violate my rights to freedom of religion.

The zoning ^{enforcement} officer issued citations frivolously and without probable cause.

The zoning officer failed to properly notify McCarthy of notice of violating thus stripping her ability to address the concerns and fast tracked to a Cease and desist order.

The zoning officer Cease and Desist order does not comply with proper notice or following of state law and/or Ellington's laws, rules, and procedures.

The fence was legal and within the zoning regulations because but not limited to pre-existing fence prior.

The information provided by the zoning enforcement officer to McCarthy, who reasonably expected it could be relied upon and was indeed relied upon to induce violation.

Ag 9/21

P.5/9

to the detriment of McCarty
and is highly inequitable
or oppressive to enforce the
regulation.

Further McCarthy spoke with other
town of ~~Elmhurst~~ Elmhurst Ct officials
and again their representations
were relied upon and to the
detriment of McCarthy is
highly inequitable or oppressive
to enforce the regulation

Further, the ~~Board~~ Zone Enforcement
officers failed to pursue a
violation and waited so long after
the alleged violation that it
is unfair to enforce it now.

I appeal this side because
of the following ^{time and budget} ~~not~~ limited

to. (1) I did not violate or
 (2) have a legal non-conforming
 use ~~at~~ (3) and/or violation
 occurred, I either rectified it or due to refusal of

- I appeal the order because it ^{was} ~~was~~ vague in how to ^{quash} ~~remedy~~ the alleged violation

-The zoning enforcement officer along with others knowingly and/or aware that illegal searches and violations

P 6/9

of the fourth amendment.

The Zone Enforcement Officer and or the Complainants have unclear hands and are knowingly violating zoning or permit regulations or knowingly not enforcing so violations while pursuing me and my alleged violations. It would be unfair and unjust to enforce regulations or orders while ignoring others including the complainants violations - biased, prejudiced and unfair & inequitable.

The zone enforcement officers and zone and plans as well as the rules, regulations and guidelines provided both verbally orally and in writing clearly shows that the information provided to McCarthy and were relied upon conflict with the zone enforcement officers now enforcement of an alleged violations, which were not considered violations.

The zoning enforcement officers and town officials are well aware of neighbors retaliation against McCarthy using ~~the~~ town agencies

P. 7/9

and its employees to pursue continued harassment, threats, inspections and is knowingly assisting the complainants in their quest to harass, threaten McCarthy property and finances as a retaliation against her for their anger that McCarthy raised concerns regarding the building renovations they were proposing.

The zone enforcement officer is aware that at least one of complainants has admitted that they "want to purchase McCarthy's property from the town" and is using the enforcement officer to levy fines to attempt to acquire sale of the McCarthy property and to levy financial burden on McCarthy. The zone enforcement officer has knowledge of this conflict of interest but has continued to pursue and assist complainants through his actions of refusing to apply violations of similar nature and assisting complainants in their desire to retaliate and have McCarthy lose her property.

P.F. 10/1/87

The Zoning Enforcement Officer has encouraged and/or provided and or directed and or assisted and or informed complainants on information needed to pursue McCarthy in which acting as the zoning enforcement agents have continually and persistently harassed, stalked or disturbed the peace or invaded the privacy of McCarthy at her own property to assist the zoning enforcement officer.

The zoning enforcement officer has predetermined the outcome before the actual ability to defend and unfairly & unconstitutionally is city orders and violations of McCarthy.

The zoning enforcement officer has been questioned by the zoning commission members regarding conversations that they had privately regarding McCarthy property with complainants outside the zoning appeals map and have predetermined the violations without hearing all the facts and putting burden and pressure on the enforcement officer to fast track it.

P. 9/9

The Zoning Commission and or
Zoning Enforcement Officers regular
habit of only enforcing "complaints"
and not enforcing known or observed
violations has created and or
fostered and or assisted and or
allowed the atmosphere of the following
but not limited to: retaliation, conflict of interests,
desire to secure property thru
liens on violations, hostile
environment, and undue duress, stress
and safety and health concerns
of Ms. McCarthy

The Zoning Commission and or Department
or Enforcement Officer along with
other town officials habit to
prioritize complaints per their
own regulations of known "neighbor
disputes" and or "neighbor conflict
of interests" as well as violated
and unduly prejudicial
unequitably. Ms. McCarthy

After discovery is conducted, I
reserve the right to amend
my appeal right up to and
including the actual hearing.

I reserve my right to provide evidence up to
and including the appeal.
Thank You Susan McCarthy

Request for Discovery for Appeal Case
Request for document ^{Jan 8, 2021} resubmitted
From: Susann McCarthy ^{on Jan 11, 2021}

I am requesting all written documents of all 15 Green St Ellington.

- Written documents include but not limited to all electronics emails, faxes, texts, photo as well as hard copies, all notes of communications, phone log - and and all complaints date, time, parties and their complaint.

- all notes on verbal communication regarding 15 Green St. Ellington & all parties with any & all parties.

Thank you
Susanna McCarthy

JAN 11 2021

JAN 08 2021

Best & fastest way
* → flash drive - actual photos
~~email attachments~~
~~on the flash drive~~
18/15/21



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

FAX (860) 870-3122

January 11, 2021

Susann T. McCarthy
11 Winchester Court
Farmington, CT 06032

By Hand at Planning Department Office on January 11, 2021

Re: Freedom of Information Act Request
15 Green Street, Ellington, CT

Dear Ms. McCarthy:

On January 8, 2021, the Ellington Planning Department received your Freedom of Information Request dated January 8, 2021. This response is being delivered to you within the time period required by Conn. Gen. Stat. §1-206.

The Planning Department will provide the public records or files requested within this department, subject however to all applicable statutory exemptions, including without limitation the exemption for all preliminary drafts and notes and for all communications privileged by the attorney-client relationship. See Conn. Gen. Stat. §1-210(b).

Given the scope of the request, it will take staff approximately two (2) to three (3) weeks to research the request, compile the information, and calculate fees associated with providing the information in accordance with Conn. Gen. Stat. §1-211(a) and §1-212. You will be contacted if prepayment is required to provide the information requested.

Respectfully,

John D. Colonese, CZEO
Assistant Town Planner / Zoning Enforcement Officer

cc. Lori Spielman, First Selectman
Lisa Houlihan, Town Planner

*I requested
discovery documents
to prepare for
hearing case --
Susann McCarthy*

Pg 16 of 21

To: Ellington Board of Appeals and
Ellington Planning & Zoning Department and
Lisa Houlihan and John Colonese and
Barbara (Admin of Planning & Zoning Dept)

From: Susann McCarthy

page 1 of 5

Re: Request to Inspect Information

Date: Friday, February 12, 2021

RECEIVED

FEB 16 2021

10111 COLUMBIA BLVD
PLANNING & ZONING DEPT

On Thursday, February 11, 2021 I dropped
off information to the above listed department
and/or individuals. Lisa Houlihan requested
I provide a more detailed ^{written} list of information
I am seeking. I wrote up this list

on Thursday evening night Feb 11, 2021
and returned with it on Friday, Feb 12,
2021 to hand deliver to Lisa Houlihan
and as well to the above addressed.

At 1:29 pm. I attempted to open the
door (got into foyer - open) but door
to their office locked. I left a message
I had the information requested. Please
note that these items were requested to
inspect on January 8, 2021 when I verbally
requested to inspect. Again I am requesting this
information & to inspect. 1 Col. (Houlihan)

(page 2 of 2)

Per FOIA, EFOIA and when or where applicable the Privacy Act of 1974 I verbally and in person request to inspect the following information:

① any and all information that is, or was, or may, or could or shall contain any part or sub-part of the following but not limited to: ^{both oral and/or} written information, - memo, notes, ^{compliance} emails, texts, fax, photocopy, letter, report, forms, bills, videos, photos, ^{film} agenda, minutes, lists, phone logs, conversation logs, meeting logs, logs of any kind or format, letters, memos regardless of internal, external, interdepartment, multi-department, interagency, multi-agency ~~agencies~~ phone bills, message logs, phone recordings, messages, ~~to~~ sketches, multiple versions - and all supporting documentation that accompanies any of the information.

② the information provided regardless if you are the creator, receiver as indicated or even if you discovered, came across, given or otherwise information you have or had in your possession, or ^{at any time}

The information shall be provided for any one or all of the following names, addresses, departments, etc.:

- (A) Susann^{*} McCarthy^{*} (or any spelling version or part thereof - i.e. Susan, Sue, Susie etc. or McArty - misspelling etc.) for all names, people & place etc.
- (B) 15 Green St.
- (C) Rene Prentis^{*} or Rene Prentiss^{*}
- (D) 13 Green St.
- (E) 11 Green St.
- (F) 9 Green St.
- (G) 7 Green St.
- (H) James^{*} or Jim^{*} or Jimmy^{*} (any spelling versions) Prentis^{*} or Prentiss^{*}
- (I) Mike Venguskas
Michael Venguskas
M. Venguskas
- (J) Deb, Debra, Deborah, Debbie Venguskas
- (K) 14 Green St.
- (L) Jim, James, Jimmy Bennett
- (M) 16 Green St.

Mike, Michael D'Amico or Damico
Karen D'Amico, Damico, Rachael D'Amico, Damico

- ① 12 Keeney St.,
- ② Any thing to do w/ Keeney St or any individual address at Keeney St.
- ③ Any thing to do w/ Green St or any address at Green St or individual address
- ④ Anything to do with Sweeney St. or anything at an individual address of Sweeney St.
- ⑤ Anything to do with Red St., or Red Lane or Redway or any individual address.
- ⑥ Anything to do with White St or any individual address at White St.
- ⑦ Mike or Michael Stosons
- ⑧ Crystal Lake and/or Sandy Beach (Town Beach)
- ⑨ Town owned properties on Green St, Red St, Sweeney St, Sandy Beach Rd, White St, Keeney St, the school/campus through after elementary school across the Church) Crystal Ridge Rd.
- ⑩ Complaints log for past 3 years containing names of complainants, their address, contact info subject & specific complaints, date of complaints and each and every step taken to resolve the complaint

Page 50

any and all communications for the last 3rd years all of 2018, 2019, 2020 to present date. Suggesting, demanding, or similar to any property owner in the Town of Ellington. Copy of each.

(2) any and all communications for the last 3rd years all of 2018, 2019, 2020 to present 2021 (update monthly) that your department sent out either in standard forms, letters, etc. - informing, demanding, requesting, suggesting, requiring per complaint, per regulations, per code, per your departments pursue to any and all property owners. Copy of each.

(aa) Rene, R., (or any variation of spelling first or last name) McGuigan

(bb) Any on Crystal Rd or Street any information regarding any address or property on Crystal Rd or Street.

KEY

ELLINGTON DEFINITIONS SECTION

ARTICLE 10 DEFINITIONS & INTERPRETATION

Page 10-5 of 101

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

ARTICLE 10 DEFINITIONS & INTERPRETATION

Section 10.1 INTERPRETATION

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is considered to be mandatory; "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

DEFINITIONS

Building Setback Line. The line established in these regulations as the minimum distance from the property line to the nearest point of the building. (Amended: 15 June 2008)

Nonconforming Building or Use. One which legally existed before the adoption of zoning and does not conform to these Zoning Regulations.

Structure. Anything constructed or erected which requires location on the ground, or anything attached to something having a location on the ground. Includes private greenhouse, sheds, carports, swimming pools, shelters, garden houses and similar structures, but excludes signs. (Amended 1-27-14, Effective 2-15-14)

Yard, Front. An open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the front line of the building or structure projected to the sideline of the lot.

Pg 1 of 2

Exhibit#

71

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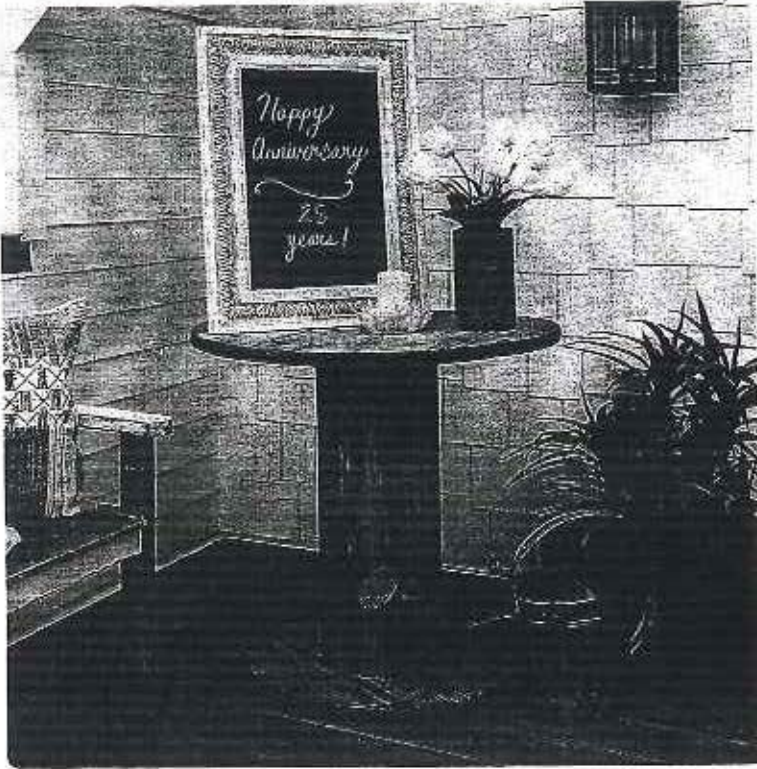
MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

ELLINGTON DEFINITIONS

Junk. Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors.

Junk Yard. The use of any area, whether inside or outside of a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.



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TOWN OF
PLANNING DEPARTMENT

Pg 1 of 2

Exhibit# 72

Lana Rustic Spool Table

3.8 (4)

\$59.97 Sale

Was \$179.99. Now 66% off.

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MAY 28 2021

TOWN OF
PLANNING DEPARTMENT**This item is no longer available**[Browse similar products](#)

Cannot be purchased online

Our Lana Rustic Spool Table puts a unique spin on rustic style! You'll love how its hand-made look and industrial feel contribute to your home's farmhouse aesthetic. It'll give any space a bit of charm.

[Read more...](#)

Item #170285

Product Description

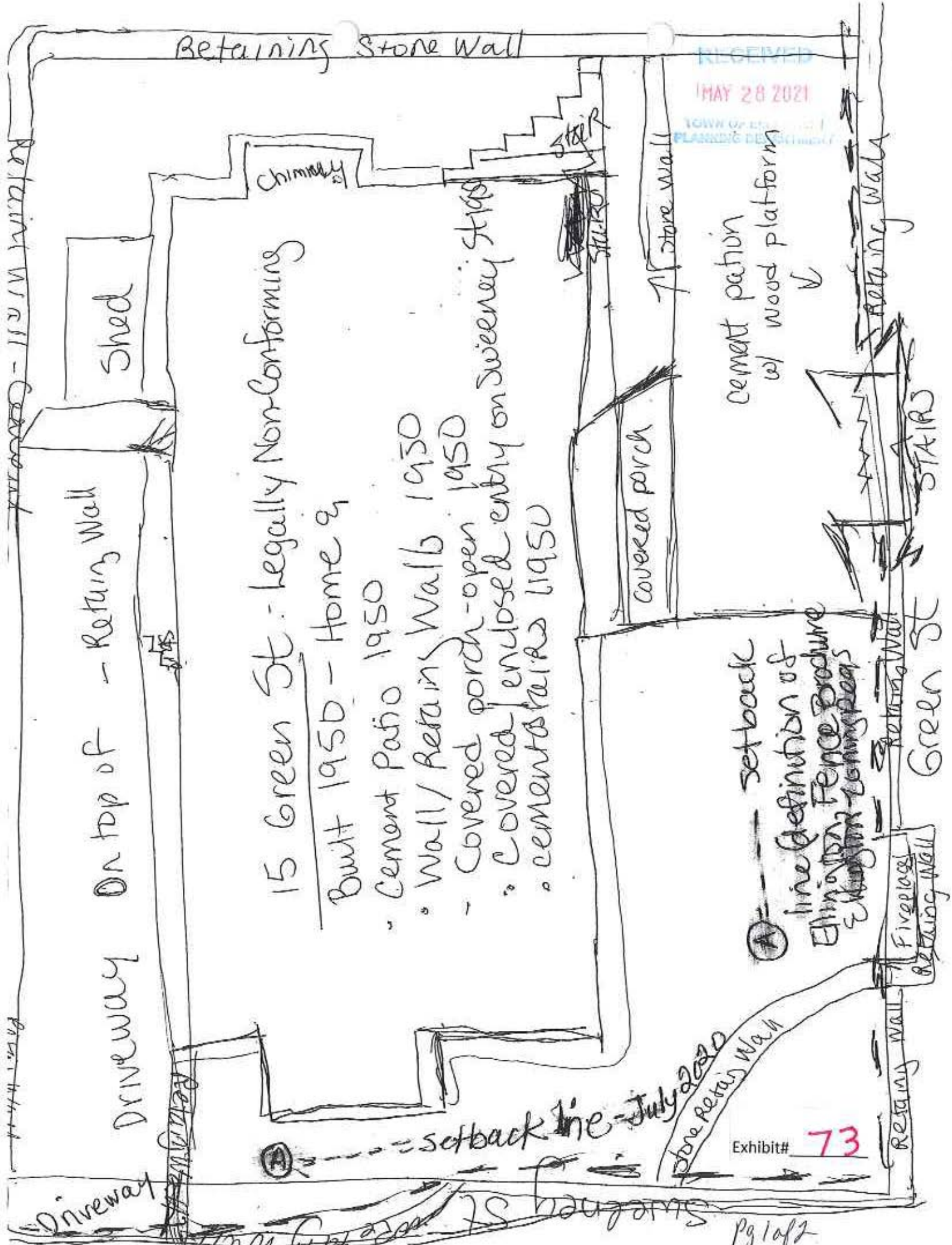
Finish
Natural**Material**
Wood**Shape**
RoundOverview

Our Lana Rustic Spool Table puts a unique spin on rustic style! You'll love how its hand-made look and industrial feel contribute to your home's farmhouse aesthetic. It'll give any space a bit of charm.

- Table measures 32H x 32 in. in diameter
- Crafted of wood and wood composite
- Natural wood finish
- Wood plank spool design
- Assembly required
- Not intended for commercial use
- Care: Dust with a soft, dry cloth.

Contact your local Kirkland's store for availability. Quantities and selection may vary by location.

Pg 2 of 2



Retaining Stone Wall

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TOWN OF LENOX
PLANNING DEPARTMENT

Shed

15 Green St. - Legally Non-Conforming

Built 1950 - Home 2

Cement Patio 1950

Wall / Retaining Wall 1950

Covered porch - open 1950

Covered enclosed entry on Sweeney St

cement stairs 1950

stairs

covered porch

stone wall

cement patio
w/ wood platform

↓

Retaining Wall

stairs

setback
line definition of
Eliminating Fence Boundary
& Eliminating Boundary

Retaining Wall
Green St

Fireplace
Retaining Wall

setback line - July 2020

Exhibit# 73

Pg 1 of 2

(Add) **R105.1.1 By whom application is made.** Pursuant to section 29-263 of the Connecticut General Statutes, application for a permit shall be made by the owner in fee or by an authorized agent. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or a signed statement of the applicant witnessed by the building official or such official's designee to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. If the authorized agent is a contractor, such contractor shall follow the provisions of section 20-338b of the Connecticut General Statutes. The applicant shall include the full names and addresses of the owner, agent and the responsible officers, if the owner or agent is a corporate body.

(Amd) **R105.2 Work exempt from permit.** Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws, statutes, regulations or ordinances of the town, city or borough, or the State of Connecticut.

Permits shall not be required for the following work:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 3 feet (914 mm) in height measured from finished grade at the bottom of the wall to finished grade at the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks, driveways and on-grade concrete or masonry patios not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work not involving structural changes or alterations.
7. Prefabricated swimming pools that are equal to or less than 24 inches (610 mm) deep.
8. Swings, non-habitable tree houses and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and which do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
11. Repairs that are limited to 25 percent of roof covering and building siding within one calendar year.

TOWN OF ELLINGTON
Building Department
57 Main Street
Ellington, CT 06029
(860) 870-3124

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MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

What Requires a Building Permit?

A Building Permit is Required For:

- The construction, enlargement, addition, relocation, demolition or change in use of any building structure.
- Any alteration or repair that will affect the strength or integrity of a structure or involves all or part of the plumbing, electric or heating systems.
- Accessory structures over 200 square feet, decks, pools, and pool enclosures.
- Signs, both free-standing and wall-mounted.
- Wood, coal, and pellet stoves and fireplace inserts.
- Roofing and siding work.
- Replacement of windows or doors.

A Building Permit is Not Required For:

- Retaining walls not over 3' high.
- Fences not over 6' high.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar work.
- Swings and other playground equipment accessory to detached one and two family dwellings.
- Minor repairs and maintenance of electrical systems.
- The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

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MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

May 24, 2021

Susann McCarthy visited the
Ellington Annex on May 24, 2021
with the following:

- 6 packets of photos
- Various GIS maps
- OPM PZC statutes Jan. 1, 2005
- The U.S. Constitution + Bill of Rights + CT's
- Various website information
e.g. rain gardens,
recycling, yard waste,
LUPCA, COVID19
- CGS revised to Jan. 1, 2021
various sections

We agree that she'll submit
a formal packet of info by
Fri, 5-28-2021, by 1:30.

Lisa Haulihan

Town Planner, Ellington

McCarthy May 24, 2021
I am
Handing in evidence including preserving the right to
use any documents, photos, emails ^{or videos} or any information
or meetings, public hearings that the zoning board of
appeals has provided me access to view or is publicly
accessible; including audio-video of meetings of ZBA
and selectman meetings, ~~town~~ meetings, and any other
supplemental information that is provided to me.

I'm
Also, ^{photos, videos, emails, correspondence} reserving the right to use any and all documents
I have previously provided at any time to the Town of
Ellington, CT.

I'm Preserving the right to use as evidence any and all evidence
whether ^{or not} seen by me or disclosed by the Town of Ellington, CT.
because of refusal, omission, or unavailability

I May use for evidence any document within the Zoning
and Planning Department files including but not limited to
13 Green Street, 15 Green Street, 11 Green Street, 9 Green Street,
16 Green Street, Sandy Beach Road between the church and
Crystal Ridge Rd (houses and properties), houses and properties
in the Crystal Lake Zoning area, and any property located
within the jurisdiction and Town of Ellington files of Planning
Zoning and ZBA

Also, included is all information provided to me electronically
by Zoning and Planning including the USB stick (sticks) as well
all information provided electronically from any other department
in the town of Ellington And any electronic videos,

recordings, photos, documents,

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PLANNING DEPARTMENT

Reserve the right to supplement and add to this evidence until the final decision is made by the ZBA. May supplement and add to at any time including after a decision has been made, including any and all formats of evidence including but not limited to: documents, photos, emails, videos, meetings, public hearings, audio-visual, recordings, and electronic information.

Also enclosing numerous photographs ^{videos} in which all are evidence. Reserve right to update ^{date} as a ~~static~~ situation arises.

Also enclosing 2 USB sticks with electronic copies and evidence.

Also enclosing maps and reserve right to use any map on Town of Ellington ZBA mapping system.

Also enclosing drawings and reserve the right to update and provide additional drawings.

Reserve the right to bring new evidence when & if it reveals itself or to defend against complainants testimony or the ZBA, or zoning officials, employees or any other witness or person that asks questions or makes testimony.

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Pg 3 of 3

Susan Miller



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 PLANNERS OFFICE FAX (860) 870-3122

May 17, 2021

Susann T. McCarthy
P.O. Box 426
Tolland, CT 06084

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

RE: V202101 - 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1:D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

Dear Ms. McCarthy:

In response to your letter addressed to Arthur Aube, Chairman of the Ellington Zoning Board of Appeals (ZBA), dated May 5, 2021, I am providing you with the requested information.

The following ZBA members were in attendance in the Town Hall Meeting Room:

Arthur Aube, Chairman - Seated
Ken Braga, Regular Member - Seated
Kathy Heminway, Regular Member - Seated
Ron Stomberg, Alternate - Not Seated

ZBA members in attendance via Zoom:

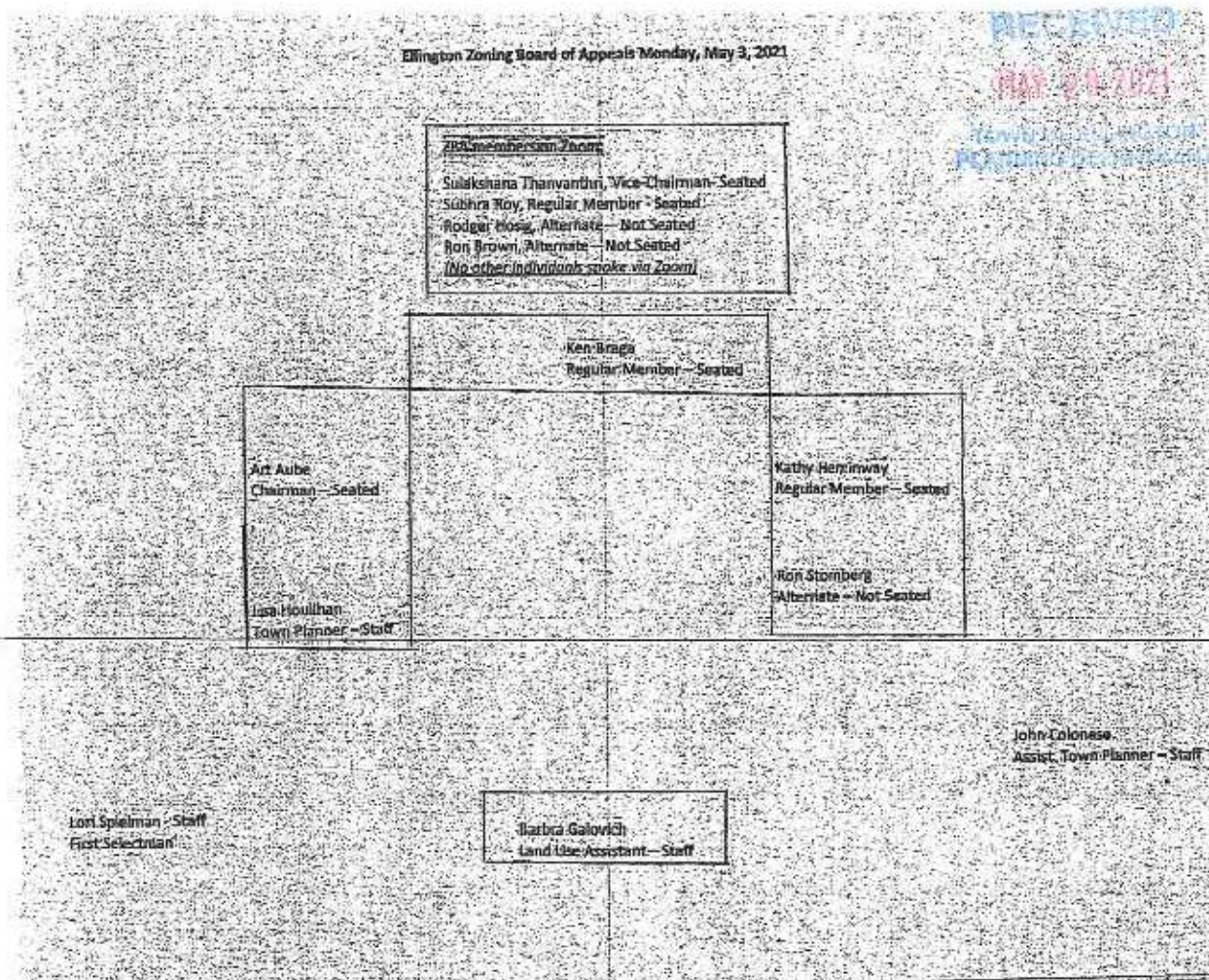
Sulakshana Thanvanthri, Vice Chairman - Seated
Subhra Roy, Regular Member - Seated
Ron Brown, Alternate - Not Seated
Rodger Hosig, Alternate - Not Seated

Town employees present for this meeting are as follows:

Lisa Houlihan, Town Planner
John Colonese, Assistant Town Planner, ZEO
Barbra Galovich, Land Use Assistant, Recording Clerk
Lori Spielman, First Selectman

The Zoning Board of Appeal operates with five (5) regular members and three (3) alternates. Please note, should a regular member of the ZBA not be in attendance at the next meeting, the Chairman will seat one of the alternates to be seated. As for

your inquiry about the Zoom meeting portion, the individual hosting the meeting does not have control over who is positioned where on the screen. For example, when the host is not sharing a file on the screen, the last person who spoke via Zoom will be shown in the middle of the screen. There were no members of the general public logged into the Zoom meeting, the only people logged into Zoom were the ZBA members.



Please see the attached Zoning Board of Appeals minutes from May 3, 2021 as a reference as to who spoke under Public comments during the appeal.

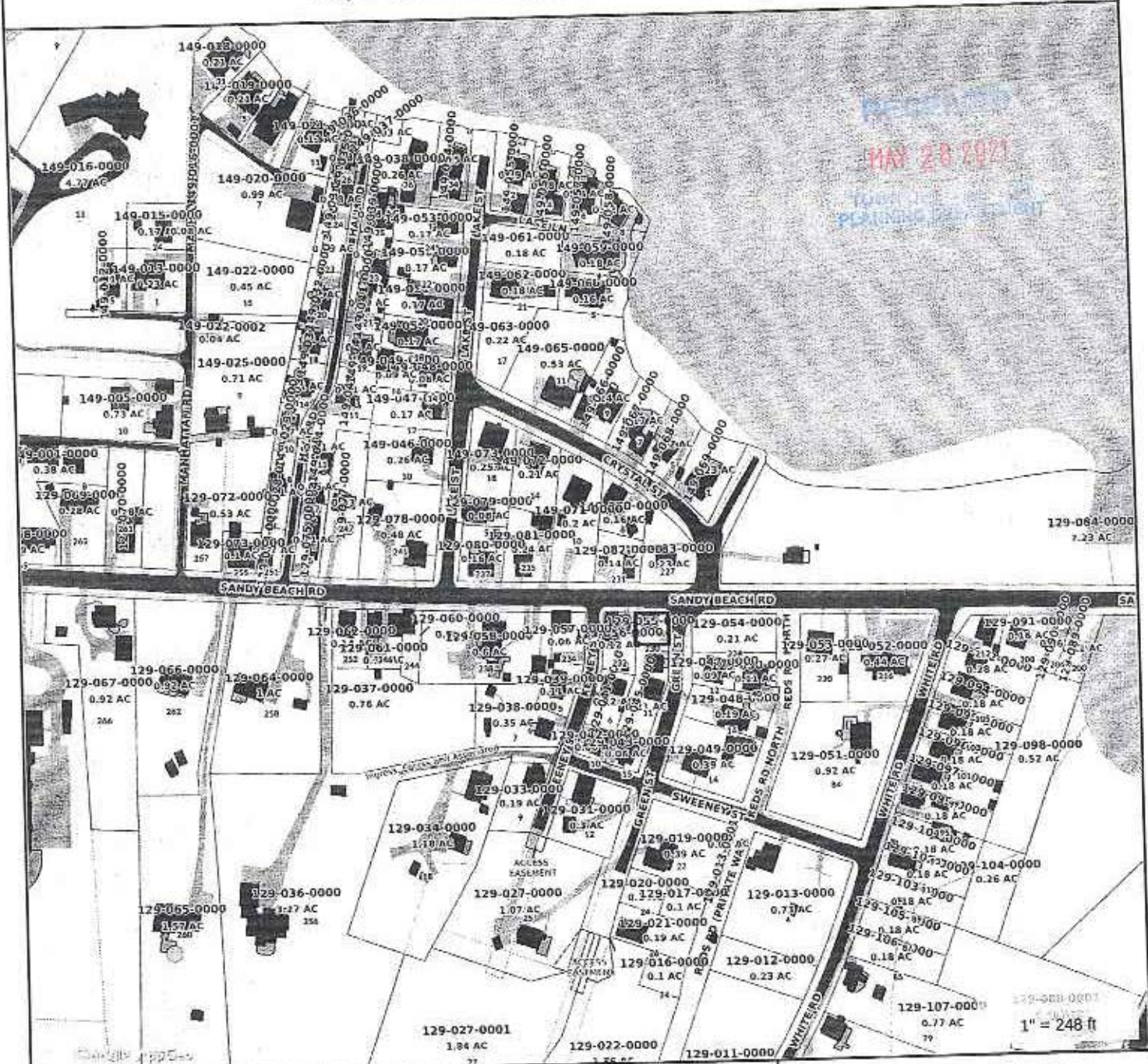
Should you need further clarification pertaining to the ZBA meeting, please feel free to contact the Planning Department at 860-870-3120.

Regards,

Barbra Galovich
Barbra Galovich, CZET
Land Use Assistant

Pg 2 of 2

map 2 green st neighborhood crystal lake



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



MAP FOR REFERENCE ONLY
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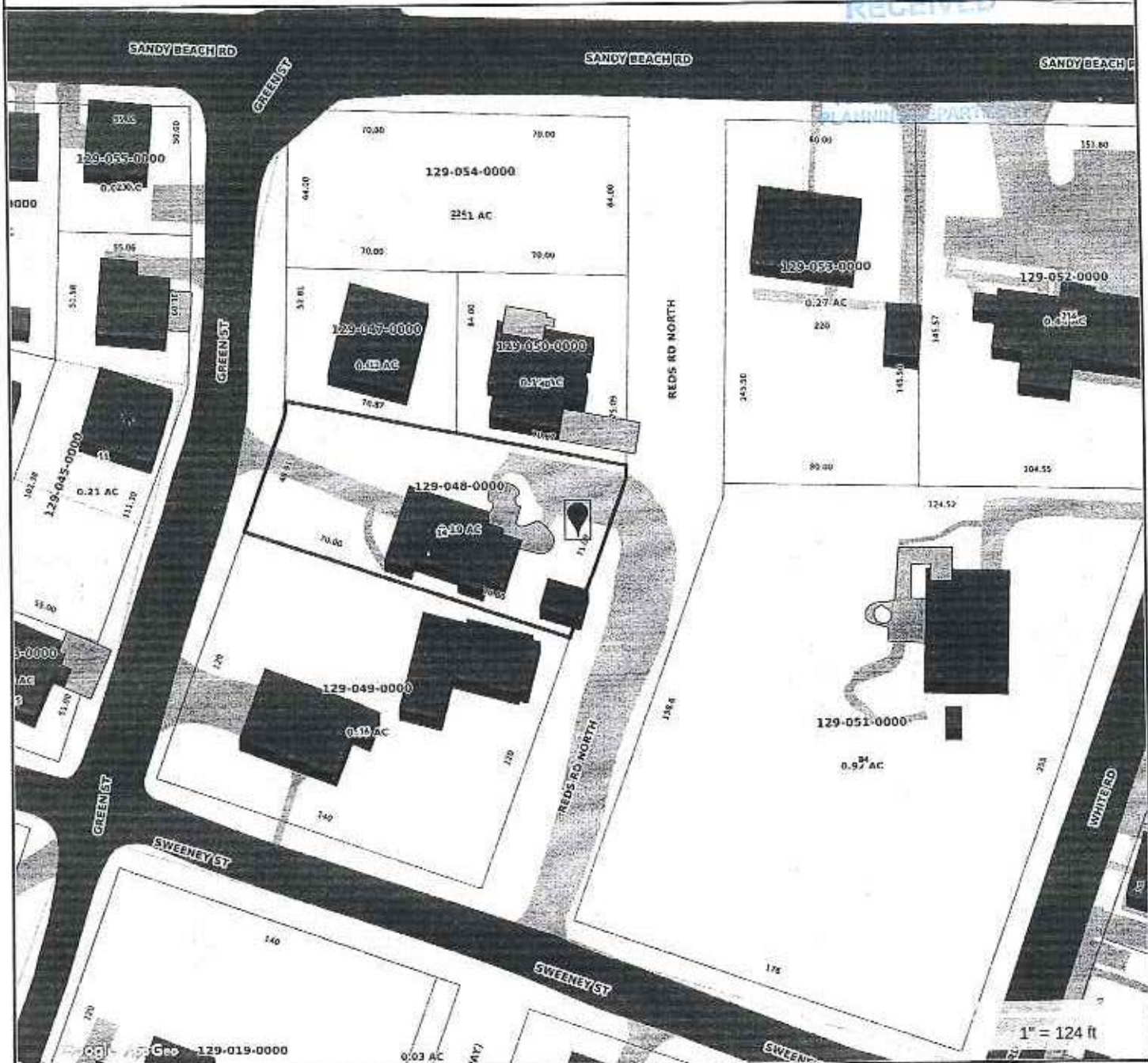
Geometry updated 7/23/2020
 Data updated 7/23/2020

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

This is a detailed plat map of a residential subdivision in the City of San Diego. The map shows a grid of lots, each labeled with a number and its area in acres. The lots are arranged in a roughly rectangular pattern, with some larger lots at the corners. The map includes several streets: Sandy Beach Rd at the top, Crystal Ridge Dr on the right, and White Rd at the bottom. Other streets shown include Green St, Sweeney St, and Redwood St. A scale bar in the bottom right corner indicates that 1 inch equals 248 feet. A north arrow is located in the upper right quadrant of the map. The map also shows some existing buildings and landscaping on certain lots.

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

14 green st vengruskas



Property Information

Property ID 129 048 0000
 Location 14 GREEN ST
 Owner VENGRUSKAS MICHAEL + DEBRA J



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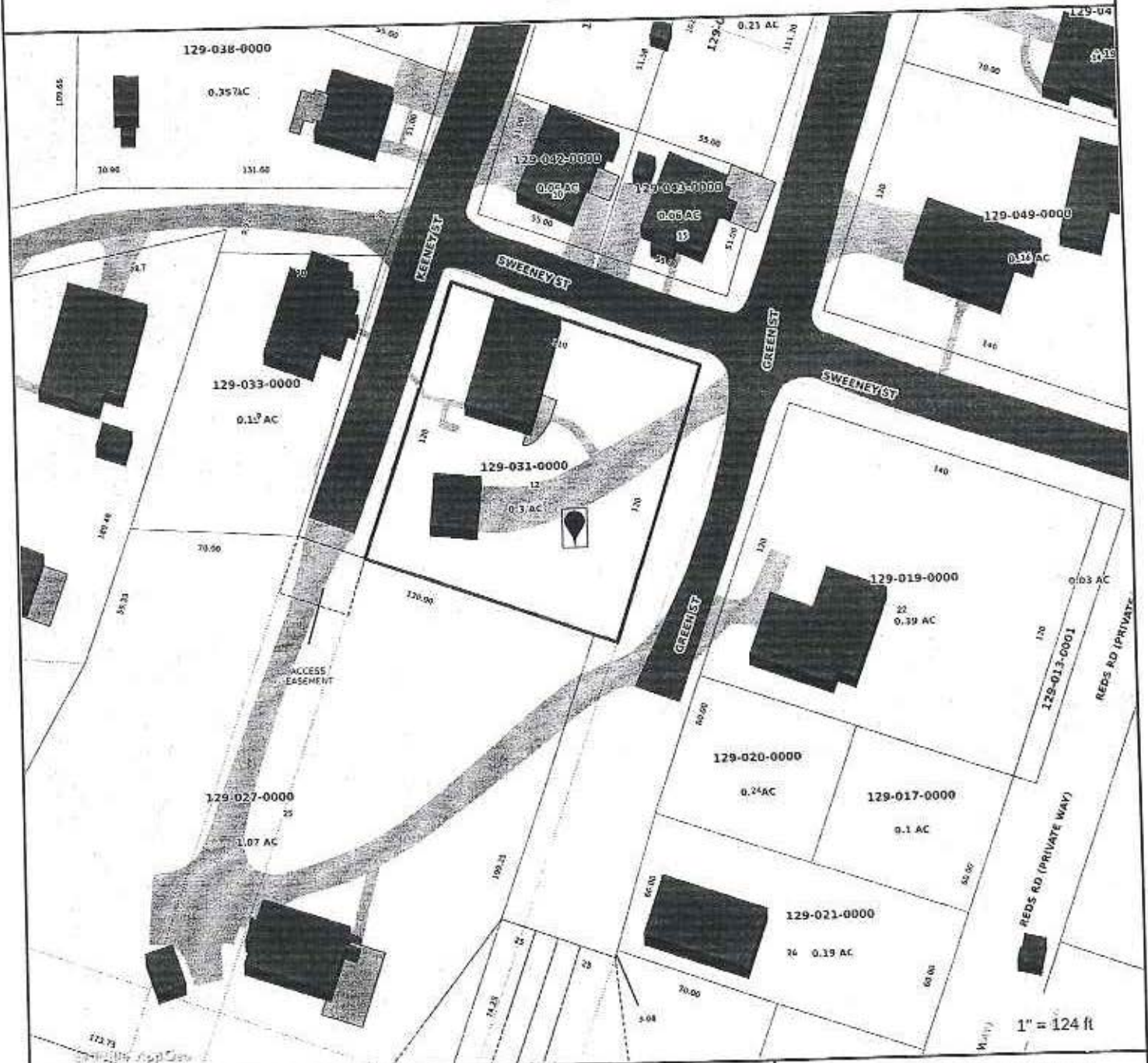
Geometry updated 7/23/2020
 Data updated 7/23/2020

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MAY 28 2021

TOWN OF ELLINGTON
 PLANNING DEPARTMENT

map 5 mike and karen dmicio 12 keeney st- 3 fronts green st, sweeneyst and keeney st



Property Information

Property ID: 129 031 0000
Location: 12 KEENEY ST
Owner: DAMICO MICHAEL P + KAREN H + LUH RACHEL L



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Geometry updated 7/23/2020
Data updated 7/23/2020

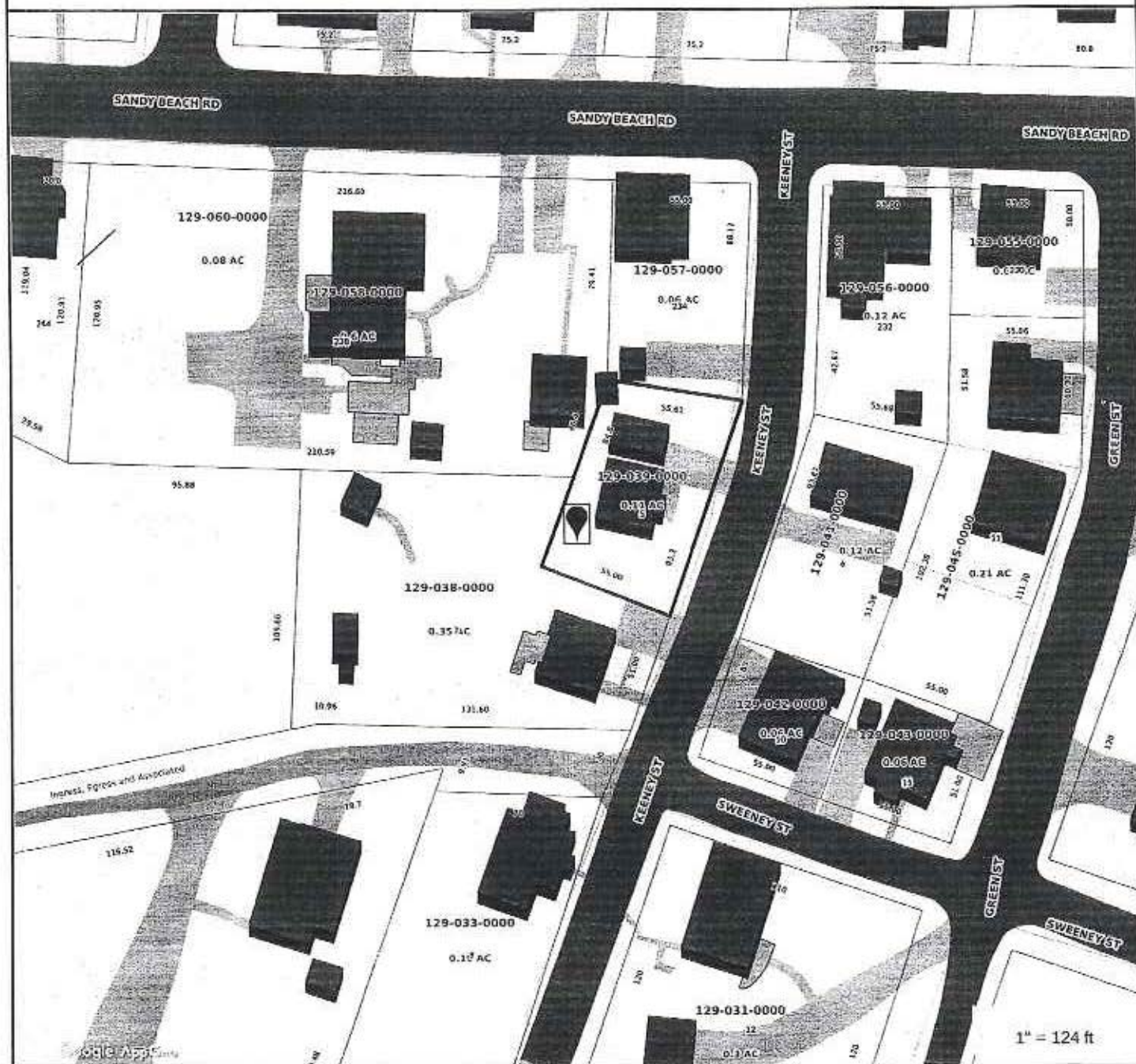
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PLANNING DEPARTMENT

map 6 Tracy Lynn 5 Keeney St



Property Information

Property ID 129 038 0000
Location 5 KEENEY ST
Owner TRACY LYNN M



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Geometry updated 7/23/2020
Data updated 7/23/2020

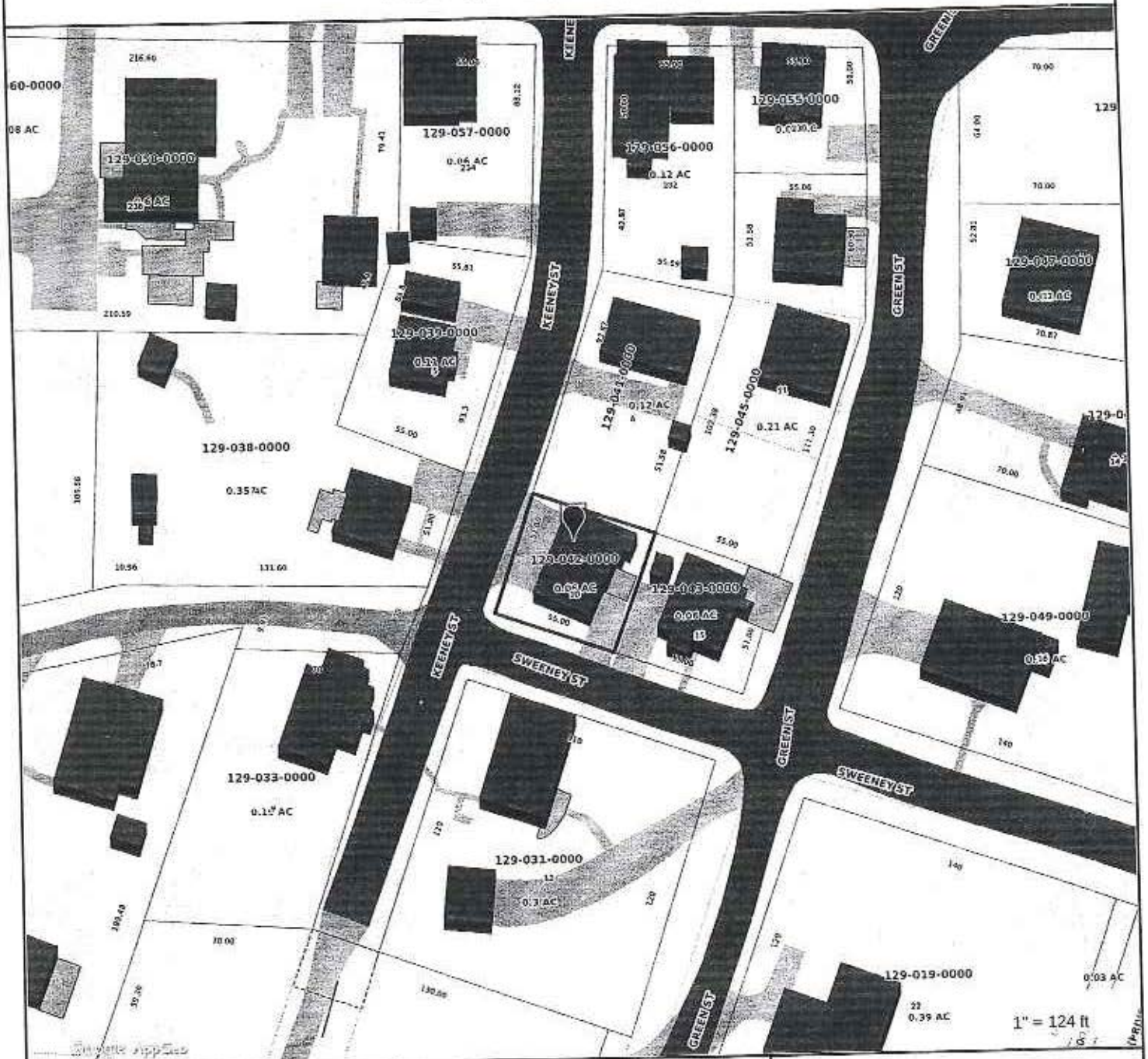
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PLANNING DEPARTMENT

map 7 guilmette 10 keeney st



Property Information

Property ID 129 042 0000
 Location 10 KEENEY ST
 Owner GUILMETTE STEPHEN R



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Geometry updated 7/23/2020
 Data updated 7/23/2020

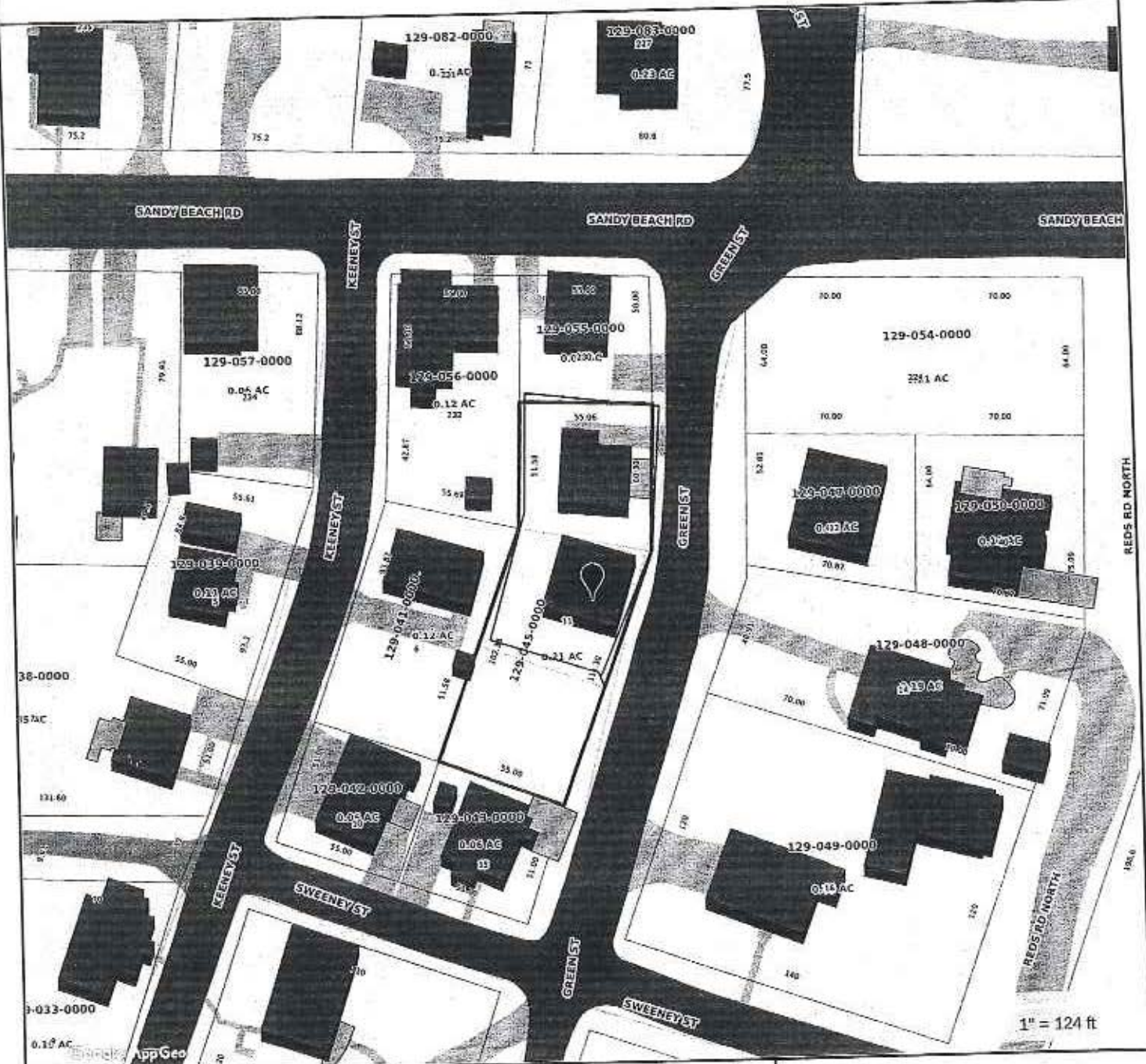
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 PLANNING DEPARTMENT

map 8- prentiss



Property Information

Property ID 129 046 0000
Location 11 GREEN ST
Owner PRENTISS RENE + JAMES J JR



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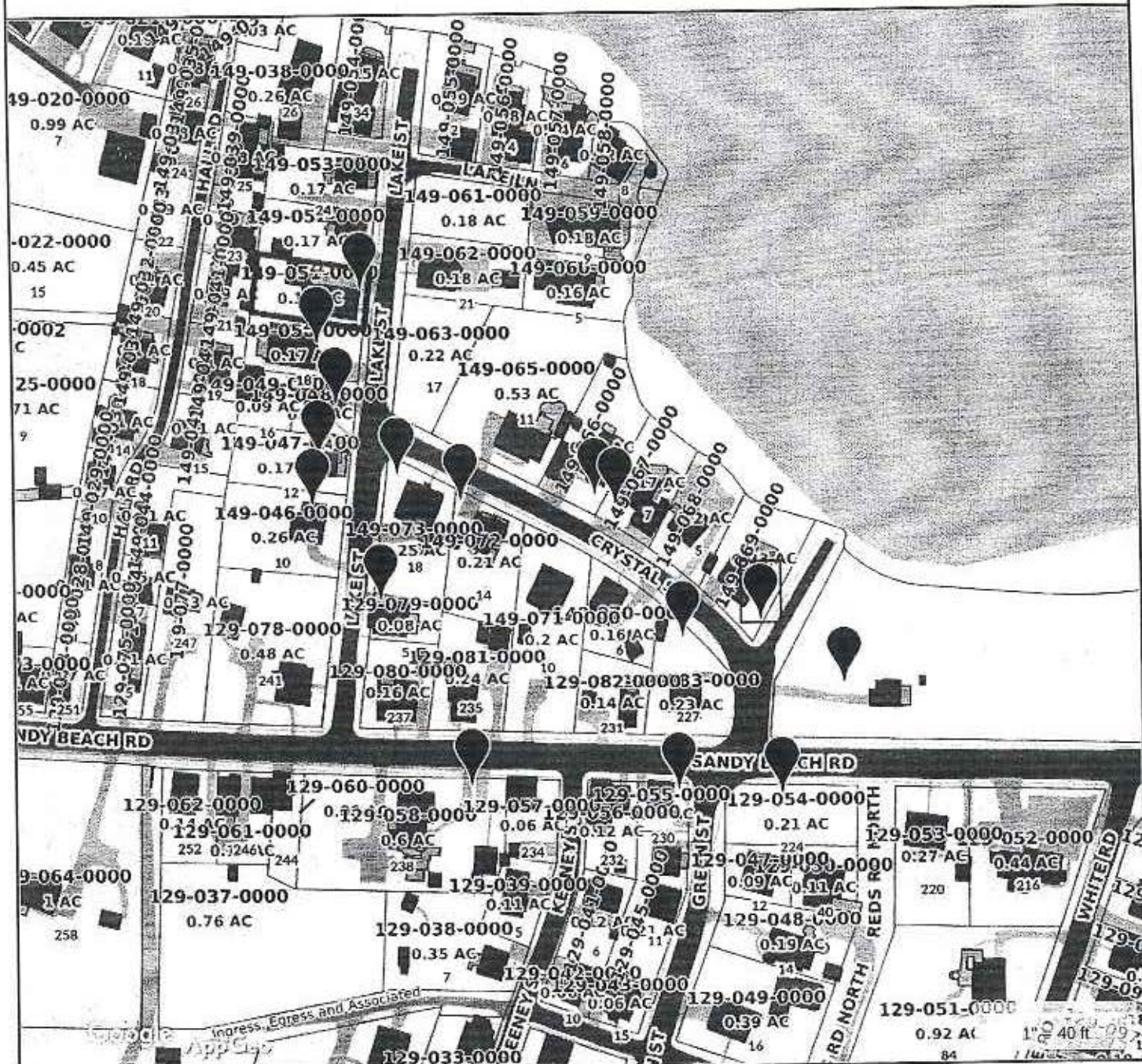
Geometry updated 7/23/2020
Data updated 7/23/2020

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Property Information

Property ID 149 051 0000
 Location 20 LAKE ST
 Owner SANDERS DEANNA B



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Geometry updated 7/23/2020
 Data updated 7/23/2020

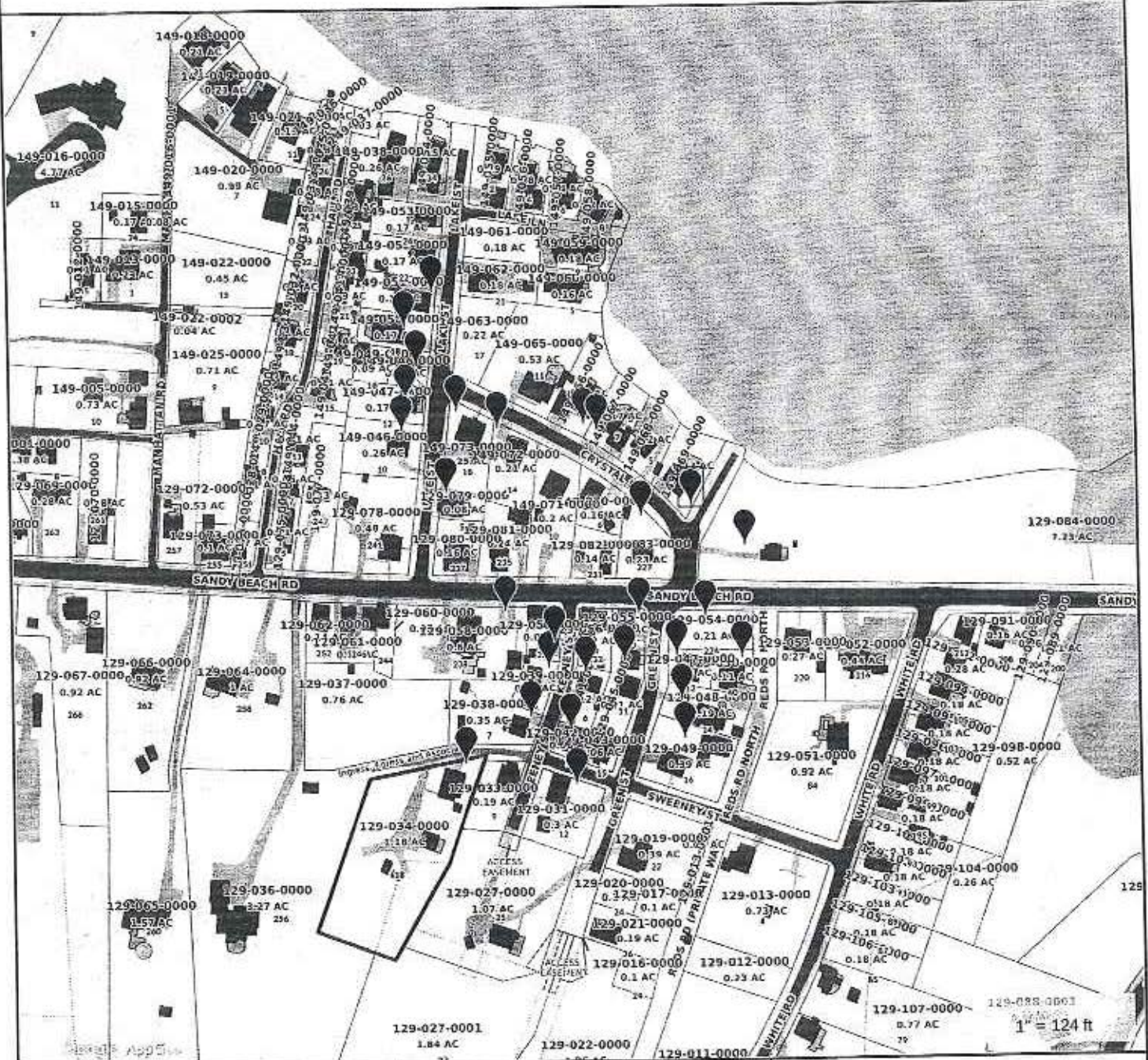
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TOWN OF ELLINGTON
 PLANNING DEPARTMENT

Map 11



Property Information

Property ID 129 034 0000
 Location 18 SWEENEY ST
 Owner PANTANELLA DANIEL V + PHYLLIS A +



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Geometry updated 7/23/2020
 Data updated 7/23/2020

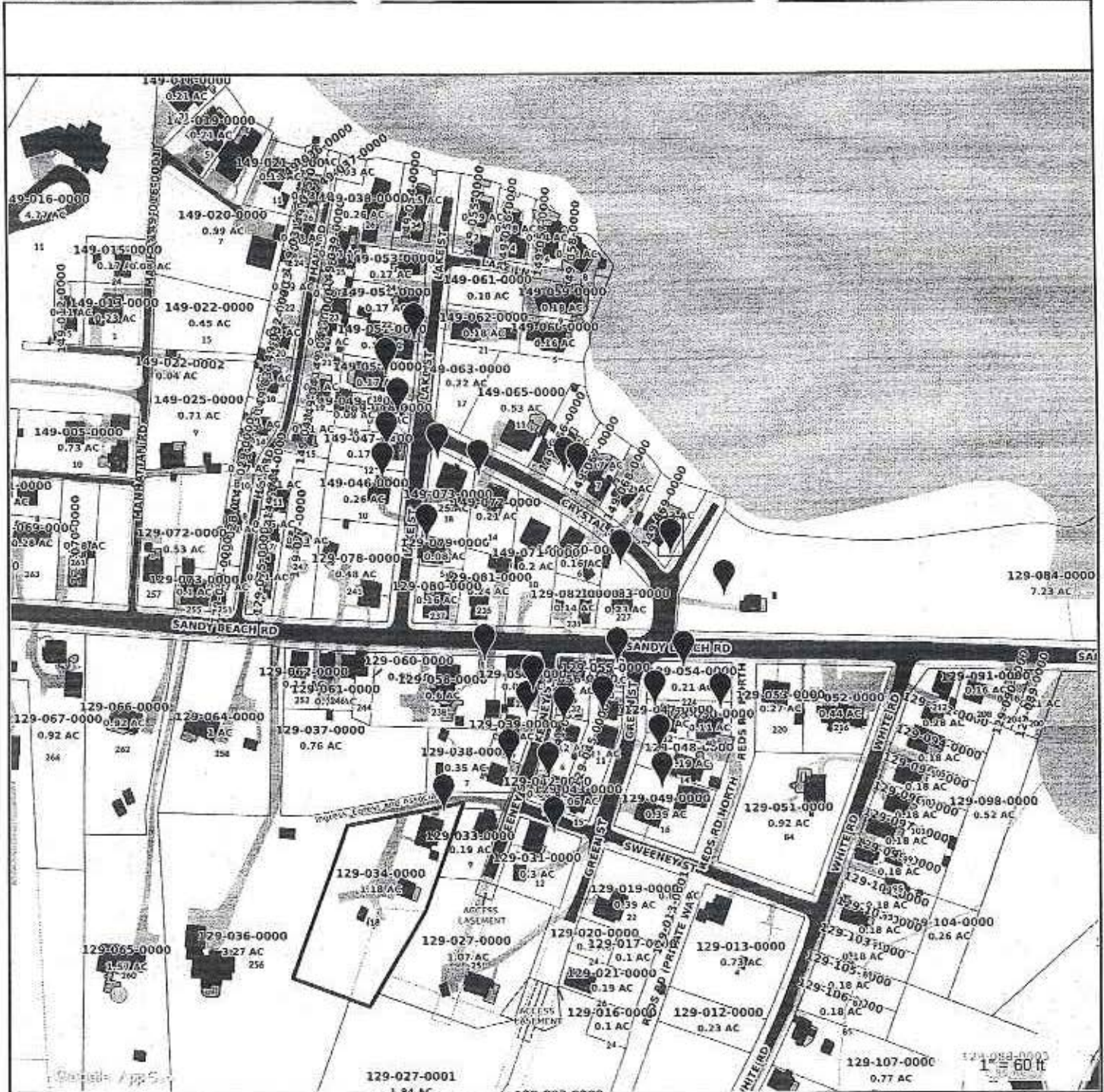
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TOWN OF ELLINGTON
 PLANNING DEPARTMENT

Pg 9 of 10



Property Information

Property ID 129 034 0000
 Location 18 SWEENEY ST
 Owner PANTANELLA DANIEL V + PHYLLIS A +



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Geometry updated 7/23/2020
 Data updated 7/23/2020

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CT Statutes

Sec. 8-13a. Nonconforming buildings, structures and land uses. (a)(1) When a building or other structure is so situated on a lot that it violates a zoning regulation of a municipality that prescribes the location of such a building or structure in relation to the boundaries of the lot or when a building or structure is situated on a lot that violates a zoning regulation of a municipality that prescribes the minimum area of the lot, and when such building or structure has been so situated for three years without the institution of an action to enforce such regulation, such building or structure shall be deemed a nonconforming building or structure in relation to such boundaries or to the area of such lot, as the case may be. For purposes of this section, "structure" has the same meaning as in the zoning regulations for the municipality in which the structure is located or, if undefined by such regulations, "structure" means any combination of materials, other than a building, that is affixed to the land, including, without limitation, signs, fences, walls, pools, patios, tennis courts and decks.

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TOWN OF L...
PLANNING DEPARTMENT

Pg 1 of 1

Exhibit#

79

CT Statutes

" Sec. 8-6. Powers and duties of board of appeals. (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter..."

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TOWN OF BELLINGHAM
PLANNING DEPARTMENT

Pg 1 of 1

Exhibit#

80

Compost bin is a superb amendment for lawns & gardens

Gardeners save money making their own soil amendment

Compost use produces healthier results

Use of a compost bin supports self management of kitchen and yard residuals

Composting offers the opportunity for reduced collection and disposal costs

Backyard composting is an effective and economical organics diversion solution



FreeGarden™ EARTH

The FreeGarden™ EARTH compost bin is an efficient, durable, and economical tool that saves municipalities money and provides many benefits for homeowners and gardeners.

Manufactured of 100% recycled content, its single-unit main body construction means no difficult assembly, and no structural integrity issues in extreme weather conditions.

The animal and pest resistant lid twists for variable ventilation control, and covers a large 20.25" (51.43 cm) opening that offers easy, generous access to add material and maintain the pile.

FreeGarden™ EARTH compost bins fit easily in the back seat of a regular sedan for easy transport.

Backyard composting is an effective and economical organics diversion solution. The FreeGarden™ EARTH is available to organizations and municipalities as a bulk order or through our customized one day truckload sale distribution program to the public engages the community in achieving your organization's goals for a healthy environment.

	US	Metric
Capacity	11 feet ³	311.5 litres
Height	33 inches	83.8 cm
Width	31 inches	78.7 cm
Lid/opening (diameter)	20.25 inches	51.43 cm
Ventilation	Lower body vents and top twisting lid for variable airflow	
Harvest door	Offset, sliding: 12"h x 16"w	
Shlp weight	330 lbs/pallet	150 kg/pallet
Shlp Qty	20 per pallet	
	69 pallets x 53' trailer = 1380	
Included Accessories	4 screw pegs, backyard composting manual	
Options	Sticker/hotstamp branding and custom colors available	



www.enviroworld.net

Contact
Basil Thompson
Office 1 877-634-9777
Cell 416-413-0842, 416-317-3388
E-mail basil@enviroworld.us

International Headquarters
7003 Steeles Ave. W., Unit 6
Toronto, ON Canada M9W 0A2
Tel 416-674-0033 Fax 416-679-0388
Toll-free 877-634-0777 solutions@enviroworld.us

Enviro World
RESPONSIBLE PRODUCTS & SOLUTIONS

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TOWN OF
OF ENVIRONMENTAL SERVICES

Pg 1 of 2

Exhibit# 81

Insect resistant
stainless steel screen

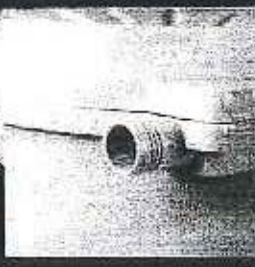
Higher spigot
accommodates most
watering cans

Overflow to 2nd barrel
or splashpad

Resilient faucet/spigot

Easy multi-barrel
installations

Stable footprint and
childproof lid



FreeGarden® RAIN

The FreeGarden™ RAIN 55 gallon rain barrel is designed with the homeowner/gardener in mind; affordable, attractive, easy to move, easy to install, and easy to use.

With as many as three bins easily fitting in the back seat of a regular sedan, the average buyer doesn't need to arrange special transport.

The barrel's square shape is ideal for attractive flush-to-wall and corner installations.

The tall spigot placement accommodates most watering cans, and four additional spigot mount points are provided lower on the barrel.

Manufactured with a maximum of recycled content (varying by color option), the FreeGarden™ RAIN contains enough virgin resin to ensure optimal product durability and lifespan.

Capacity	55 gallons	208 litres
Height	34 inches	86 cm
Width	24 inches	61 cm
Ship Weight	1103 pounds	500 Kg
Ship Qty	52 per pallet	52 per pallet
	48"x48"x80"	122cmx122cmx244cm
Included Accessories	Installation instructions, spigot, screws, overflow hose and clamp	
Options	Sticker/hotstamp branding and custom colors available	

www.enviroworld.net

Enviro World
RESPONSIBLE PRODUCTS & SOLUTIONS

Contact:
Basil Thompson
Office 1 877-634-9777
Cell 416-413-0642, 416-317-3308
E-mail basil@enviroworld.us

International Headquarters
7003 Steeles Ave. W., Unit 6
Toronto, ON Canada M9W 0A2
Tel 416-674-0033 Fax 416-679-0368
Toll-free 877-634-9777 solutions@enviroworld.us



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Pg 2 of 2

Recycling

Curbside

Residents should place their paper and mixed containers in the large blue cart. Place the cart within two feet of the road, arrows out. Recycling is collected every other week; [click here for the calendar \(/fs/resource-manager/view/06cd2454-8fe0-416f-be30-6714eb1e315f\)](https://fs/resource-manager/view/06cd2454-8fe0-416f-be30-6714eb1e315f).

Have a question about whether a specific item can be recycled? [CLICK HERE!](http://WWW.RECYCLECT.COM)
(<http://WWW.RECYCLECT.COM>)

Common Acceptable Items

Paper: cardboard and boxboard; food and beverage cartons; junk mail; magazine & newspaper inserts; newsprint, office paper, pizza boxes (clean), phone books, hard cover books

Glass: beverage bottles & jars; food bottles and jars; aerosol containers (food grade); aluminum foil, cans and bottles, metal lids

Common Unacceptable Items

Gift wrap, gift bags, ice cream containers, paper cups, shredded paper, tissue paper, ceramic mugs and plates, drinking glasses, foil tops from yogurt containers, paint cans, pots and pans, scrap metal, spiral wound containers, loose bottle caps, plastic bags and wraps, plastic plates, bowls and utensils, prescription bottles, single-use coffee containers, Styrofoam of any kind including packing peanuts

Drop-Off Recycling Center

Address: 21 Main Street, Town Garage

Hours: Monday-Thursday 6:30am-3:30pm; Friday 6:30am-12:30PM. Open 3rd Saturday 9am-Noon, from April 17-October 16.

Acceptable Items

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TOWN OF ELLINGTON
PLANNING & ZONING

Pg 1 of 4

English

Exhibit#

82

Yard Waste

Hoffman Rd Brush Drop Off Center

Location:

Hoffman Road across from Franlee Lane

Hours of Operation:

April, May, June, October & November

- Saturday 9 AM - 4 PM
- Tuesday and Thursday 1 PM - 4 PM

July, August, September

- Saturday 9 AM - 4 PM
- 2021 SEASON - OPENING TUESDAY, APRIL 6
- CLOSING SATURDAY, DECEMBER 4

Regulations:

- No grass clippings, stumps or construction debris permitted.
- Wood Chips available at the site free of charge to Ellington residents.
- Stumps may be taken to WeCare Denali at 235 Sadds Mill Rd. 860-871-7442 or 860-674-8855 for more information. Hours of operation are Monday-Friday 7:30 am - 4 pm and Saturday 8am-noon.



Leaf Pick Up

NOVEMBER 29 TO DECEMBER 3, 2021

2021 Leaf collection is scheduled for the week of November 29,

Leaves must be in paper bags placed at the curb on your garbage pick up day.

or

Pg 3 of 4

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PLANNING DEPARTMENT

Water Pollution Control Authority

Water Pollution Control Authority (WPCA) is a 5-member board comprised of volunteer members. Members are appointed to 4-year terms. They are responsible for the administration and maintenance of the Hockanum Sewer System, the Crystal Lake Sewer System and providing direction for the future of the sewer service areas.

The Tax Collector maintains the sewage fees collection system. Timothy Webb is the WPCA Administrator and oversees the Water Pollution Control operation. He may be reached at 860-870-3140. The WPCA is maintained by a Crew Chief and Maintainer II through the Public Works Department.

Members are appointed to 4-year terms and alternates are appointed to 2-year terms.

Click here for the Notice of Public Hearing (/fs/resource-manager/view/fcdeab9d-2f89-4ee8-a529-8c13d75ff86d), scheduled for 7:00 pm on January 20, 2021, for the purpose of hearing comments by property owners concerning the proposed sewer user charges to be assessed upon owners permitted to connect to the sewer system.

Sewer User Fee Information (effective 4/1/2021)

Crystal Lake Sewer System: \$310

Seasonal: \$230

Hockanum Sewer System: \$330

Fixed (Min) \$140, Variable \$190

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What do your fees pay for? The Town of Ellington does not have a treatment plant. The effluent is sent to either the Town of Vernon or the Town of Stafford at a per-gallon rate. The fees paid by the users go to fund the maintenance of Ellington's 7 pump stations and 112 grinder pumps at Crystal Lake. The WPCA is available 24 hours a day, 7 days a week for emergencies.

The Town asks residents NOT to pipe their sump pumps or water softeners into the sewer system. By doing so, a property owner is increasing the flow which in turn increases the cost that the sewer community is responsible for. The rainwater creates infiltration and the water softeners promote the deterioration of the pipes.

pg 1 of 1

Exhibit# 83

COVID-19 Beach Safety Rules

Ellington Residents Only for the 2020 Season

- Cash will not be accepted.
Only credit cards or checks are permitted.
- Carry in/carry out trash policy in effect
Please bring out what you bring in.



Stay home if you are experiencing symptoms



Restrooms are limited to 1 family
or person at a time



Playground & picnic areas are closed



Parking and beach capacity is limited to 50%



Maintain at least 15' of distance from
your nearest neighbor on the beach



Masks are required when 6' of distance
from others can not be maintained



Groups are limited to no more than 5 people
unless they are immediate family

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BEACH HOURS

Weekdays 10:30am - 5:30pm
Weekends 10:30am - 6:00pm

DAY PASS RATES

Adult: \$7
Child: \$5 Senior: \$1

Thank you for your understanding. We are all in this together.

Pg 1 of 1

Exhibit#

84

Tax & Revenue Collector

In response to the Governor's Executive Order which provides relief from certain municipal tax deadlines, a deferment of ninety (90) days has been approved for any taxes on real estate, personal property or motor vehicles, or municipal sewer use or sewer assessments from the time that it became due and payable. Please call our office for more information.

Choose an Action

- [Online Payments](#)
- [Payment History](#)

Payment Remittance Address

Please make checks payable to "Tax Collector, Town of Ellington." Send current and past due payments to:

Town of Ellington
P.O. Box 158
Ellington, CT 06029-0158

Payment Due Calendar

Due Date	What is Due
July 1	Real Estate 1st Installment Personal Property 1st Installment Motor Vehicle Single Payment
October 1	Sewer Usage Fee
November 1	Trash Collection Fee (\$125 per Year)
January 1	Real Estate 2nd Installment Personal Property 2nd Installment Supplemental Motor Vehicle Tax (Only If Applicable)
April 1	Sewer Usage Fee
June 1	Sewer Benefit Assessment Fee

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Delinquent Taxes

Exhibit#

85

Pg 1 of 5

Delinquent Property Taxes

Delinquent property taxes incur interest at a rate of 1.5% per month (18% per year), if they are received or postmarked after the 30 day grace period. The interest is charged back to the due date of July 1 and January 1. The first month the taxes become delinquent, the interest charge will be 3% (July and August) and (January and February). It is the responsibility of the taxpayer to contact the Tax Office if a bill was not received. Non-receipt of a tax bill does not invalidate the tax or the interest. If a taxpayer inadvertently receives a real estate tax bill, the taxpayer should immediately forward it to their bank if taxes are escrowed.

Delinquent Motor Vehicle Taxes

Delinquent motor vehicle taxes are reported to the State of Connecticut Department of Motor Vehicles. Delinquent taxes will prevent a vehicle owner from obtaining or renewing their vehicle registration. Anyone needing a motor vehicle clearance must pay the tax bill on all vehicles owned in cash or certified funds. Any taxes listed under the owners name must be brought current. The Tax Collector may also require a forthcoming bill to be paid in full before granting clearance.

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PLANNING DEPARTMENT

Pg 2 of 5



Town of Ellington

Account info last updated on May 24, 2021



0 BILL(S) - \$0.00

[Home](#) [Shopping Cart](#) [Checkout](#)

TAX BILLS

SEWER/TRASH

Click on SEWER/TRASH if you want to search SEWER/TRASH bills only.

Click on Tax Bills if you want to search your Real Estate, Personal Property, Motor Vehicle or Supplemental Bills.

SEARCH BY

Enter the search criteria below:

Name

McCarthy S

Search

See Example

Enter Last Name then space then 1st Initial (example SMITH J) or Business Name (No comma)

☒ All ☐ Due Now ☐ Balance Due ☐ IRS Payment Records for Year 2020

01 - REAL ESTATE	02 - PERSONALPROPERTY	03 - MOTOR VEHICLE	04 - MOTOR VEHICLE SUPP
05 - SEWER ASSESSMENT	06 - SEWER USAGE	07 - REFUSE	

BILL #	NAME/ADDRESS	PROPERTY/VEHICLE	TOTAL TAX	PAID	OUTSTANDING	OPTIONS	REGISTER ONLY	PAY
2014-01-0003520 00352600	MCCARTHY SUSANN T	15 GREEN ST DEV LOT #2 129-043-0000	\$2,877.38	\$2,877.38	\$0.00			
(REAL ESTATE)								
2015-01-0003520 00352600	MCCARTHY SUSANN T	15 GREEN ST DEV LOT #2 129-043-0000	\$2,789.54	\$2,789.54	\$0.00			
(REAL ESTATE)								
2016-01-0003392 00352600	MCCARTHY SUSANN T	15 GREEN ST DEV LOT #2 129-043-0000	\$2,899.28	\$2,899.28	\$0.00			
(REAL ESTATE)								
2017-01-0003392 00352600	MCCARTHY SUSANN T	15 GREEN ST DEV LOT #2 129-043-0000	\$2,899.28	\$2,899.28	\$0.00			
(REAL ESTATE)								
2018-01-0003357 00352600	MCCARTHY SUSANN T	15 GREEN ST DEV LOT #2 129-043-0000	\$1,940.04	\$1,940.04	\$0.00			
(REAL ESTATE)								
2019-01-0003368 00352600	MCCARTHY SUSANN T	15 GREEN ST DEV LOT #2 129-043-0000	\$1,940.04	\$1,940.04	\$0.00			
(REAL ESTATE)								
2019-02-0040590 20190047	MCCARTHY SUSANN T	15 GREEN ST MCCARTHY SUSANN T - MV	\$142.79	\$142.79	\$0.00			
(PERSONALPROPERTY)								

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

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FULL TEXT

The U.S. Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1: Congress

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2: The House of Representatives

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3: The Senate

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year,

of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4: Elections

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5: Powers and Duties of Congress

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6: Rights and Disabilities of Members

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7: Legislative Process

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not

be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8: Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9: Powers Denied Congress

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10: Powers Denied to the States

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1

The executive Power shall be vested in a President of the United States of America.

He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons; of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates; and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner

chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he

shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article IV

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth

Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Second Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Third Amendment

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or

public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Seventh Amendment

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Ninth Amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

10th Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

11th Amendment

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

12th Amendment

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the

greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.— The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

13th Amendment

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

14th Amendment

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

15th Amendment

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

16th Amendment

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

17th Amendment

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

18th Amendment

Section 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

19th Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

20th Amendment

Section 1

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of

any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

21st Amendment

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided

in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

22nd Amendment

Section 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

23rd Amendment

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

24th Amendment

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

25th Amendment

Section 1

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless

the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

26th Amendment

Section 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

27th Amendment

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.



State of Connecticut,

Office of the Secretary.

General Assembly,

January Session, A. D., 1939.

RESOLUTION RATIFYING ARTICLES OF THE AMENDMENTS ONE TO TEN, INCLUSIVE, OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Exhibit#

87

Resolved by the General Assembly of the State of Connecticut:

That Articles one to ten, inclusive, of the Amendments to the Constitution of the United States of America be and the same are hereby ratified by the General Assembly of the State of Connecticut, and

RESOLVED, that certified copies of the foregoing resolution be forwarded by the Governor of the State of Connecticut to

State of Connecticut,
OFFICE OF THE SECRETARY,

SS.

I, SARA B. CRAWFORD Secretary of the State of Connecticut,
and keeper of the seal thereof, and of the original record of the Acts and Resolutions of the General
Assembly of said State, *DO HEREBY CERTIFY* that I have compared the annexed copy of
HOUSE JOINT RESOLUTION No. 282, RATIFYING ARTICLES OF THE AMENDMENTS
ONE TO TEN, INCLUSIVE, OF THE CONSTITUTION OF THE UNITED STATES OF
AMERICA,
with the original record of the same now remaining in this office, and have

944



State of Connecticut,

Office of the Secretary.

General Assembly,

January Session, A. D., 1939.

RESOLUTION RATIFYING ARTICLES OF THE AMENDMENTS ONE TO TEN, INCLUSIVE, OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Resolved by the General Assembly of the State of Connecticut:

That Articles one to ten, inclusive, of the Amendments to the Constitution of the United States of America be and the same are hereby ratified by the General Assembly of the State of Connecticut, and

RESOLVED, that certified copies of the foregoing resolution be forwarded by the Governor of the State of Connecticut to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States.

State of Connecticut

House of Representatives

Apr 12 1939

Passed.

State of Connecticut

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SARA B. CRAWFORD
SECRETARY OF THE STATE
ARTHUR F. BROWN
DEPUTY SECRETARY OF THE STATE



STATE OF CONNECTICUT
SECRETARY'S OFFICE

HARTFORD

April 25, 1939.

Honorable William B. Bankhead
Speaker of the House of Representatives
House of Representatives
Washington, District of Columbia

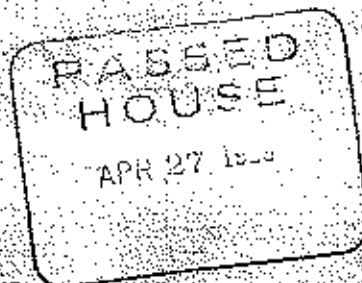
Sir:

Pursuant to the direction of His Excellency,
Raymond E. Baldwin, Governor of the State of
Connecticut, there is sent to you herewith a copy
of a Joint Resolution of the General Assembly of
the State of Connecticut, ratifying Articles of
the Amendments One to Ten, inclusive, of the Con-
stitution of the United States of America.

Respectfully yours,

Sara B. Crawford
Secretary of the State.

AFB:SP
Encl.



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House Joint Resolution No. 282

RESOLUTION RATIFYING ARTICLES
OF THE AMENDMENTS ONE TO TEN,
INCLUSIVE, OF THE CONSTITUTION
OF THE UNITED STATES OF AMERICA.

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The Bill of Rights

BILL *of* RIGHTS
INSTITUTE

Exhibit# 88

pg 1 of 2

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

GENERAL STATUTES OF CONNECTICUT

Revised to January 1, 2021



(Prepared under the direction of the Legislative Commissioners' Office)

TITLES

(The volume numbers appearing below correspond to the volumes of the printed General Statutes)

VOLUME 1

Title 1 Chapters 1 to 15c Provisions of General Application

(Secs. 1-1 to 1-500)

Title 2 Chapters 16 to 23i General Assembly and Legislative Agencies

(Secs. 2-1 to 2-136)

Title 2a Chapters 24 to 25 Reserved for future use

Title 2b Chapters 26 to 27 Reserved for future use

Title 2c Chapters 28 to 28a Review and Termination of Governmental Entities and Programs

(Secs. 2c-1 to 2c-21)

Title 3 Chapters 31 to 35 State Elective Officers

(Secs. 3-1 to 3-131)

Title 4 Chapters 46 to 55e Management of State Agencies

(Secs. 4-1 to 4-289)

Title 4a Chapters 57 to 58a Administrative Services

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101)

Title 4b Chapters 59 to 60a State Real Property

(Secs. 4b-1 to 4b-136)

Title 4c Repealed Business Regulation, Department of Business Regulation (All sections repealed or obsolete)

Title 4d Chapters 61 to 61c State Information and Telecommunication Systems

(Secs. 4d-1 to 4d-100)

Title 4e Chapters 62 to 62a State Contracting

(Secs. 4e-1 to 4e-76)

Title 5 Chapters 63 to 68 State Employees

(Secs. 5-1 to 5-280)

Title 6 Chapters 76 to 79 Counties and County Officers, Judicial and State Marshals

(Secs. 6-1 to 6-76)

VOLUME 2

Title 7 Chapters 90 to 119 Municipalities
(Secs. 7-1 to 7-620e)

Title 8 Chapters 124 to 138m Zoning, Planning, Housing and Economic and Community Development

(Secs. 8-1 to 8-450)

VOLUME 3

Title 9 Chapters 141 to 158
Secs. 9-1 to 9-760)

Elections

Title 10 Chapters 163 to 184c
Secs. 10-1 to 10-531)

Education and Culture

Title 10a Chapters 185 to 187c
Secs. 10a-1 to 10a-263)

State System of Higher Education

Title 11 Chapters 188 to 194
Secs. 11-1 to 11-89)

Libraries and Museums

VOLUME 4

Title 12 Chapters 201 to 229a Taxation
Secs. 12-1 to 12-834)

Title 13 Chapters 231 to 235 Highways and Bridges (All sections repealed or obsolete)
Secs. 13-1 to 13-249)

Title 13a Chapters 236 to 241 Highways and Bridges
Secs. 13a-1 to 13a-260)

Title 13b Chapters 242 to 245c Transportation
Secs. 13b-1 to 13b-415)

VOLUME 5

Title 14 Chapters 246 to 256 Motor Vehicles, Use of the Highway By Vehicles, Gasoline
Secs. 14-1 to 14-399)

Title 15 Chapters 263 to 269 Navigation and Aeronautics
Secs. 15-1 to 15-232)

All Amendments to the United States Constitution

Amendments 1-10 | Amendments 11-27

Congress of the United States
begun and held at the City of New-York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI - Passed by Congress March 4, 1794. Ratified February 7, 1795.

Note: Article III, section 2, of the Constitution was modified by amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII - Passed by Congress December 9, 1803. Ratified June 15, 1804.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or

members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**Superseded by section 3 of the 20th amendment.*

AMENDMENT XIII - Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV - Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**Changed by section 1 of the 26th amendment.*

AMENDMENT XV - Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the

United States or by any State on account of race, color, or previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XVI - Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII - Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII - Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX - Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX - Passed by Congress March 2, 1932. Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act

shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI - Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII - Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1.

No person shall be elected to the office of the President more than twice, and no

person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII - Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1.

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV - Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV - Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and

duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI - Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXVII - Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

CONSTITUTION OF THE STATE OF CONNECTICUT

PREAMBLE.

The People of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors; hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government.

ARTICLE FIRST. DECLARATION OF RIGHTS

That the great and essential principles of liberty and free government may be recognized and established,

WE DECLARE:

SEC. 1. All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

SEC. 4. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SEC. 6. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

SEC. 7. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain

witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by indictment or information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless on a presentment or an indictment of a grand jury, except in the armed forces, or in the militia when in actual service in time of war or public danger.

(Sec. 8 amended in 1982. See Art. XVII of Amendments to the Constitution of the State of Connecticut.)

SEC. 9. No person shall be arrested, detained or punished, except in cases clearly warranted by law.

SEC. 10. All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 11. The property of no person shall be taken for public use, without just compensation therefor.

SEC. 12. The privileges of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.

SEC. 13. No person shall be attainted of treason or felony, by the legislature.

SEC. 14. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 15. Every citizen has a right to bear arms in defense of himself and the state.

SEC. 16. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 17. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

SEC. 18. No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

SEC. 19. The right of trial by jury shall remain inviolate.

(Sec. 19 amended in 1972. See Art. IV of Amendments to the Constitution of the State of Connecticut.)

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SEC. 20. No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin.

(Sec. 20 amended in 1974. See Art. V of Amendments to the Constitution of the State of Connecticut.)

(Sec. 20 amended in 1984. See Art. XXI of the Amendments to the Constitution of the State of Connecticut.)

ARTICLE SECOND.* OF THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

*(ARTICLE SECOND amended in 1982. See Art. XVIII of Amendments to the Constitution of the State of Connecticut.)

ARTICLE THIRD. OF THE LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative power of the state shall be vested in two distinct houses or branches; the one to be styled the senate, the other the house of representatives, and both together the general assembly. The style of their laws shall be: Be it enacted by the Senate and House of Representatives in General Assembly convened.

SEC. 2. There shall be a regular session of the general assembly to commence on the Wednesday following the first Monday of the January next succeeding the election of its members, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session not later than the first Wednesday after the first Monday in June following its organization and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening.

(Sec. 2 amended in 1970. See Art. III of Amendments to the Constitution of the State of Connecticut.)

SEC. 3. The senate shall consist of not less than thirty and not more than fifty members, each of whom shall be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

(Sec. 3 amended in 1970. See Art. II, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)

SEC. 4. The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

(Sec. 4 amended in 1970. See Art. II, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)

SEC. 5. The establishment of districts in the general assembly shall be consistent with federal constitutional standards.

(Sec. 5 amended in 1980. See Art. XVI, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)

SEC. 6. a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to enact a plan of districting by the first day of the April next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission consisting of the eight members designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the July next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least six members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

d. If by the first day of the July next succeeding the appointment of its members the commission fails to submit a plan of districting, a board of three persons shall forthwith be empaneled. The speaker of the house of representatives and the minority leader of the house of representatives shall each designate, as one member of the board, a judge of the superior court of the state, provided that there are members of no more than two political parties in the house of representatives. In the event that there are members of more than two political parties in the house of representatives, all members belonging to the parties other than that of the speaker shall select one of their number, who shall then designate, as one member of the board, a judge of the superior court of the state, in lieu of the designation by the minority leader of the house of representatives. The two members of the board so designated shall select an elector of the state as the third member.

e. The board shall proceed to consider the alteration of districts in accordance with the principles recited in this article and shall, by the first day of the October next succeeding its selection, submit a plan of districting to the secretary. No plan shall be submitted to the secretary unless it is certified by at least two members of the board. Upon receiving such plan, the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have full force of law.

(Sec. 6, subsections a through e, amended in 1976. See Art. XII of Amendments to the Constitution of the State of Connecticut; amended in 1980. See Art. XVI, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)

SEC. 7. The treasurer, secretary of the state, and comptroller shall canvass publicly the votes for senators and representatives. The person in each senatorial district having the greatest number of votes for senator shall be declared to be duly elected for such district, and the person in each assembly district having the greatest number of votes for representative shall be declared to be duly elected for such district. The general assembly shall provide by law the manner in which an equal and the greatest number of votes for two or more persons so voted for for senator or representative shall be resolved. The return of votes, and the result of the canvass, shall be submitted to the house of representatives and to the senate on the first day of the session of the general assembly. Each house shall be the final judge of the election returns and qualifications of its own members.

SEC. 8. A general election for members of the general assembly shall be held on the Tuesday after the first Monday of November, biennially, in the even-numbered years. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such members, for filling vacancies in either the house of representatives or the senate, and providing for the election of representatives or senators at some time subsequent to the Tuesday after the first Monday of November in all cases when it shall so happen that the electors in any district shall fail on that day to elect a representative or senator.

SEC. 9. At all elections for members of the general assembly the presiding officers in the several towns shall receive the votes of the electors, and count and declare them in open meeting. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state.

SEC. 10. The members of the general assembly shall hold their offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday after the first Monday of the third January next succeeding their election, and until their successors are duly qualified.

SEC. 11. No member of the general assembly shall, during the term for which he is elected, hold or accept any appointive position or office in the judicial or executive department of the state government, or in the courts of the political subdivisions of the state, or in the government of any county. No member of congress, no person holding any office under the authority of the United States and no person holding any office in the judicial or executive department of the state government or in the government of any county shall be a member of the general assembly during his continuance in such office.

SEC. 12. The house of representatives, when assembled, shall choose a speaker, clerk and other officers. The senate shall choose a president pro tempore, clerk and other officers, except the president. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 13. Each house shall determine the rules of its own proceedings, and punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

SEC. 14. Each house shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members, except such parts as in the judgment of a majority require secrecy. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.

SEC. 15. The senators and representatives shall, in all cases of civil process, be privileged from arrest, during any session of the general assembly, and for four days before the commencement and after the termination of any session thereof. And for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 16. The debates of each house shall be public, except on such occasions as in the opinion of the house may require secrecy.

SEC. 17. The salary of the members of the general assembly and the transportation expenses of its members in the performance of their legislative duties shall be determined by law.

(Sec. 18 added in 1992. See Art. XXVIII of Amendments to the Constitution of the State of Connecticut.)

ARTICLE FOURTH.
OF THE EXECUTIVE DEPARTMENT.

SEC. 1. A general election for governor, lieutenant-governor, secretary of the state, treasurer and comptroller shall be held on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter.

(Sec. 1 amended in 1970. See Art. I of Amendments to the Constitution of the State of Connecticut.)

SEC. 2. Such officers shall hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are duly qualified.

SEC. 3. In the election of governor and lieutenant-governor, voting for such offices shall be as a unit. The name of no candidate for either office, nominated by a political party or by petition, shall appear on the voting machine ballot labels except in conjunction with the name of the candidate for the other office.

SEC. 4. At the meetings of the electors in the respective towns held quadrennially as herein provided for the election of state officers, the presiding officers shall receive the votes and shall count and declare the same in the presence of the electors. The presiding officers shall make and certify duplicate lists of the persons voted for, and of the number of votes for each. One list shall be delivered within three days to the town clerk, and within ten days after such meeting, the other shall be delivered under seal to the secretary of the state. The votes so delivered shall be counted, canvassed and declared by the treasurer, secretary, and comptroller, within the month of November. The vote for treasurer shall be counted, canvassed and declared by the secretary and comptroller only; the vote for secretary shall be counted, canvassed and declared by the treasurer and comptroller only; and the vote for comptroller shall be counted, canvassed and declared by the treasurer and secretary only. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary and comptroller, made and laid before the general assembly, then next to be held, on the first day of the session thereof. In the election of governor, lieutenant-governor, secretary, treasurer, comptroller and attorney general, the person found upon the count by the treasurer, secretary and comptroller in the manner herein provided, to be made and announced before December fifteenth of the year of the election, to have received the greatest number of votes for each of such offices, respectively, shall be elected thereto; provided, if the election of any of them shall be contested as provided by statute, and if such a contest shall proceed to final judgment, the person found by the court to have received the greatest number of votes shall be elected. If two or more persons shall be found upon the count of the treasurer, secretary and comptroller to have received an equal and the greatest number of votes for any of said offices, and the election is not contested, the general assembly on the second day of its session shall hold a joint convention of both houses, at which, without debate, a ballot shall be taken to choose such officer from those persons who received such a vote; and the balloting shall continue on that or

subsequent days until one of such persons is chosen by a majority vote of those present and voting. The general assembly shall have power to enact laws regulating and prescribing the order and manner of voting for such officers. The general assembly shall by law prescribe the manner in which all questions concerning the election of a governor or lieutenant-governor shall be determined.

SEC. 5. The supreme executive power of the state shall be vested in the governor. No person who is not an elector of the state, and who has not arrived at the age of thirty years, shall be eligible.

SEC. 6. The lieutenant-governor shall possess the same qualifications as are herein prescribed for the governor.

SEC. 7. The compensations of the governor and lieutenant-governor shall be established by law, and shall not be varied so as to take effect until after an election, which shall next succeed the passage of the law establishing such compensations.

SEC. 8. The governor shall be captain general of the militia of the state, except when called into the service of the United States.

SEC. 9. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

SEC. 10. The governor, in case of a disagreement between the two houses of the general assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

SEC. 11. He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SEC. 12. He shall take care that the laws be faithfully executed.

SEC. 13. The governor shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly, and no longer.

SEC. 14. All commissions shall be in the name and by authority of the state of Connecticut; shall be sealed with the state seal, signed by the governor, and attested by the secretary of the state.

SEC. 15. Each bill which shall have passed both houses of the general assembly shall be presented to the governor. Bills may be presented to the governor after the adjournment of the general assembly, and the general assembly may prescribe the time and method of performing all ministerial acts necessary or incidental to the administration of this section. If the governor shall approve a bill, he shall sign and transmit it to the secretary of the state, but if he shall disapprove, he shall transmit it to the secretary with his objections, and the secretary shall thereupon return the bill with the governor's objections to the house in which it originated. After the objections shall have been entered on its journal, such house shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, but

by the approval of at least two-thirds of its members, it shall be sent with the objections to the other house, which shall also reconsider it. If approved by at least two-thirds of the members of the second house, it shall be a law and be transmitted to the secretary; but in such case the votes of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. In case the governor shall not transmit the bill to the secretary, either with his approval or with his objections, within five calendar days, Sundays and legal holidays excepted, after the same shall have been presented to him, it shall be a law at the expiration of that period; except that, if the general assembly shall then have adjourned any regular or special session, the bill shall be a law unless the governor shall, within fifteen calendar days after the same has been presented to him, transmit it to the secretary with his objections, in which case it shall not be a law unless such bill is reconsidered and repassed by the general assembly by at least a two-thirds vote of the members of each house of the general assembly at the time of its reconvening.

(See Art. III of Amendments to the Constitution of the State of Connecticut.)

SEC. 16. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriations so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto. In all cases in which the governor shall exercise the right of disapproval hereby conferred he shall append to the bill at the time of signing it a statement of the item or items disapproved, together with his reasons for such disapproval, and transmit the bill and such appended statement to the secretary of the state. If the general assembly be then in session he shall forthwith cause a copy of such statement to be delivered to the house in which the bill originated for reconsideration of the disapproved items in conformity with the rules prescribed for legislative action in respect to bills which have received executive disapproval.

SEC. 17. The lieutenant-governor shall by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate, and when the senate is equally divided, to give the casting vote.

SEC. 18. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified. In case of the inability of the governor to exercise the powers and perform the duties of his office, or in case of his impeachment or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until the disability is removed or, if the governor has been impeached, he is acquitted or, if absent, he has returned.

(Sec. 18 amended in 1984. See Art. XXII of Amendments to the Constitution of the State of Connecticut.)

SEC. 19. If the lieutenant-governor succeeds to the office of governor, or if the lieutenant-governor dies, resigns, refuses to serve or is removed from office, the

president pro tempore of the senate shall, upon taking the oath of office of lieutenant-governor, be lieutenant-governor of the state until another is chosen at the next regular election for lieutenant-governor and is duly qualified. Within fifteen days of the administration of such oath the senate, if the general assembly is in session, shall elect one of its members president pro tempore. In case of the inability of the lieutenant-governor to exercise the powers and perform the duties of his office or in case of his impeachment or absence from the state, the president pro tempore of the senate shall exercise the powers and authority and perform the duties appertaining to the office of lieutenant-governor until the disability is removed or, if the lieutenant-governor has been impeached, he is acquitted or, if absent, he has returned.

SEC. 20. If, while the general assembly is not in session, there is a vacancy in the office of president pro tempore of the senate, the secretary of the state shall within fifteen days convene the senate for the purpose of electing one of its members president pro tempore.

SEC. 21. If, at the time fixed for the beginning of the term of the governor, the governor-elect shall have died or shall have failed to qualify, the lieutenant-governor-elect, after taking the oath of office of lieutenant-governor, may qualify as governor, and, upon so qualifying, shall become governor. The general assembly may by law provide for the case in which neither the governor-elect nor the lieutenant-governor-elect shall have qualified, by declaring who shall, in such event, act as governor or the manner in which the person who is so to act shall be selected, and such person shall act accordingly until a governor or a lieutenant-governor shall have qualified.

SEC. 22. The treasurer shall receive all monies belonging to the state, and disburse the same only as he may be directed by law. He shall pay no warrant, or order for the disbursement of public money, until the same has been registered in the office of the comptroller.

SEC. 23. The secretary of the state shall have the safe keeping and custody of the public records and documents, and particularly of the acts, resolutions and orders of the general assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the seal of the state, which shall not be altered.

SEC. 24. The comptroller shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall, ex officio, be one of the auditors of the accounts of the treasurer. The general assembly may assign to him other duties in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.

SEC. 25. Sheriffs shall be elected in the several counties, on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, for the term of four years, commencing on the first day of June following their election. They shall become bound with sufficient sureties to the treasurer of the state, for the faithful discharge of the duties of their office. They shall be removable by the general assembly. In case the sheriff of any county shall die or resign, or shall be removed from office by the general assembly, the governor may fill the vacancy occasioned

thereby, until the same shall be filled by the general assembly.

(Sec. 25 amended in 2000. See Art. XXX of Amendments to the Constitution of the State of Connecticut.)

SEC. 26. A statement of all receipts, payments, funds, and debts of the state, shall be published from time to time, in such manner and at such periods, as shall be prescribed by law.

(New Section added in 1984. See Art. XXIII of Amendments to the Constitution of Connecticut.)

ARTICLE FIFTH.* OF THE JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of the state shall be vested in a supreme court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

(Sec. 1 amended in 1982. See Art. XX, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)

SEC. 2. The judges of the supreme court and of the superior court shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly.

(See Art. XI of Amendments to the Constitution of the State of Connecticut.)
(Sec. 2 amended in 1982. See Art. XX, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)

SEC. 3. Judges of the lower courts shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed, for terms of four years.

SEC. 4. Judges of probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1966, and quadrennially thereafter, and shall hold office for four years from and after the Wednesday after the first Monday of the next succeeding January.

SEC. 5. Justices of the peace for the several towns in the state shall be elected by the electors in such towns; and the time and manner of their election, the number for each town, the period for which they shall hold their offices and their jurisdiction shall be prescribed by law.

(Sec. 5 repealed in 1974. See Art. VIII, Sec. 1 of Amendments to the Constitution of the State of Connecticut.)

SEC. 6. No judge or justice of the peace shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the

supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

(Sec. 6 amended in 1974. See Art. VIII, Sec. 2 of Amendments to the Constitution of the State of Connecticut.)

*(Art. Fifth amended in 1976. See Art. XI of Amendments to the Constitution of the State of Connecticut.)

ARTICLE SIXTH.* OF THE QUALIFICATIONS OF ELECTORS.

SEC. 1. Every citizen of the United States who has attained the age of twenty-one years, who has resided in the town in which he offers himself to be admitted to the privileges of an elector at least six months next preceding the time he so offers himself, who is able to read in the English language any article of the constitution or any section of the statutes of the state, and who sustains a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

(Sec. 1. amended in 1976. See Art. IX of Amendments to the Constitution of the State of Connecticut. See Art. XXVI of Amendments to the Constitution of the United States of America.)

SEC. 2. The qualifications of electors as set forth in Section 1 of this article shall be decided at such times and in such manner as may be prescribed by law.

SEC. 3. The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

(Sec. 3 amended in 1974. See Art. VII of Amendments to the Constitution of the State of Connecticut.)

SEC. 4. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

SEC. 5. In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. The right of secret voting shall be preserved. At every election where candidates are listed by party designation and where voting machines or other mechanical devices are used, each elector shall be able at his option to vote for candidates for office under a single party designation by operating a straight ticket device, or to vote for candidates individually after first operating a straight ticket device, or to vote for candidates individually without first operating a straight ticket device.

(Sec. 5 amended in 1986. See Art. XXIV of Amendments to the Constitution of the State of Connecticut.)

SEC. 6. At all elections of officers of the state, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

SEC. 7. The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness, or physical disability or because the tenets of their religion forbid secular activity.

SEC. 8. The general assembly may provide by law for the admission as electors in absentia of members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons.

(Sec. 8 amended in 1992. See Art. XXVII of Amendments to the Constitution of the State of Connecticut.)

SEC. 9. Any person admitted as an elector in any town shall, if he removes to another town, have the privileges of an elector in such other town after residing therein for six months. The general assembly shall prescribe by law the manner in which evidence of the admission of an elector and of the duration of his current residence shall be furnished to the town to which he removes.

(Sec. 9 repealed in 1980. See Art. XIII of Amendments to the Constitution of the State of Connecticut.)

SEC. 10. Every elector shall be eligible to any office in the state, except in cases provided for in this constitution.

(Sec. 10 amended in 1970. See Art. II, Sec. 3 of Amendments to the Constitution of the State of Connecticut.)

*(Art. Sixth amended in 1976. See Art. X of Amendments to the Constitution of the State of Connecticut.)

ARTICLE SEVENTH. OF RELIGION.

It being the right of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and to render that worship in a mode consistent with the dictates of their consciences, no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association. No preference shall be given by law to any religious society or denomination in the state. Each shall have and enjoy the same and equal powers, rights and privileges,

and may support and maintain the ministers or teachers of its society or denomination, and may build and repair houses for public worship.

ARTICLE EIGHTH. OF EDUCATION.

SEC. 1. There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.

SEC. 2. The state shall maintain a system of higher education, including The University of Connecticut, which shall be dedicated to excellence in higher education. The general assembly shall determine the size, number, terms and method of appointment of the governing boards of The University of Connecticut and of such constituent units or coordinating bodies in the system as from time to time may be established.

SEC. 3. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed.

SEC. 4. The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require.

ARTICLE NINTH. OF IMPEACHMENTS.

SEC. 1. The house of representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

SEC. 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. The party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law.

SEC. 4. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of at least two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

ARTICLE TENTH.
OF HOME RULE.

SEC. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

SEC. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

ARTICLE ELEVENTH.
GENERAL PROVISIONS.

SEC. 1. Members of the general assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit:

You do solemnly swear (or affirm, as the case may be) that you will support the constitution of the United States, and the constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of.....to the best of your abilities. So help you God.

SEC. 2. Neither the general assembly nor any county, city, borough, town or school district shall have power to pay or grant any extra compensation to any public officer, employee, agent or servant, or increase the compensation of any public officer or employee, to take effect during the continuance in office of any person whose salary might be increased thereby, or increase the pay or compensation of any public contractor above the amount specified in the contract.

(Sec. 2 amended in 1982. See Art. XIX of Amendments to the Constitution of the State of Connecticut.)

SEC. 3. In order to insure continuity in operation of state and local governments in a period of emergency resulting from disaster caused by enemy attack, the general assembly shall provide by law for the prompt and temporary succession to the powers and duties of all public offices, the incumbents of which may become unavailable for carrying on their powers and duties.

SEC. 4. Claims against the state shall be resolved in such manner as may be provided by law.

SEC. 5. The rights and duties of all corporations shall remain as if this constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this constitution. All laws not contrary to, or inconsistent with, the provisions of this constitution shall remain in force, until they shall expire by their own limitation, or shall be altered or repealed by the general assembly, in pursuance of this constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the state, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, according to their respective commissions or appointments, until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

ARTICLE TWELFTH.* OF AMENDMENTS TO THE CONSTITUTION.

Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. An amendment so proposed, approved upon roll call by a yea vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a yea vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the electors thereof for their consideration at the general election to be held on the Tuesday after the first Monday of November in the next even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

*(Art. Twelfth amended in 1974. See Art. VI of Amendments to the Constitution of the State of Connecticut.)

ARTICLE THIRTEENTH. OF CONSTITUTIONAL CONVENTIONS.

SEC. 1. The general assembly may, upon roll call, by a yea vote of at least two-thirds of the total membership of each house, provide for the convening of a constitutional convention to amend or revise the constitution of the state not earlier than ten years from the date of convening any prior convention.

SEC. 2. The question "Shall there be a Constitutional Convention to amend or revise the Constitution of the State?" shall be submitted to all the electors of the state at

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the general election held on the Tuesday after the first Monday in November in the even-numbered year next succeeding the expiration of a period of twenty years from the date of convening of the last convention called to revise or amend the constitution of the state, including the Constitutional Convention of 1965, or next succeeding the expiration of a period of twenty years from the date of submission of such a question to all electors of the state, whichever date shall last occur. If a majority of the electors voting on the question shall signify "yes", the general assembly shall provide for such convention as provided in Section 3 of this article.

SEC. 3. In providing for the convening of a constitutional convention to amend or revise the constitution of the state the general assembly shall, upon roll call, by a yeas vote of at least two-thirds of the total membership of each house, prescribe by law the manner of selection of the membership of such convention, the date of convening of such convention, which shall be not later than one year from the date of the roll call vote under Section 1 of this article or one year from the date of the election under Section 2 of this article, as the case may be, and the date for final adjournment of such convention.

SEC. 4. Proposals of any constitutional convention to amend or revise the constitution of the state shall be submitted to all the electors of the state not later than two months after final adjournment of the convention, either as a whole or in such parts and with such alternatives as the convention may determine. Any proposal of the convention to amend or revise the constitution of the state submitted to such electors in accordance with this section and approved by a majority of such electors voting on the question shall be valid, to all intents and purposes, as a part of this constitution. Such proposals when so approved shall take effect thirty days after the date of the vote thereon unless otherwise provided in the proposal.

ARTICLE FOURTEENTH. OF THE EFFECTIVE DATE OF THIS CONSTITUTION.

This proposed constitution, submitted by the Constitutional Convention of 1965, shall become the constitution of the state of Connecticut upon approval by the people and proclamation by the governor as provided by law.

Approved at referendum on December 14, 1965; proclaimed by the Governor as adopted on December 30, 1965.

AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CONNECTICUT

ARTICLE I.

Section 1 of article fourth of the constitution is amended to read as follows: A general election for governor, lieutenant-governor, secretary of the state, treasurer, comptroller and attorney general shall be held on the Tuesday after the first Monday of November, 1974, and quadrennially thereafter.

Adopted November 25, 1970.

ARTICLE II.

SEC. 1. Section 3 of article third of the constitution is amended to read as follows: The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of twenty-one years and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

(Sec. 1 amended in 1980. See Art. XV of Amendments to the Constitution of the State of Connecticut.)

SEC. 2. Section 4 of said article third is amended to read as follows: The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of twenty-one years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

(Sec. 2 amended in 1980. See Art. XV of Amendments to the Constitution of the State of Connecticut.)

SEC. 3. Section 10 of article sixth of the constitution is amended to read as follows: Every elector who has attained the age of twenty-one years shall be eligible to any office in the state, but no person who has not attained the age of twenty-one shall be eligible therefor, except in cases provided for in this constitution.

Adopted November 25, 1970.

(Sec. 3 amended in 1980. See Art. XV of Amendments to the Constitution of the State of Connecticut.)

ARTICLE III.

Section 2 of article third of the constitution is amended to read as follows: There shall be a regular session of the general assembly on the Wednesday following the first Monday of January in the odd-numbered years and on the Wednesday following the first Monday of February in the even-numbered years, and at such other times as the general assembly shall judge necessary; but the person administering the office of governor may, on special emergencies, convene the general assembly at any other time. All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state. The general assembly shall adjourn each regular session in the odd-numbered years not later than the first Wednesday after the first Monday in June and in the even-numbered years not later than the first Wednesday after the first Monday in May and shall adjourn each special session upon completion of its business. If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15

of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening. In the even year session the general assembly shall consider no business other than budgetary, revenue and financial matters, bills and resolutions raised by committees of the general assembly and those matters certified in writing by the speaker of the house of representatives and president pro tempore of the senate to be of an emergency nature.

Adopted November 25, 1970.

ARTICLE IV.

Section 19 of article first of the constitution is amended to read as follows: The right of trial by jury shall remain inviolate, the number of such jurors, which shall not be less than six, to be established by law; but no person shall, for a capital offense, be tried by a jury of less than twelve jurors without his consent. In all civil and criminal actions tried by a jury, the parties shall have the right to challenge jurors peremptorily, the number of such challenges to be established by law. The right to question each juror individually by counsel shall be inviolate.

Adopted December 22, 1972.

ARTICLE V.

Section 20 of article first of the constitution is amended to read as follows: No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex.

Adopted November 27, 1974.

(Amended in 1984. See Art. XXI of the Amendments to the Constitution of the State of Connecticut.)

ARTICLE VI.

Article Twelfth of the constitution is amended to read as follows: Amendments to this constitution may be proposed by any member of the senate or house of representatives. An amendment so proposed, approved upon roll call by a yea vote of at least a majority, but by less than three-fourths, of the total membership of each house, shall be published with the laws which may have been passed at the same session and be continued to the regular session of the general assembly elected at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. An amendment so proposed, approved upon roll call by a yea vote of at least three-fourths of the total membership of each house, or any amendment which, having been continued from the previous general assembly, is again approved upon roll call by a yea vote of at least a majority of the total membership of each house, shall, by the secretary of the state, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the

same to the electors thereof for their consideration at the next general election to be held on the Tuesday after the first Monday of November in an even-numbered year. If it shall appear, in a manner to be provided by law, that a majority of the electors present and voting on such amendment at such election shall have approved such amendment, the same shall be valid, to all intents and purposes, as a part of this constitution. Electors voting by absentee ballot under the provisions of the statutes shall be considered to be present and voting.

Adopted November 27, 1974.

ARTICLE VII.

Section 3 of article sixth of the constitution is amended to read as follows: The general assembly shall by law prescribe the offenses on conviction of which the right to be an elector and the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

Adopted November 27, 1974.

ARTICLE VIII.

SEC. 1. Section 5 of article fifth of the constitution is repealed.

SEC. 2. Section 6 of said article fifth is amended to read as follows: No judge shall be eligible to hold his office after he shall arrive at the age of seventy years, except that a chief justice or judge of the supreme court, a judge of the superior court, or a judge of the court of common pleas, who has attained the age of seventy years and has become a state referee may exercise, as shall be prescribed by law, the powers of the superior court or court of common pleas on matters referred to him as a state referee.

Adopted November 27, 1974.

ARTICLE IX.

Section 1 of article sixth of the constitution is amended to read as follows: Every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector.

Adopted November 24, 1976.

ARTICLE X.

Article sixth of the constitution is amended by adding the following section:

SEC. 11. Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector within the period of four months prior to such election, at such times and in such manner as may be

prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday.

Adopted November 24, 1976; amended in 1980. (See Art. XIV of Amendments to the Constitution of the State of Connecticut.)

ARTICLE XI.

Article fifth of the constitution is amended by adding a new section to read as follows:

SEC. 7. In addition to removal by impeachment and removal by the governor on the address of two-thirds of each house of the general assembly, judges of all courts, except those courts to which judges are elected, may, in such manner as shall by law be prescribed, be removed or suspended by the supreme court. The general assembly may establish a judicial review council which may also, in such manner as shall by law be prescribed, censure any such judge or suspend any such judge for a definite period not longer than one year.

Adopted November 24, 1976.

ARTICLE XII.

Section 6 of article third of the constitution is amended to read as follows:

SEC. 6. a. The assembly and senatorial districts as now established by law shall continue until the regular session of the general assembly next after the completion of the next census of the United States. On or before the fifteenth day of February next following the completion of the decennial census of the United States, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session following the completion of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, enact such plan of districting as is necessary in accordance with the provisions of this article.

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b. If the general assembly fails to enact a plan of districting by the fifteenth day of the May next following the completion of the decennial census of the United States, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within fifteen days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the first day of the September next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such a plan by the first day of September, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the first day of September as said court may deem appropriate. Any such petition shall be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a plan of districting. The supreme court shall render its decision not later than sixty days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of December next following the completion of the decennial census of the United States. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

Adopted November 24, 1976; amended in 1980. (See Art. XVI of Amendments to the Constitution of the State of Connecticut.)

ARTICLE XIII.

Section 9 of article sixth of the constitution is repealed.

Adopted November 26, 1980.

ARTICLE XIV.

Article tenth of the amendments to the constitution is amended to read as follows: Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday.

Adopted November 26, 1980.

ARTICLE XV.

SEC. 1. Section 1 of article two of the amendments to the constitution is amended to read as follows: The senate shall consist of not less than thirty and not more than fifty members, each of whom shall have attained the age of eighteen years and be an elector residing in the senatorial district from which he is elected. Each senatorial district shall be contiguous as to territory and shall elect no more than one senator.

SEC. 2. Section 2 of article two of the amendments to the constitution is amended to read as follows: The house of representatives shall consist of not less than one hundred twenty-five and not more than two hundred twenty-five members, each of whom shall have attained the age of eighteen years and be an elector residing in the assembly district from which he is elected. Each assembly district shall be contiguous as to territory and shall elect no more than one representative. For the purpose of forming assembly districts no town shall be divided except for the purpose of forming assembly districts wholly within the town.

SEC. 3. Section 3 of article two of the amendments to the constitution is amended to read as follows: Every elector who has attained the age of eighteen years shall be eligible to any office in the state, but no person who has not attained the age of eighteen shall be eligible therefor, except in cases provided for in this constitution.

Adopted November 26, 1980.

ARTICLE XVI.

SEC. 1. Section 5 of article third of the constitution is amended to read as follows: The establishment of congressional districts and of districts in the general assembly shall be consistent with federal constitutional standards.

SEC. 2. Article twelve of the amendments to the constitution is amended to read as follows:

a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house

of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a sheriff, deputy sheriff, constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yeas vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yeas vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the first day of the August next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the October next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of

districting shall have the full force of law. If the commission shall fail to submit such a plan by the thirtieth day of October, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of October as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of January next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law.

Adopted November 26, 1980.

(Sec. 2 Amended in 1990. See Article XXVI of the Amendments to the Constitution of the State of Connecticut.)

ARTICLE XVII.

Section 8 of the article first of the constitution is amended to read as follows: In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless upon probable cause shown at a hearing in accordance with procedures prescribed by law, except in the armed forces, or in the militia when in actual service in time of war or public danger.

Adopted November 24, 1982.

ARTICLE XVIII.

Article second of the constitution is amended to read as follows: The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another. The legislative department may delegate regulatory authority to the executive department; except that any administrative regulation of any agency of the executive department may be disapproved by the general assembly or a committee thereof in such manner as shall by law be prescribed.

Adopted November 24, 1982.

ARTICLE XIX.

.Section 2 of the article eleventh of the constitution is amended to read as follows: Except as provided in this section, neither the state nor any political subdivision of the state shall pay or grant to any elected official of the state or any political subdivision of the state, any compensation greater than the amount of compensation set at the beginning of such official's term of office for the office which such official holds or increase the pay or compensation of any public contractor above the amount specified in the contract. The provisions of this section shall not apply to elected officials in towns in which the legislative body is the town meeting. The compensation of an elected official of a political subdivision of the state whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him.

Adopted November 24, 1982.

ARTICLE XX.

SEC. 1. Section 1 of article fifth of the constitution is amended to read as follows: The judicial power of the state shall be vested in a supreme court, an appellate court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.

SEC. 2. Section 2 of article fifth of the constitution is amended to read as follows: The judges of the supreme court, of the appellate court and of the superior court shall, upon nomination by the governor, be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly.

Adopted November 24, 1982.

(Sec. 2 amended in 1986. See Art. XXV of Amendments to the Constitution of the State of Connecticut.)

ARTICLE XXI.

Article fifth of the amendments to the constitution is amended to read as follows: No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.

Adopted November 28, 1984.

ARTICLE XXII.

Section 18 of article fourth of the constitution is amended to read as follows:

- a. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the State until another is chosen at the next regular election for governor and is duly qualified.
- b. In case of the impeachment of the governor or of his absence from the State, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until, if the governor has been impeached, he is acquitted or, if absent, he has returned.
- c. Whenever the governor transmits to the lieutenant-governor his written declaration that he is unable to exercise the powers and perform the duties of his office, and until the governor transmits to the lieutenant-governor a written declaration to the contrary, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor.
- d. In the absence of a written declaration of incapacity by the governor, whenever the lieutenant-governor or a majority of the members of the Council on Gubernatorial Incapacity transmits to the Council on Gubernatorial Incapacity a written declaration that the governor is unable to exercise the powers and perform the duties of his office, the Council shall convene within forty-eight hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the Council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the Senate and the speaker of the House of Representatives and to the lieutenant-governor and the lieutenant-governor, upon receipt of such declaration, shall exercise the powers and authority and discharge the duties appertaining to the office of the governor as acting governor; otherwise, the governor shall continue to exercise the powers and discharge the duties of his office. Upon receipt by the president pro tempore of the Senate and the speaker of the House of Representatives of such a written declaration from the Council, the General Assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the written declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.
- e. In the absence of a written declaration of incapacity by the governor and in an emergency, when the governor is unable to exercise the powers and perform the duties of his office and the business of the State requires the immediate exercise of those powers and performance of those duties, the lieutenant-governor shall transmit to the Council on Gubernatorial Incapacity a written declaration to that

effect and thereupon shall exercise the powers and authority and discharge the duties appertaining to the office of governor as acting governor. The Council shall convene or the members of the Council shall otherwise communicate with each other collectively within twenty-four hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the Council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the Senate and the speaker of the House of Representatives and to the lieutenant-governor and the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor; otherwise, the governor shall resume the powers and duties of his office. Upon receipt by the president pro tempore of the Senate and the speaker of the House of Representatives of such a written declaration from the Council, the General Assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the written declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

f. Whenever the governor transmits to the president pro tempore of the Senate and the speaker of the House of Representatives his written declaration that no inability exists he shall resume the powers and duties of his office upon the determination by a majority vote of each house of the General Assembly, in accordance with its rules, that he is able to exercise the powers and perform the duties of his office.

g. There shall be a Council on Gubernatorial Incapacity, the membership, procedures and terms of office of the members of which the General Assembly shall establish by law.

h. The Supreme Court shall have original and exclusive jurisdiction to adjudicate disputes or questions arising under this section.

Adopted November 28, 1984.

ARTICLE XXIII.

Article fourth of the constitution is amended by adding a new section to read as follows: There shall be established within the executive department a division of criminal justice which shall be in charge of the investigation and prosecution of all criminal matters. Said division shall include the chief state's attorney, who shall be its administrative head, and the state's attorneys for each judicial district, which districts shall be established by law. The prosecutorial power of the state shall be vested in a chief state's attorney and the state's attorney for each judicial district. The chief state's attorney shall be appointed as prescribed by law. There shall be a commission composed of the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly, two of whom shall be judges

of the Superior Court. Said commission shall appoint a state's attorney for each judicial district and such other attorneys as prescribed by law.

Adopted November 28, 1984.

ARTICLE XXIV.

Section 5 of article sixth of the constitution is amended to read as follows:

In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in the state, under such regulations as may be prescribed by law. No voting machine or device used at any state or local election shall be equipped with a straight ticket device. The right of secret voting shall be preserved.

Adopted November 19, 1986.

ARTICLE XXV.

Section 2 of article twenty of the amendments to the constitution is amended to read as follows:

Judges of all courts, except those courts to which judges are elected, shall be nominated by the governor exclusively from candidates submitted by the judicial selection commission. The commission shall seek and recommend qualified candidates in such numbers as shall by law be prescribed. Judges so nominated shall be appointed by the general assembly in such manner as shall by law be prescribed. They shall hold their offices for the term of eight years, but may be removed by impeachment. The governor shall also remove them on the address of two-thirds of each house of the general assembly and the supreme court may also remove them as is provided by law.

Adopted November 19, 1986.

ARTICLE XXVI.

Section 2 of article sixteen of the amendments to the constitution is amended to read as follows:

a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties

in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a sheriff, deputy sheriff, constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

b. If the general assembly fails to adopt a plan of districting by the fifteenth day of the September next following the year in which the decennial census of the United States is taken, the governor shall forthwith appoint a commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission, provided that there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the commission in lieu of the designation by the minority leader of that house. The eight members of the commission so designated shall within thirty days select an elector of the state as a ninth member.

c. The commission shall proceed to consider the alteration of districts in accordance with the principles recited in this article and it shall submit a plan of districting to the secretary of the state by the thirtieth day of the November next succeeding the appointment of its members. No plan shall be submitted to the secretary unless it is certified by at least five members of the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of law. If the commission shall fail to submit such

a plan by the thirtieth day of November, the secretary of the state shall forthwith so notify the chief justice of the supreme court.

d. Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of November as said court may deem appropriate. Any such petition shall be filed within thirty days of the date specified for any duty or within thirty days after the filing of a plan of districting. The supreme court shall render its decision not later than forty-five days following the filing of such petition or shall file its plan with the secretary of the state not later than the fifteenth day of February next following the time for submission of a plan of districting by the commission. Upon receiving such plan the secretary shall publish the same forthwith, and, upon publication, such plan of districting shall have the full force of the law.

Adopted November 28, 1990; Amended in 2000. (See Article XXX of the Amendments to the Constitution of the State of Connecticut.)

ARTICLE XXVII.

Section 8 of article sixth of the constitution is amended to read as follows:

The general assembly may provide by law for the absentee admission of electors.

Adopted November 25, 1992.

ARTICLE XXVIII.

Article third of the constitution is amended by adding section 18 as follows:

Sec. 18 a. The amount of general budget expenditures authorized for any fiscal year shall not exceed the estimated amount of revenue for such fiscal year.

b. The general assembly shall not authorize an increase in general budget expenditures for any fiscal year above the amount of general budget expenditures authorized for the previous fiscal year by a percentage which exceeds the greater of the percentage increase in personal income or the percentage increase in inflation, unless the governor declares an emergency or the existence of extraordinary circumstances and at least three-fifths of the members of each house of the general assembly vote to exceed such limit for the purposes of such emergency or extraordinary circumstances. The general assembly shall by law define "increase in personal income", "increase in inflation" and "general budget expenditures" for the purposes of this section and may amend such definitions, from time to time, provided general budget expenditures shall not include expenditures for the payment of bonds, notes or other evidences of indebtedness. The enactment or amendment of such definitions shall require the vote of three-fifths of the members of each house of the general assembly.

c. Any unappropriated surplus shall be used to fund a budget reserve fund or for the reduction of bonded indebtedness; or for any other purpose authorized by at least three-fifths of the members of each house of the general assembly.

Adopted November 25, 1992.

ARTICLE XXIX.

Article seventeen of the amendments to the constitution is amended to read as follows:

a. In all Criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless upon probable cause shown at a hearing in accordance with procedures prescribed by law, except in the armed forces, or in the militia when in actual service in time of war or public danger.

b. In all criminal prosecutions, a victim, as the general assembly may define by law, shall have the following rights: (1) the right to be treated with fairness and respect throughout the criminal justice process; (2) the right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged; (3) the right to be reasonably protected from the accused throughout the criminal justice process; (4) the right to notification of court proceedings; (5) the right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony; (6) the right to communicate with the prosecution; (7) the right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused; (8) the right to make a statement to the court at sentencing; (9) the right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and (10) the right to information about the arrest, conviction, sentence, imprisonment and release of the accused. The general assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

Adopted November 27, 1996.

ARTICLE XXX.

Sec. 1. Section 25 of article fourth of the constitution is repealed.

Sec. 2. Subsection a. of article twenty-sixth of the amendments to the constitution is amended to read as follows:

a. The assembly and senatorial districts and congressional districts as now established by law shall continue until the regular session of the general assembly next after the completion of the taking of the next census of the United States. On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the general assembly shall appoint a reapportionment committee consisting of four members of the senate, two who shall be designated by the president pro tempore of the senate and two who shall be designated by the minority leader of the senate, and four members of the house of representatives, two who shall be designated by the speaker of the house of representatives and two who shall be designated by the minority leader of the house of representatives, provided there are members of no more than two political parties in either the senate or the house of representatives. In the event that there are members of more than two political parties in a house of the general assembly, all members of that house belonging to the parties other than that of the president pro tempore of the senate or the speaker of the house of representatives, as the case may be, shall select one of their number, who shall designate two members of the committee in lieu of the designation by the minority leader of that house. Such committee shall advise the general assembly on matters of apportionment. Upon the filing of a report of such committee with the clerk of the house of representatives and the clerk of the senate, the speaker of the house of representatives and the president pro tempore of the senate shall, if the general assembly is not in regular session, convene the general assembly in special session for the sole purpose of adopting a plan of districting. Upon the request of the speaker of the house of representatives and the president pro tempore of the senate, the secretary of the state shall give notice of such special session by mailing a true copy of the call of such special session, by registered or certified mail, return receipt requested, to each member of the house of representatives and of the senate at his or her address as it appears upon the records of said secretary not less than ten nor more than fifteen days prior to the date of convening of such special session or by causing a true copy of the call to be delivered to each member by a constable, state policeman or indifferent person at least twenty-four hours prior to the time of convening of such special session. Such general assembly shall, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary to preserve a proper apportionment of representation in accordance with the principles recited in this article. Thereafter the general assembly shall decennially at its next regular session or special session called for the purpose of adopting a plan of districting following the completion of the taking of the census of the United States, upon roll call, by a yea vote of at least two-thirds of the membership of each house, adopt such plan of districting as is necessary in accordance with the provisions of this article.

Adopted November 29, 2000.

ARTICLE XXXI.

Article fourteenth of the amendments to the Constitution is amended to read as follows:

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Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector at such times and in such manner as may be prescribed by law, and, if qualified, shall become an elector on the day of his or her eighteenth birthday. Any citizen who has not yet attained the age of eighteen years but who will have attained the age of eighteen years on or before the day of a regular election, who is otherwise qualified to be an elector and who has applied for admission as an elector in such manner as may be prescribed by law, may vote in any primary election, in such manner as may be prescribed by law, held for such regular election.

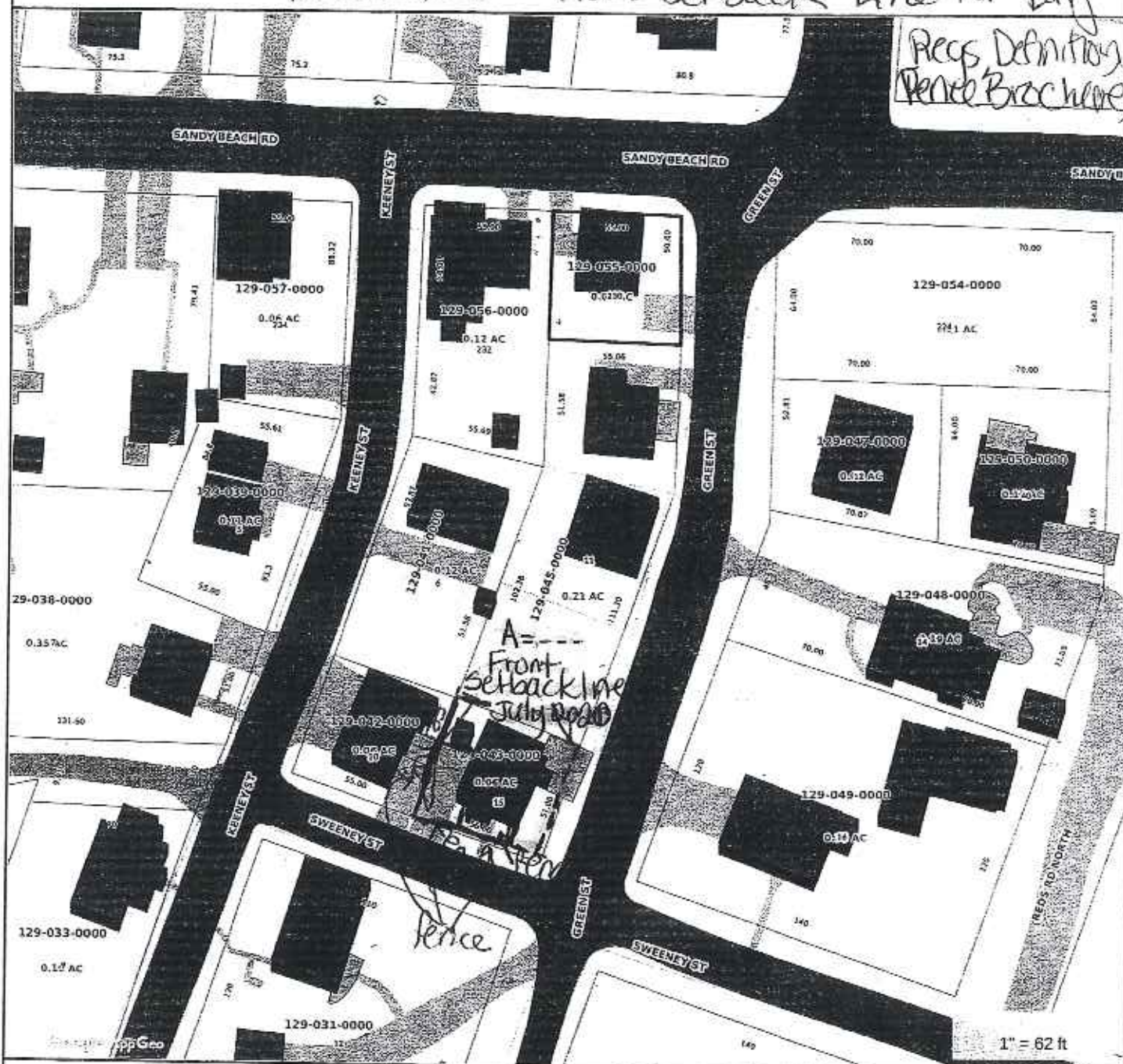
Adopted November 26, 2008.

Pg 47 of 47

July 2021 * Fence placed behind
this point front set back line

45 Green St. - Front Setback Line Per Zoning

Recs Definition
Pence Brochure



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR



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Geometry updated 7/23/2020
Data updated 7/23/2020

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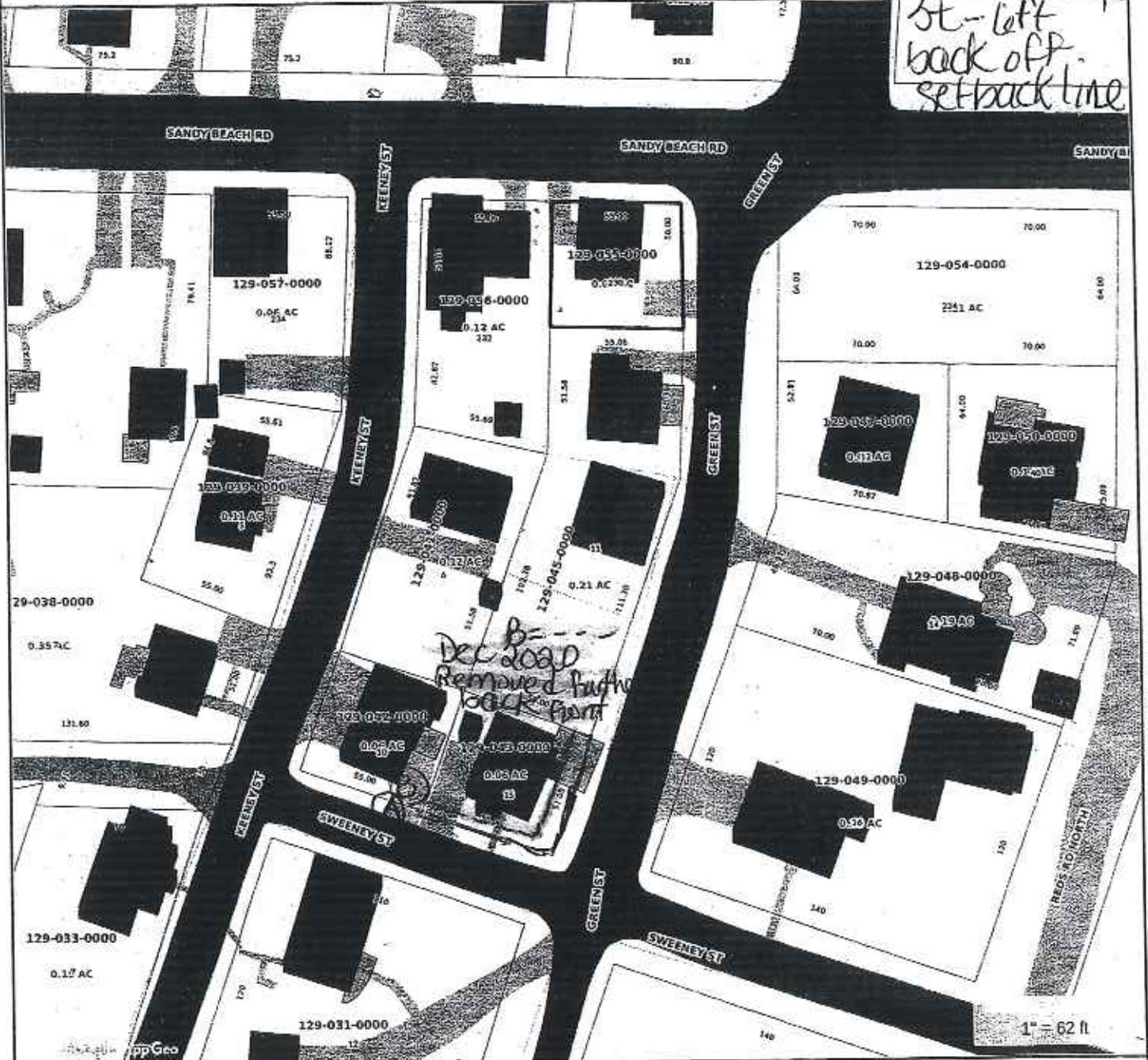
MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Dec 11 notice letter - April but moved

May 24, 2021

15 Green St - Fence moved @ 6 feet back off Sweeney St - left back off setback line



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR



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Green, Sweeney, Keeney - Solid fence + Hedges



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR

Mike D'Amico
3 front yards



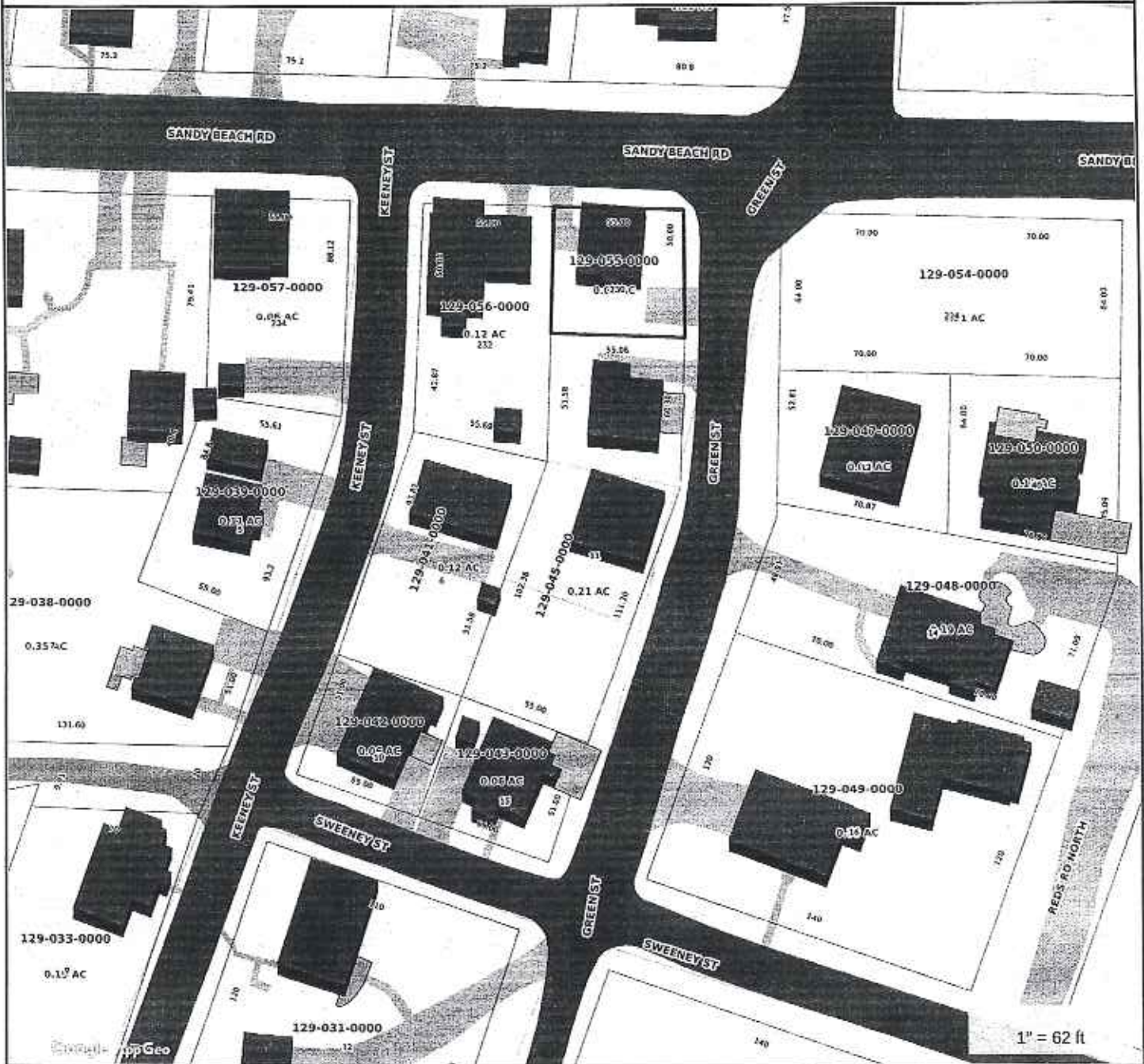
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Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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 MAY 28 2021

ELINGTON
 PLANNING DEPARTMENT



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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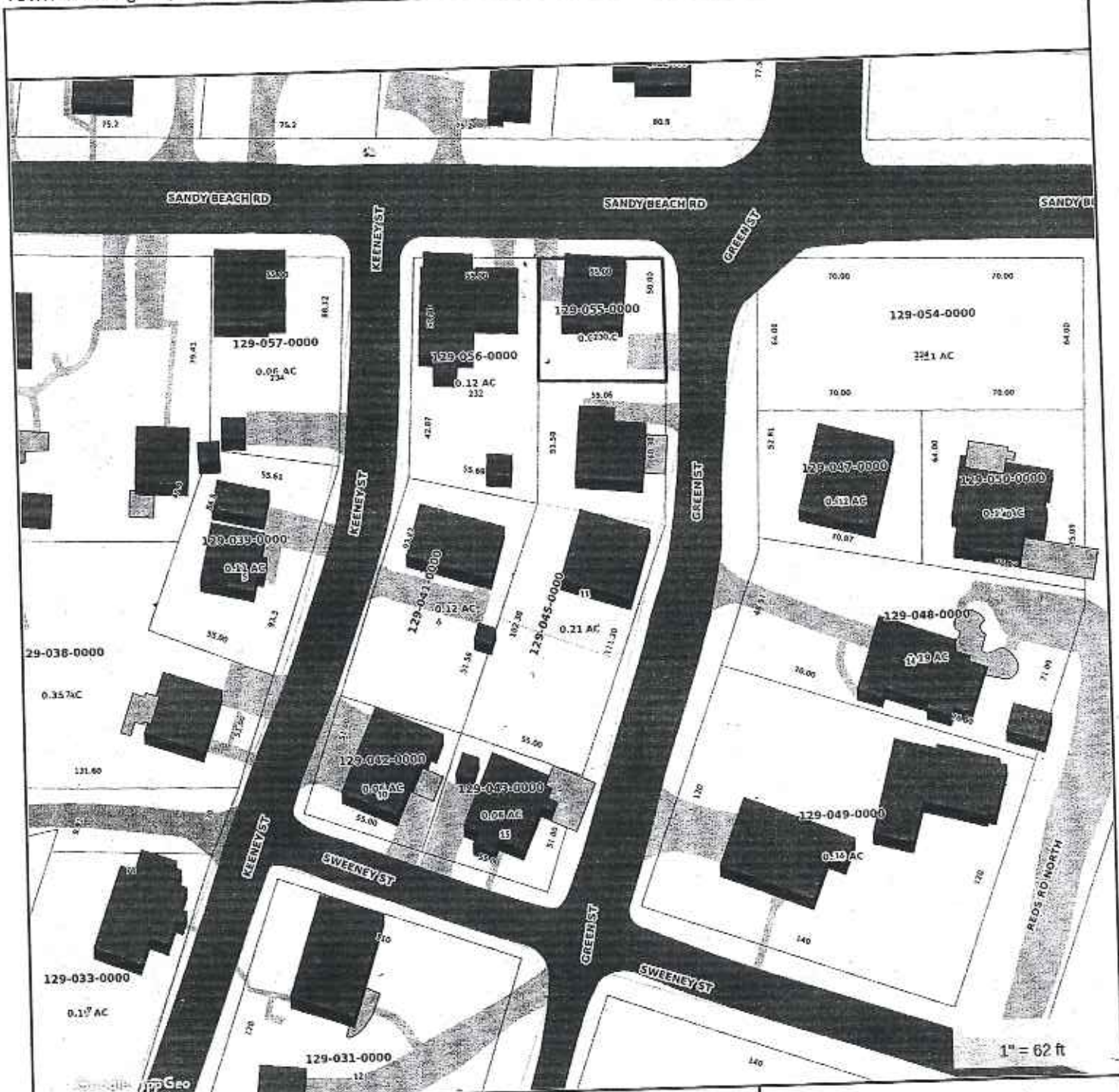
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MAY 28 2021

TOWN OF ELLINGTON
PLANNING



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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MAY 28 2021

TOWN OF ELLINGTON
 PLANNING DEPARTMENT



Property Information

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 Location 230 SANDY BEACH RD
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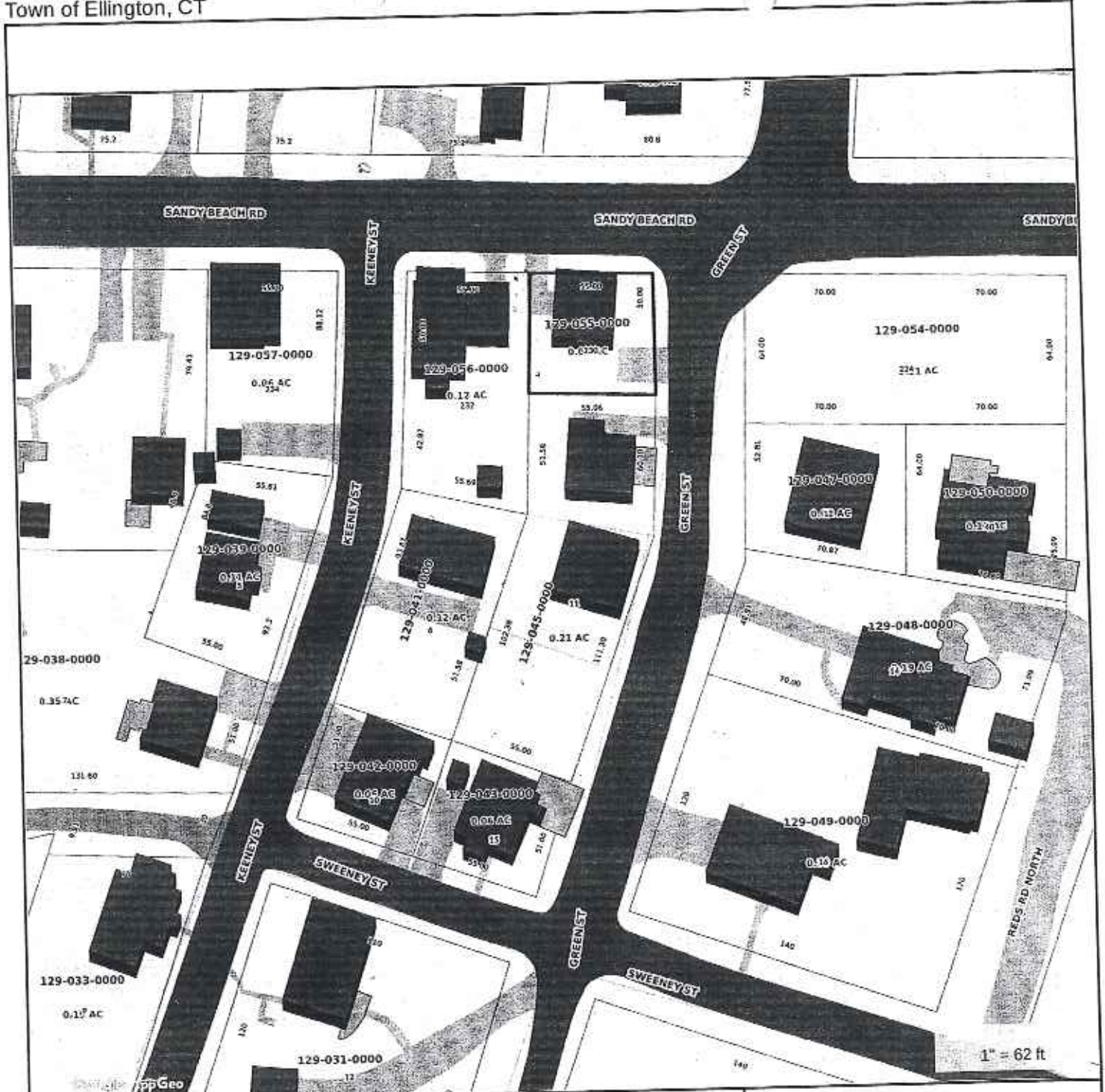
Geometry updated 7/23/2020
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MAY 28 2021

TOWN OF ELLINGTON
 PLANNING DEPARTMENT



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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 MAY 28 2021
 TOWN OF
 PLANNING & ZONING

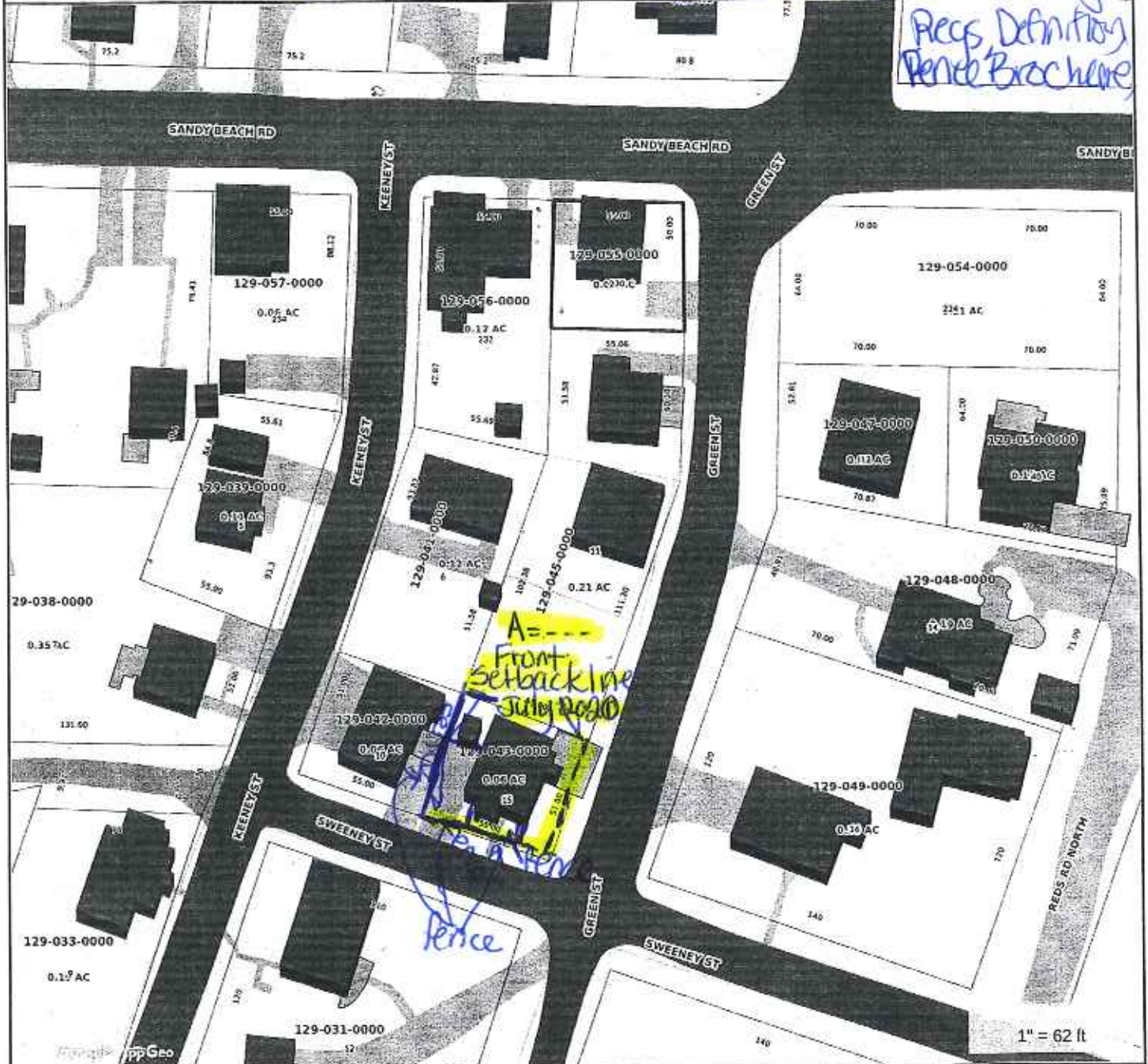
Pg 8 of 8

July 2nd 2021 * Fence Placed behind front setback line

May 24, 2021

* 5 Green St. - Front Setback Line Per Zoning

Recs Definition
Fence Brochure



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR



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Geometry updated 7/23/2020
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REC
MAY 28 2021
TOWN OF ELLINGTON
PLANNING & ZONING

Pg 1ab 8

Exhibit# 91

Dec 11 notice letter - Ap. 1st but moved

15 Green St - Fence moved @ 6 feet back off Sweeney St - left back off setback line



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR



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

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PLANNING DEPARTMENT

Green, Sweeney, Keeney - Solid fence + Hedges



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR

*Mike D'Amico
3 front yard*



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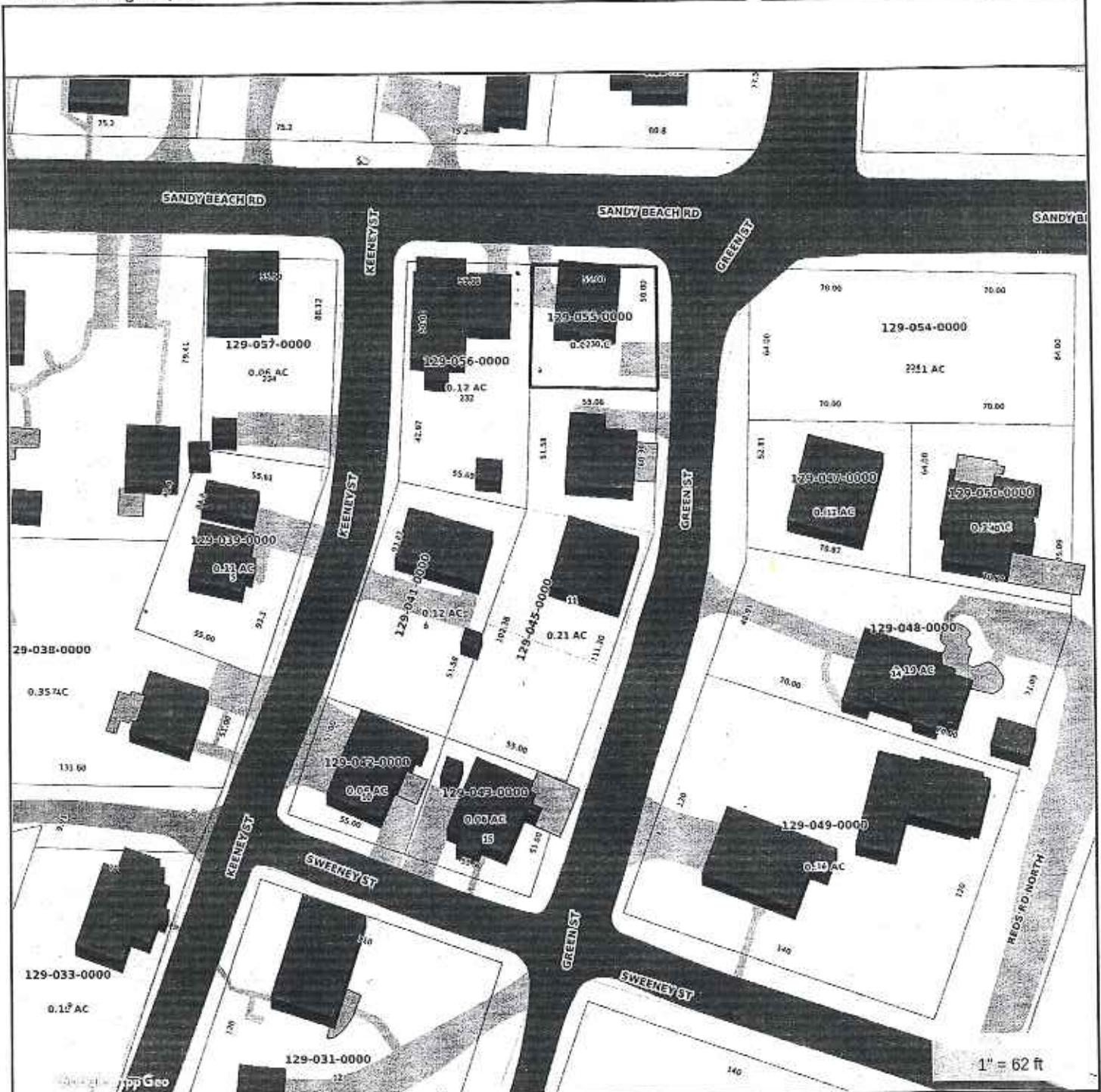
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Data updated 7/23/2020

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**TOWN OF ELLINGTON
PLANNING DEPARTMENT**



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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Geometry updated 7/23/2020
 Data updated 7/23/2020

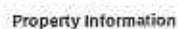
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 PLANNING DEPARTMENT

Pg 4 of 8

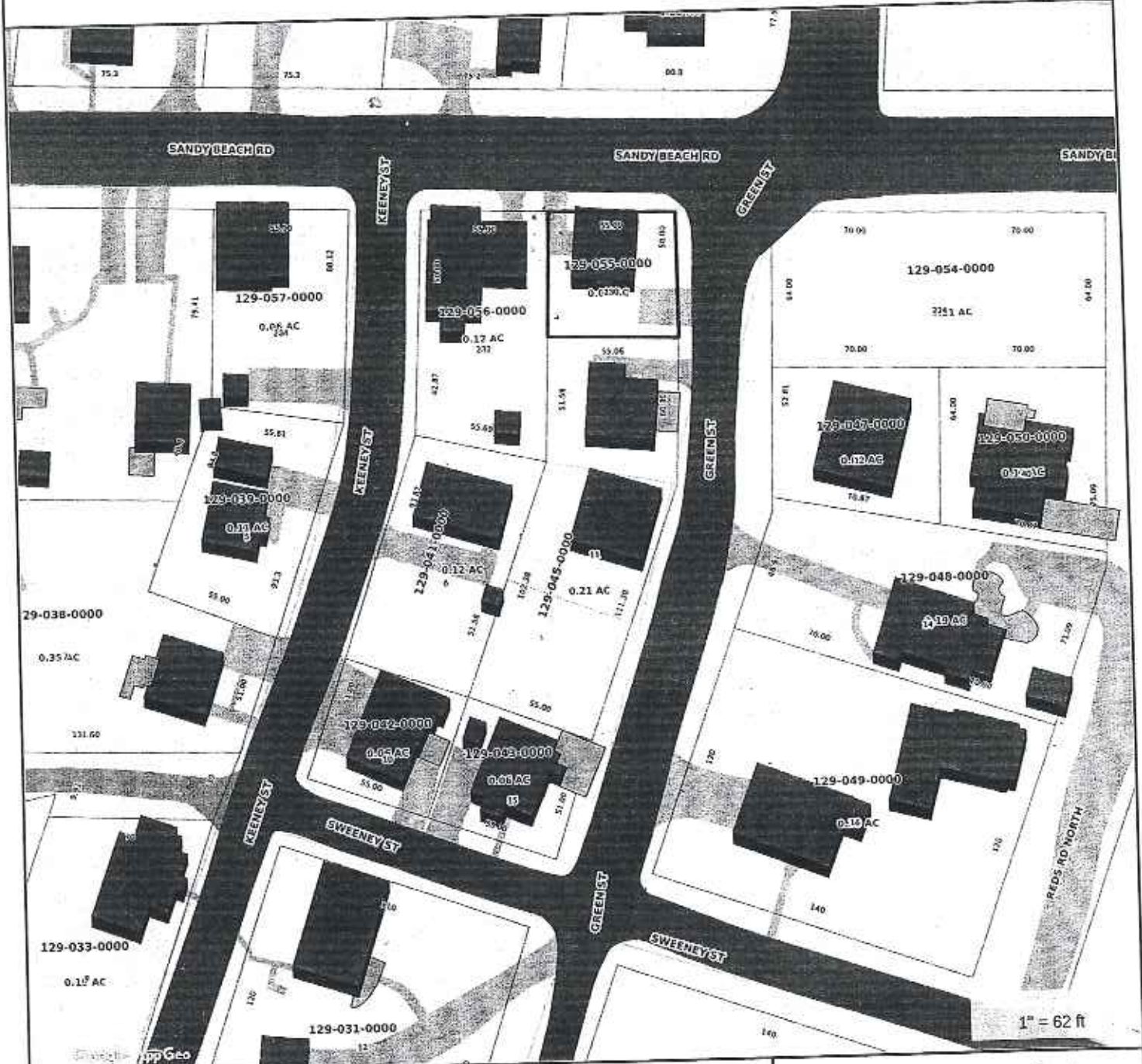


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**TOWN OF ELLINGTON
PLANNING DEPARTMENT**



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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Geometry updated 7/23/2020
 Data updated 7/23/2020

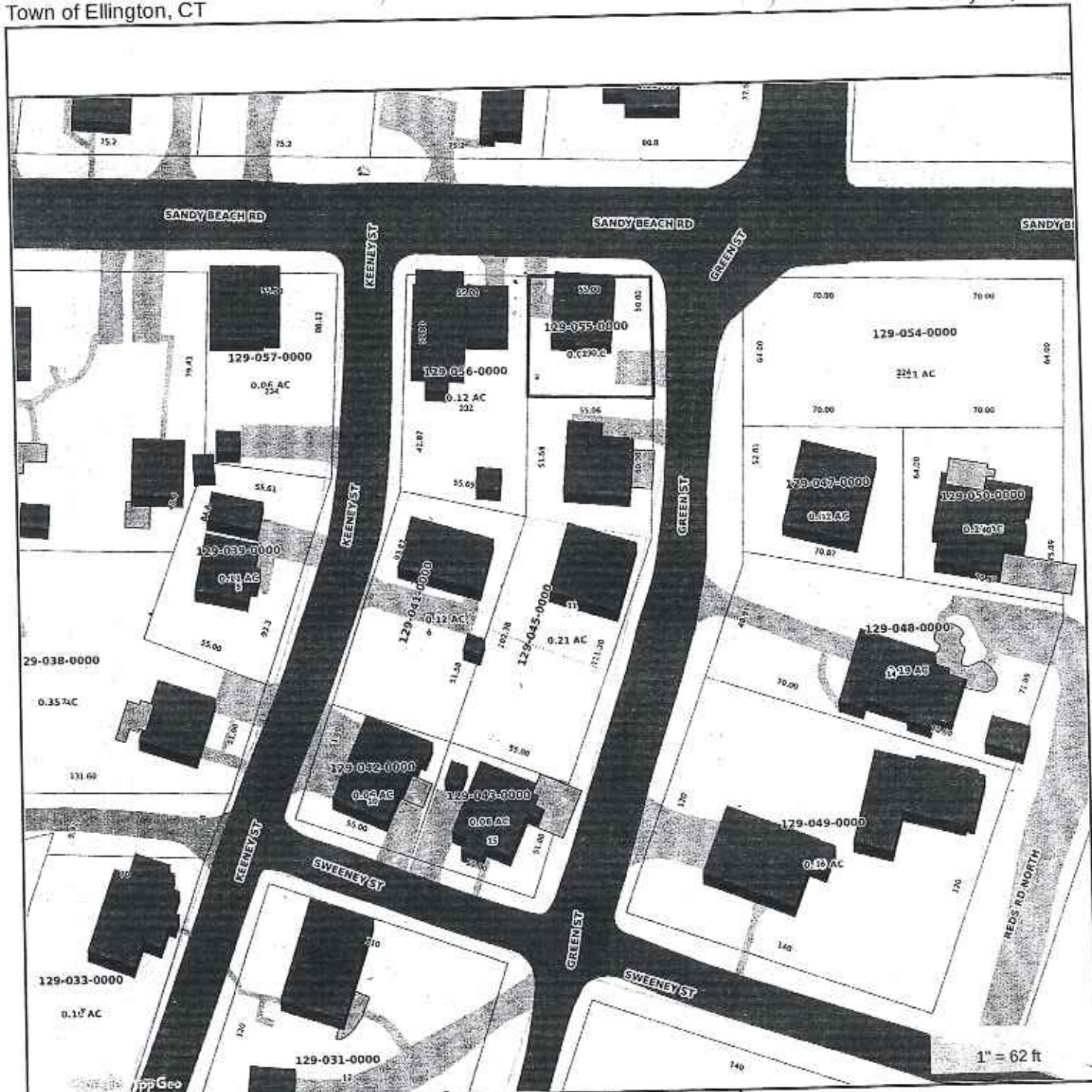
Print map scale is approximate.
 Critical layout or measurement
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 this resource.

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TOWN OF ELLINGTON
 PLANNING DEPARTMENT

Pg 6088



Property Information

Property ID 129 055 0000
 Location 230 SANDY BEACH RD
 Owner ELLIS ROBERT JAMES SR



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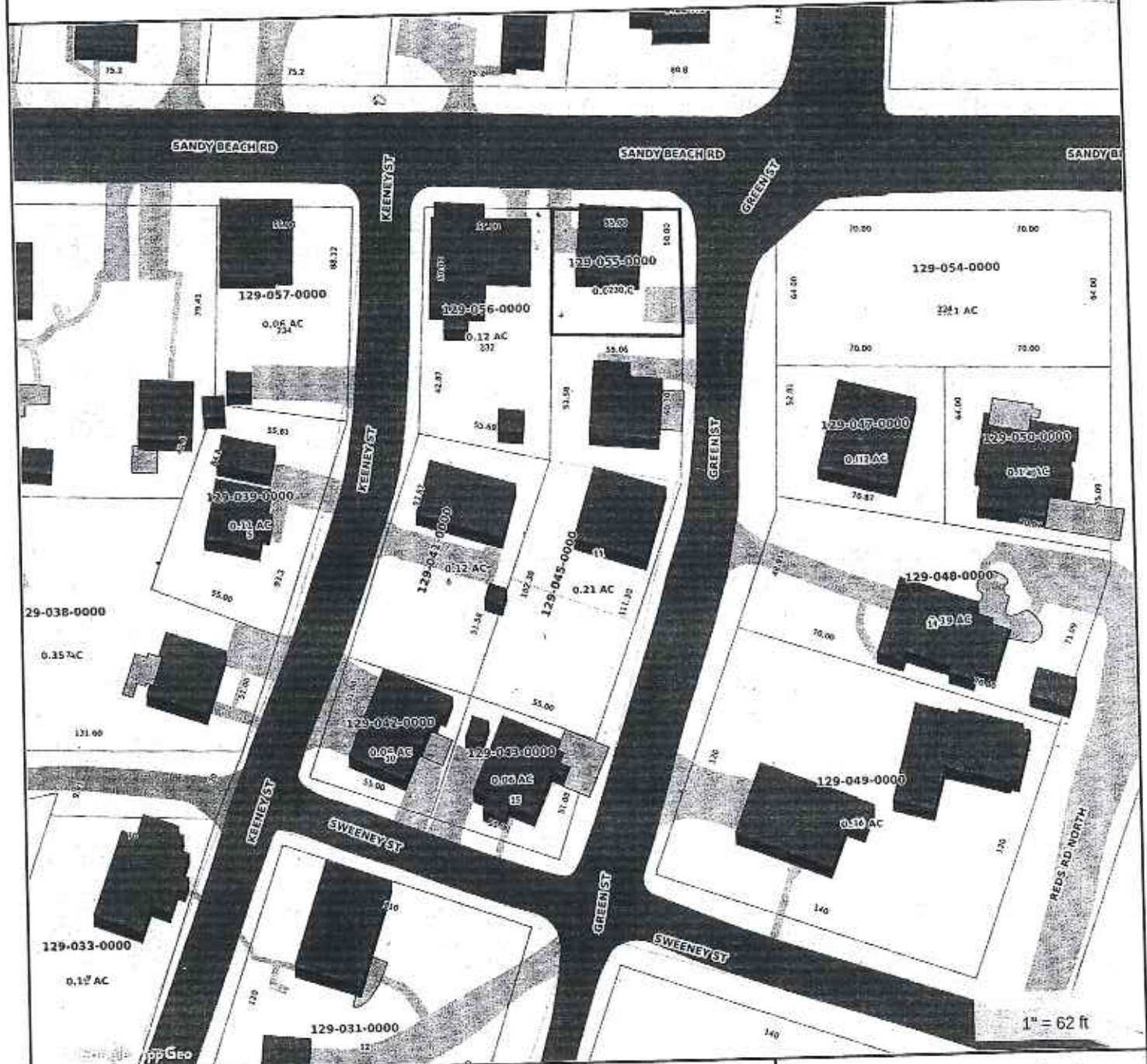
Geometry updated 7/23/2020
 Data updated 7/23/2020

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TOWN OF ELLINGTON
 PLANNING DEPARTMENT



Property Information

Property ID 129 055 0000
Location 230 SANDY BEACH RD
Owner ELLIS ROBERT JAMES SR



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Geometry updated 7/23/2020
Data updated 7/23/2020

Print map scale is approximate.
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this resource.

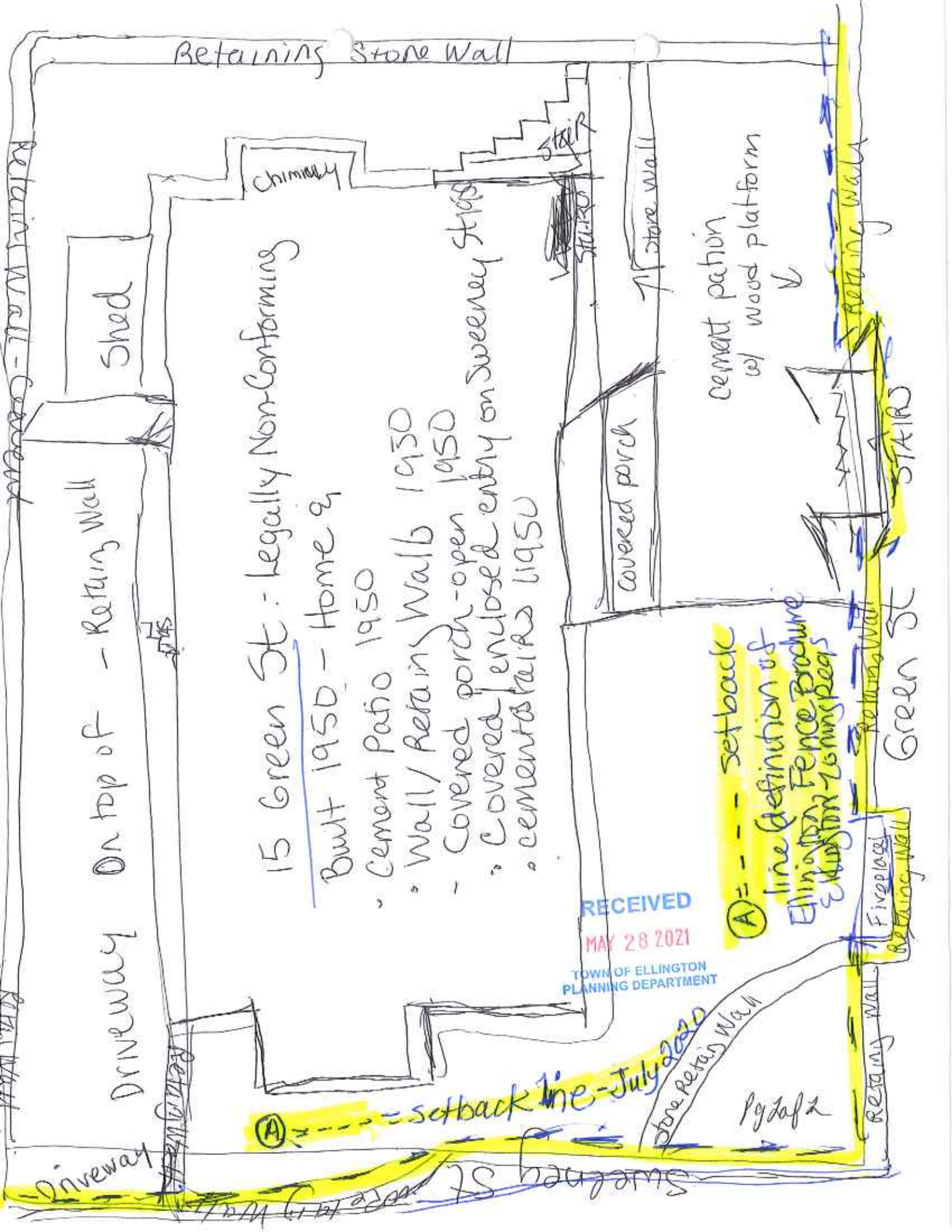
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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Pg 8 of 8

← Retaining Wall - Stone Retaining Wall with Cement cap Roof



Retaining Stone Wall

Retaining Wall - Cement

Driveway On top of - Retaining Wall

Shed

15 Green St. - Legally Non-Conforming

Built 1950 - Home &

Cement Patio 1950

Wall / Retaining Wall 1950

Covered porch - open 1950

Covered enclosed entry on Sweeney St

Cement stairs 1950

Stair

covered porch

stone wall

Cement patio w/ wood platform

V

STAIRS

Retaining Wall

Green St

Fireplace Retaining Wall

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PLANNING DEPARTMENT

A = --- set back
line definition of
Ellington Fence Boundary

Ellington Fence Boundary
Ellington Living Room

A = ---

set back line - July 2020

stone retaining wall

Pydala

Driveway

Retaining Wall

Sweeney St

Susan mc Carthy PoBox 9404 closed

On 10-11-2020

Officially closed 10/1/2020

TEN DAY Grace Period



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PLANNING DEPARTMENT

Pg 1 of 1

Exhibit# 93

Google Maps Sweeney St & Breen St - Prior Owners - APRIL 2012 - Image from
NOT MCCARTHY Breen St.



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

MAY 26 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Exhibit#

94

pg 1a b c d

CORNER OF
Sweeney St & 156 Green St. 2012 - PRIOR OWNERS
NOT MCCARTHY

Google Maps



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut

Google

Street View

MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Pg 2 of 41

Google Maps Sweeney St View → Address 15 Green St - Prior Owners - NOT MCCARTHY



Image capture: Apr 2012 © 2021 Google

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Ellington, Connecticut



Street View

Pg 3 of 4

Prior Owners 2012 April 2012 Image
Green & NOT MCCARTHY



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 4 of 4

Google Maps 233 CT-140



Image capture: Nov 2019 © 2021 Google

Ellington, Connecticut



Street View

Pg 500 41

9 Green St - Prontos

Google Maps 228 CT-140



Image capture: Nov 2019 © 2021 Google

Ellington, Connecticut



Street View

Pg 6 of 41



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Google Maps

Sweeney St

19911 Green St 2012

pile of stones
14 green st

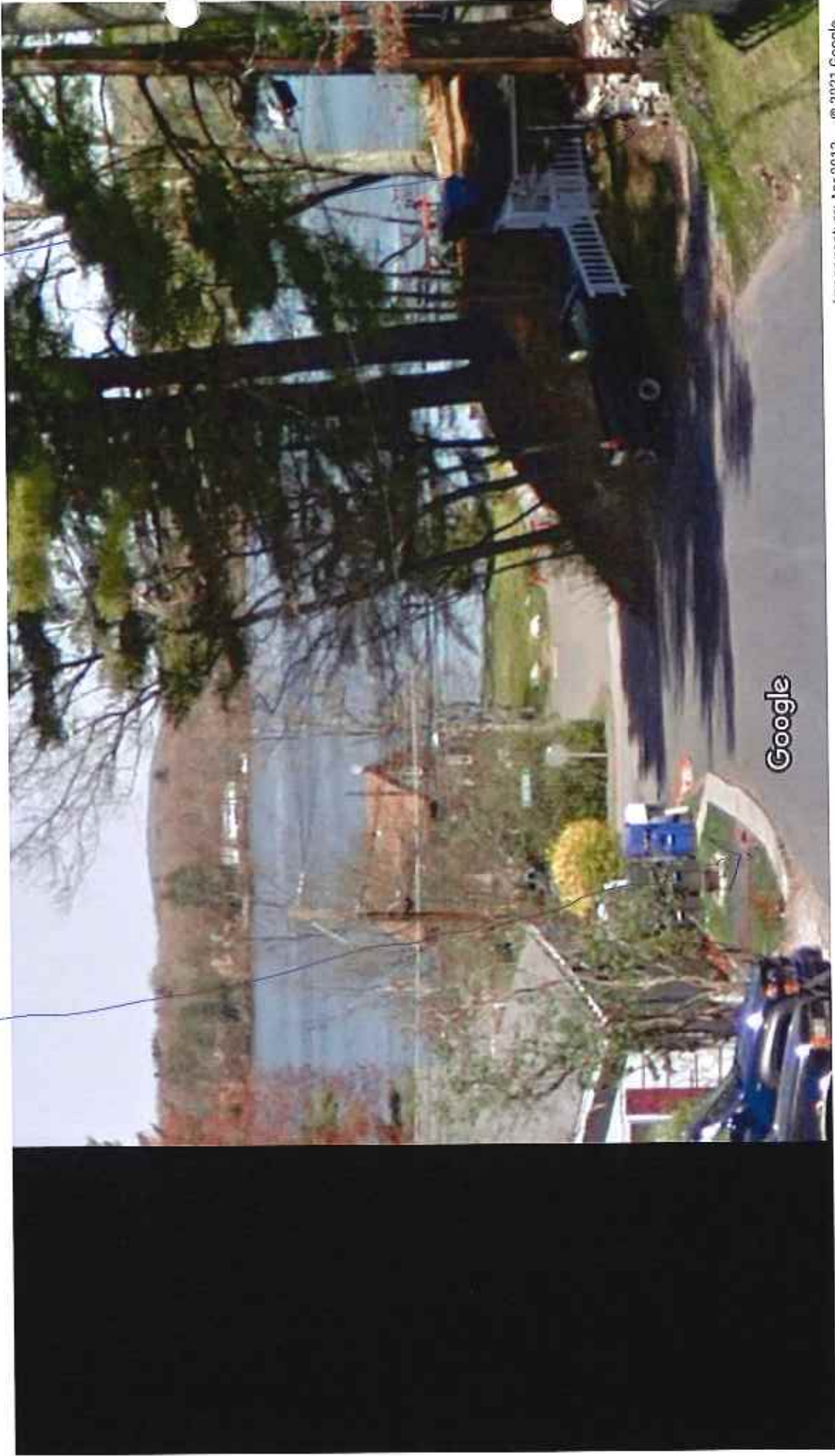


Image capture: Apr 2012 @ 2021 Google

Ellington, Connecticut



Street View

5/27/2021

Sweeney St - Google Maps

Google Maps

Sweeney St

116 Green St - piles of every thing 2012



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 9 of 41

Need of 2012 piles of everything
166 Green St



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

View of Sweeney St / McGreen St Bennett - consistently has piles of everything

Google Maps



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 11 of 21

Google Maps

5 Keeney St

-Lynne

No 409 solid fence 2012 - Now a solid Black 4 ft fence



Image capture: Apr 2012 © 2021 Google

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Ellington, Connecticut

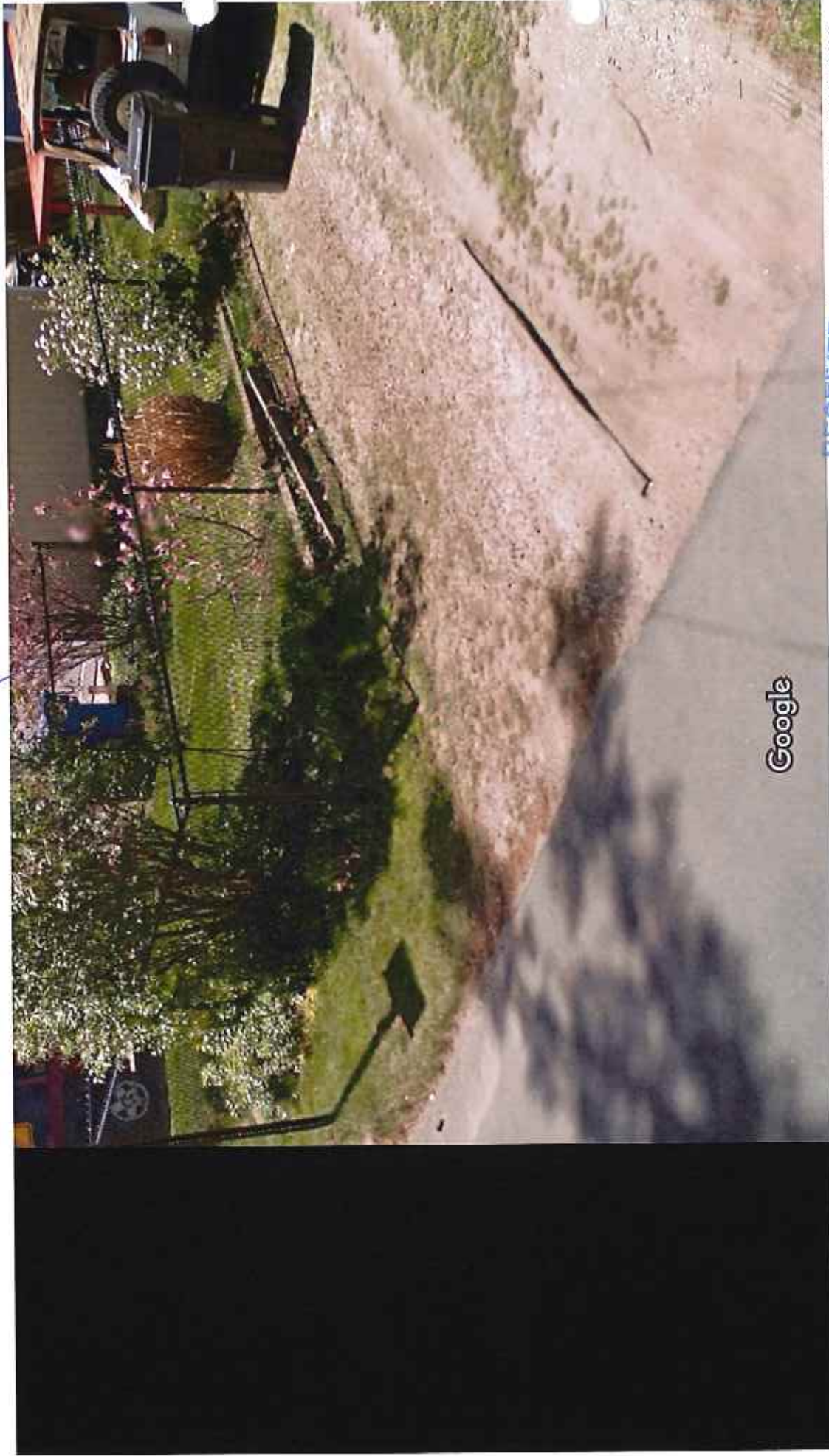


Street View

Page 2 of 41

No 4ft solid black fence in 2012

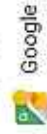
5
Google Maps 6 Keeney St / Lynne



RECEIVED Image capture: Apr 2012 © 2021 Google

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Ellington, Connecticut



Street View

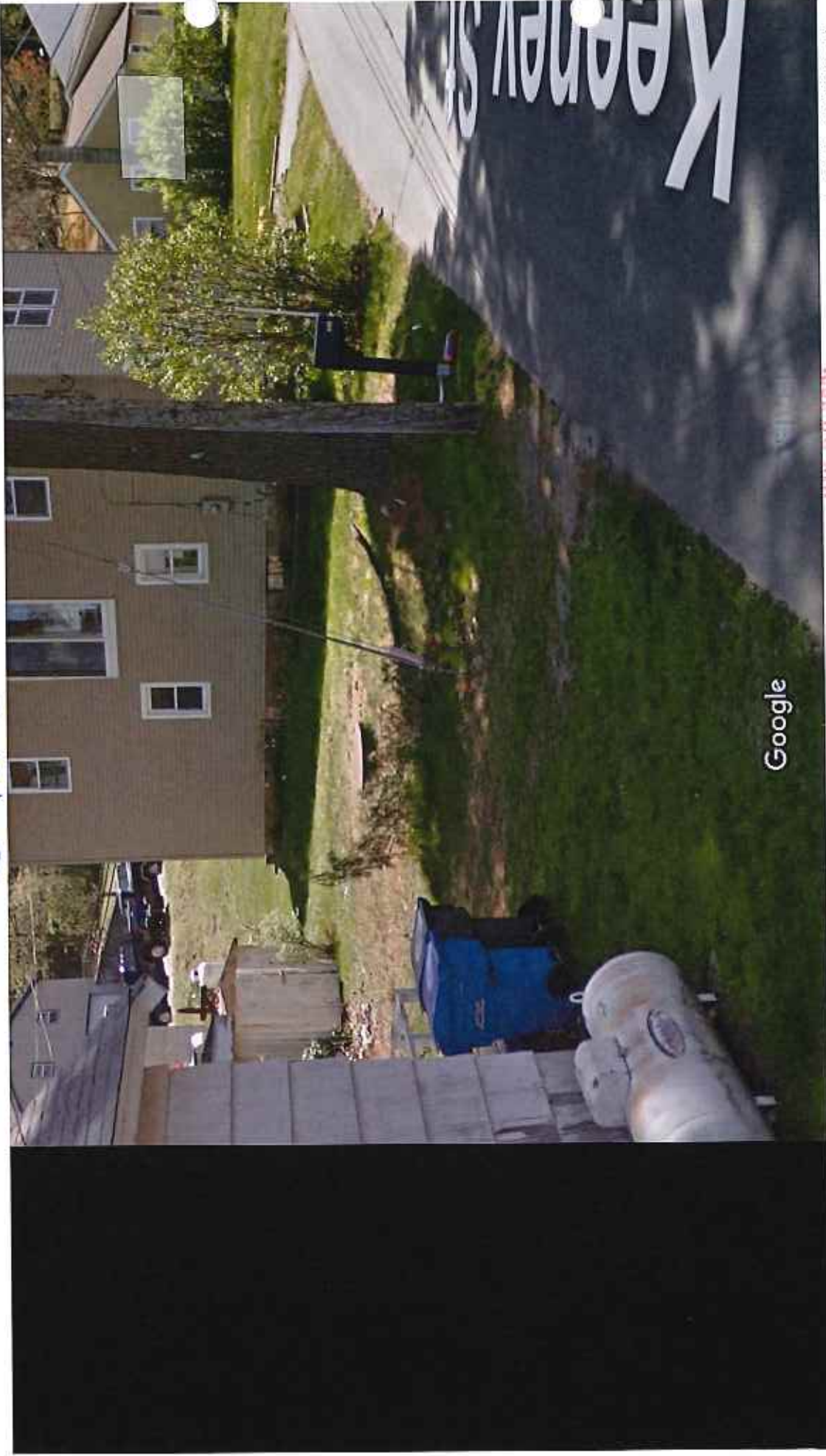
Pg 13 of 41

5/27/2021

Google Maps 1 Keeney St

1 Keeney St - Google Maps

View No 5 ft solid fence - 2012 but now
a fence



MAY 28 2021

Image capture: Apr 2012 © 2021 Google

Town of ELLINGTON
PLANNING DEPARTMENT

Ellington, Connecticut



Street View

Pg 14 of
41

No Fence - Now a fence - from side yard to Keeney St.
April 2012



MAY 29 2021

Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

view of back 15 Green St - Prior Owners 2012-1988
McCarthy

Google Maps 6 Keeney St



Image capture: Apr 2012 © 2021 Google

TOWN OF ELLINGTON
PLANNING & ZONING DEPARTMENT

Ellington, Connecticut



Street View

Pg 16 of 41

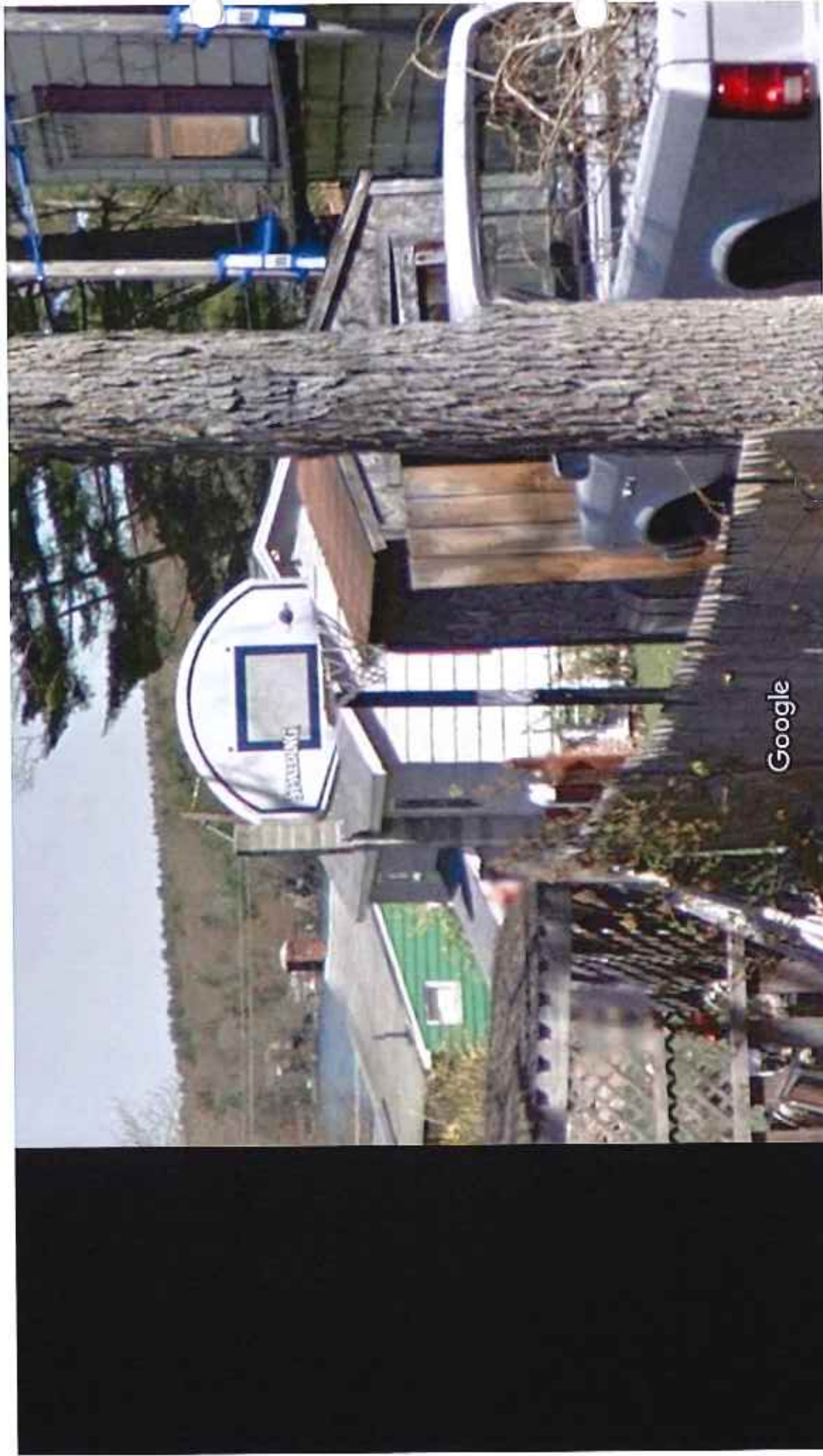


Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

McCarthy Home A.

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Pg 17 of 41

Google Maps Sweeney St View of 10 Keeney St.

McCarthy
Stockade Fence



Google

MAY 28 2021

Ellington, Connecticut

Google

Street View

Image capture: Apr 2012 © 2021 Google

Pg 18 of 41

Google Maps

10

Sweeney St

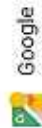
view - (5 Green St - Side Picket/Stockade Fence
from Sweeney to back corner)



MAY 29 2021

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Ellington, Connecticut



Street View

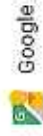
Image capture: Apr 2012 © 2021 Google

Google Maps 10 Sweeney St View of 15 Green St. April 2012 owned prior - NOT McCarthy



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 20 of 41

Google Maps Sweeney St View - address 15 Green St. - See Stone Retaining Wall w/ cement cap roof



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg Had
41

Google Maps 91 White Rd

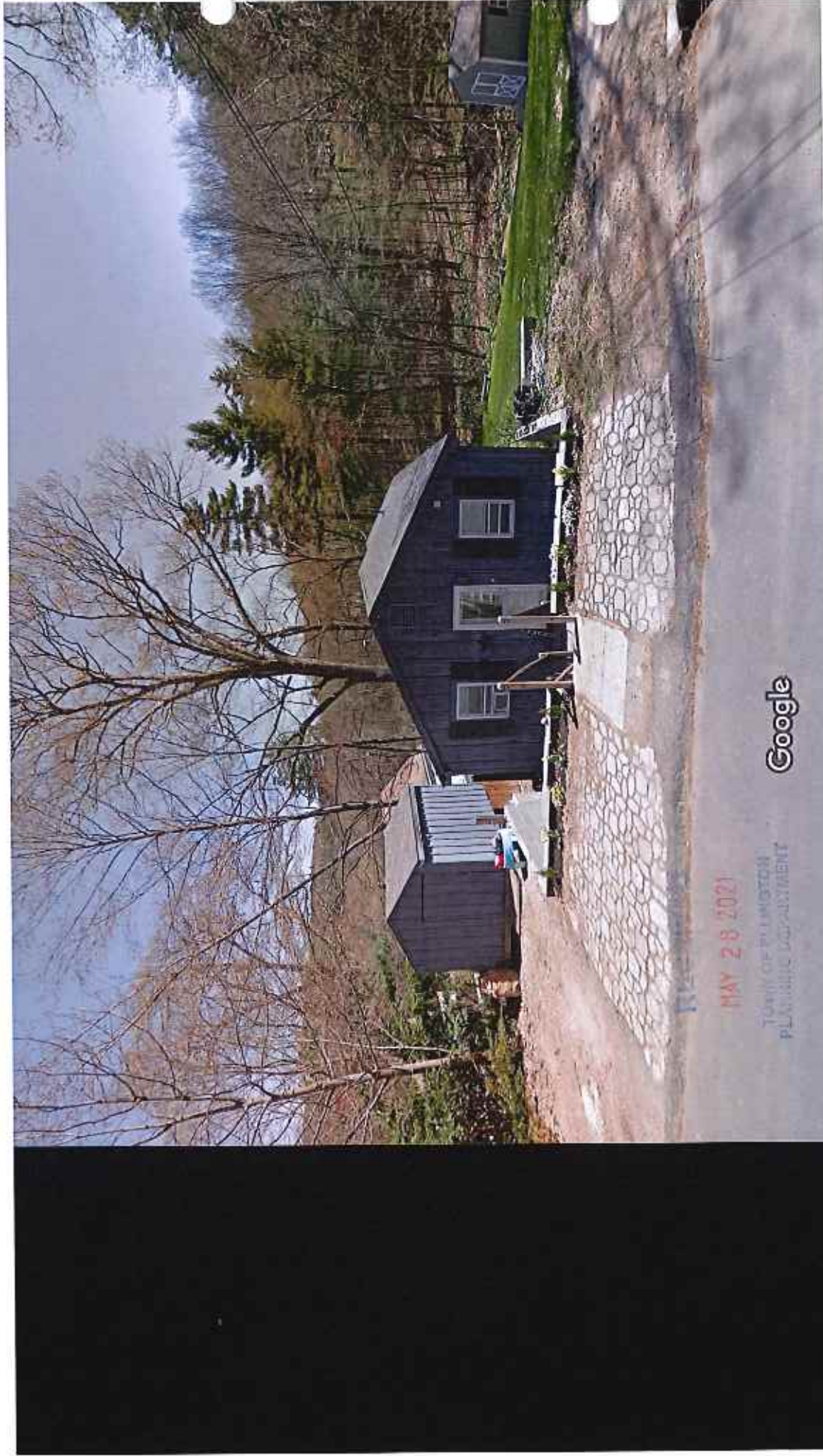


Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 22 of 41

Google Maps 95 White Rd

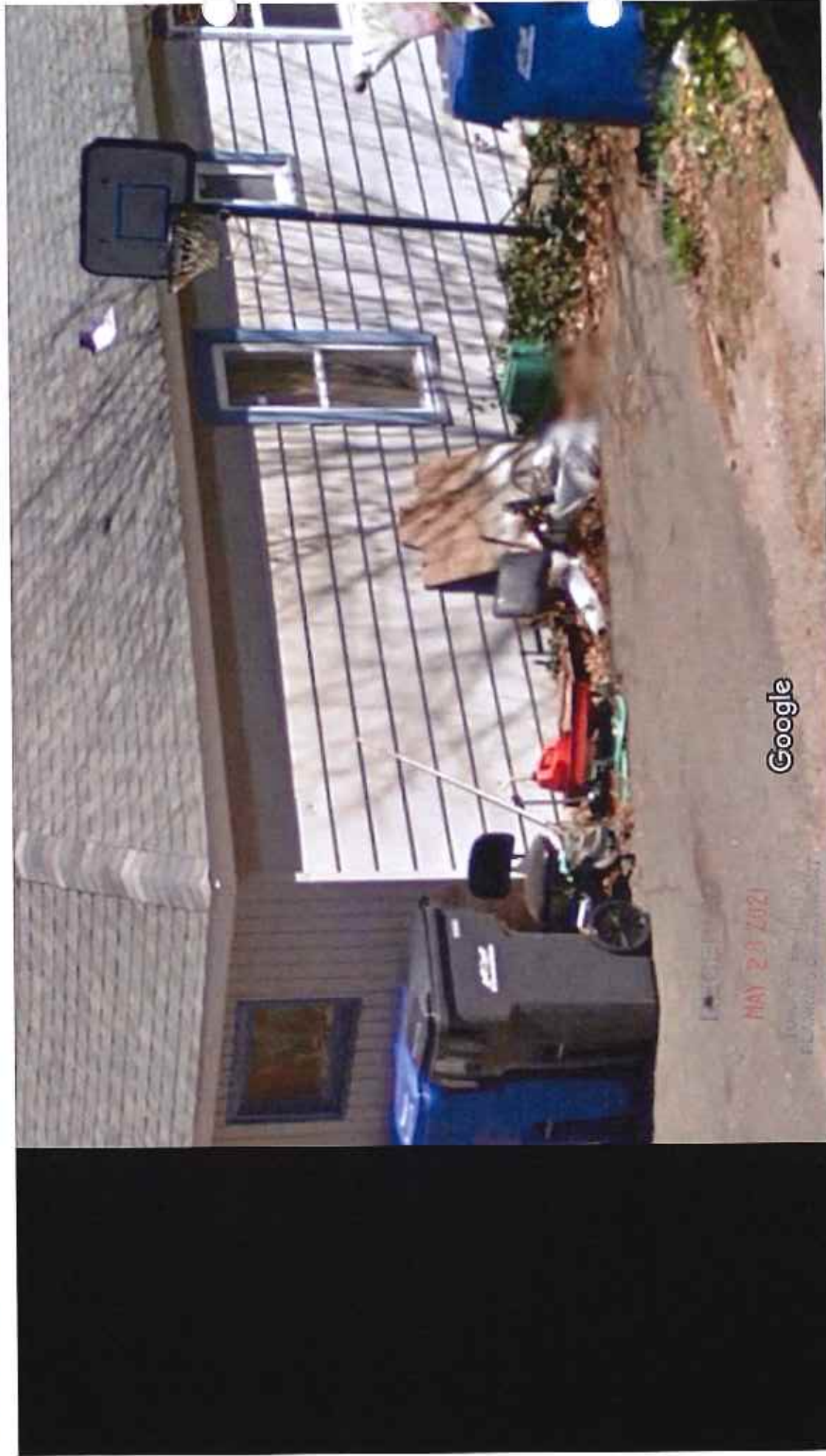


Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 23 of 41



Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Google Maps 107 White Rd



Image capture: Apr 2012 © 2021 Google

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Street View

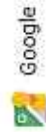
Pg 25 of 111

Google Maps 224 Sandy Beach Rd



Image capture: Nov 2019 © 2021 Google

Ellington, Connecticut



Street View

Pg 200B
41

Google Maps 45 White Rd

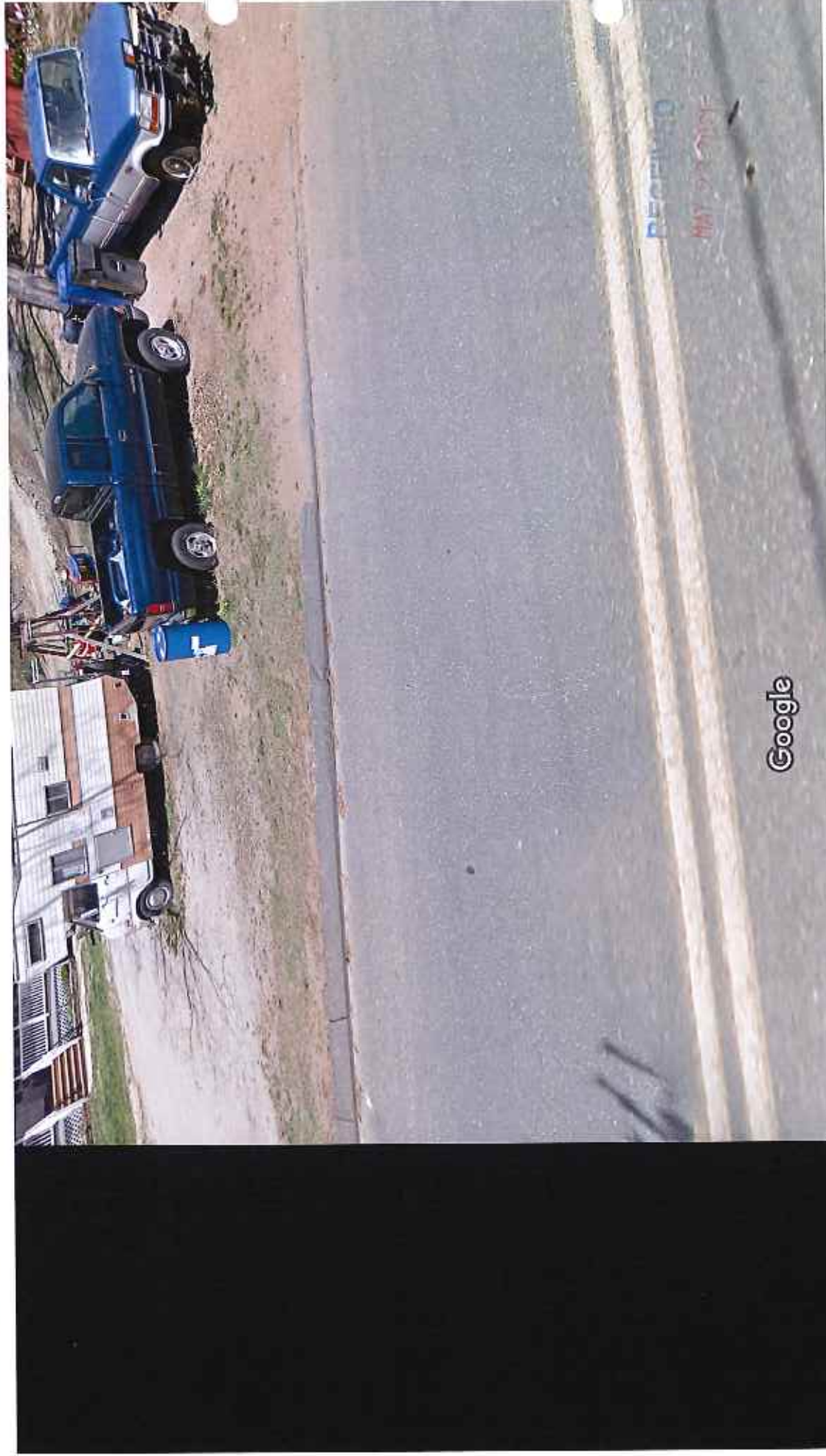


Image capture: Apr 2012 © 2021 Google

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Street View

Pg 27 of
41

Google Maps 52 White Rd

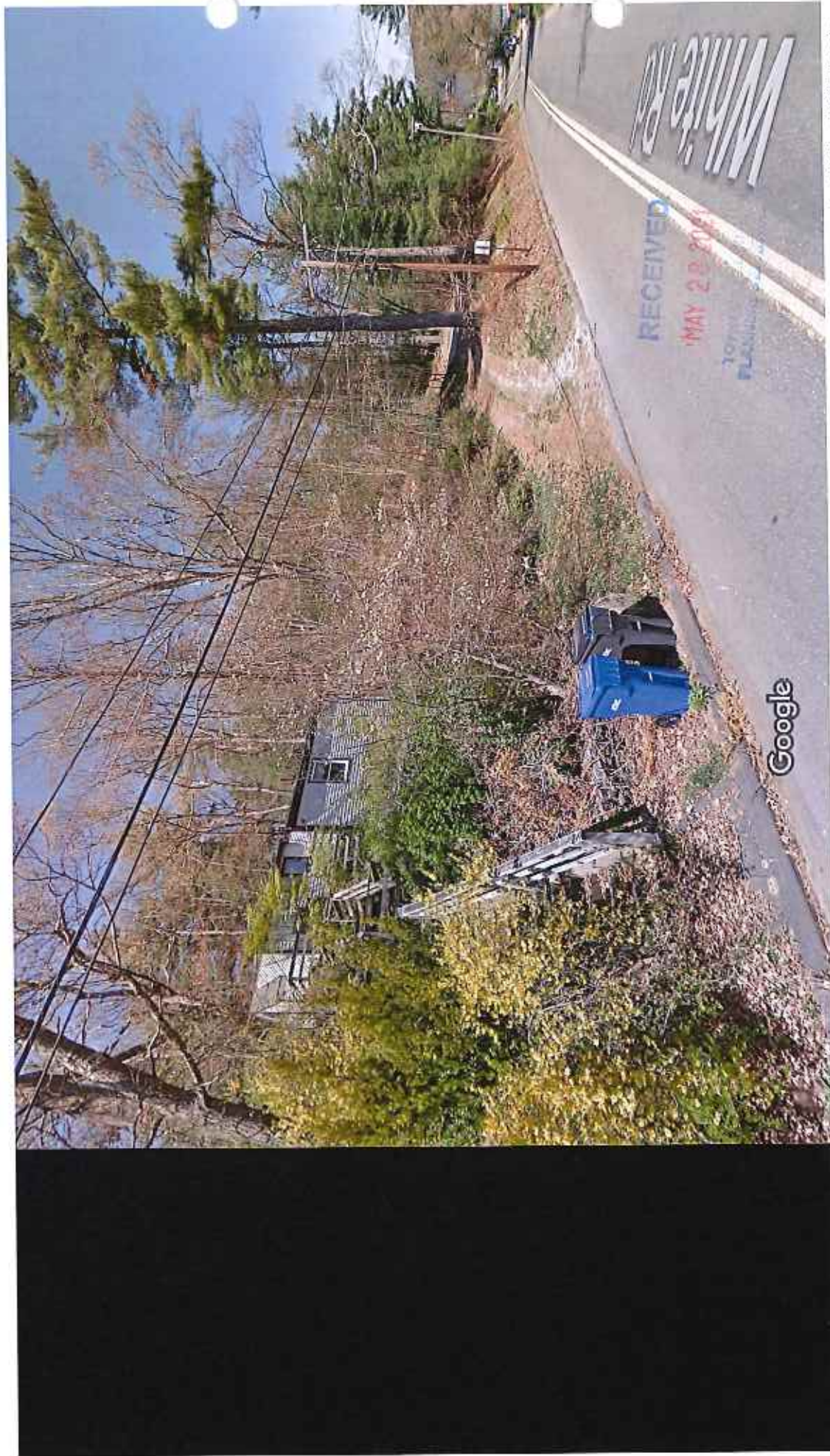


Image capture: Apr 2012 © 2021 Google

Ellington, Connecticut



Street View

Pg 28 of 41

Google Maps 14 Lakeview Ave



Image capture: Apr 2012 © 2021 Google

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Street View

Pg 29ab
411

Google Maps 10 Lakeview Ave



Image capture: Apr 2012 © 2021 Google

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Street View

Pg 30 of 48

Google Maps 262 Sandy Beach Rd



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PLANNING & ZONING DEPARTMENT

Ellington, Connecticut



Street View

Image capture: Nov 2019 © 2021 Google

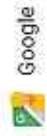
Pg 31 of 41

Google Maps 246 Sandy Beach Rd



Image capture: Nov 2019 @ 2021 Google

Ellington, Connecticut



Street View

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Pg 32 of 41

Google Maps 251 CT-140



Image capture: Nov 2019 © 2021 Google

Ellington, Connecticut



Street View

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Pg 3306
41

Google Maps 216 CT-140



Image capture: Nov 2019 © 2021 Google

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Street View

TOWN OF ELLINGTON
PLANNING DEPARTMENT

MAY 28 2021

Pg 37 of 41

Google Maps 236 CT-140

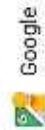


Image capture: Nov 2019 © 2021 Google

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TOWN OF ELLINGTON
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Ellington, Connecticut



Street View

Pg 3508
41

Google Maps 238 CT-140



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Street View

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ELLINGTON, CT 06029

Pg 3608
41

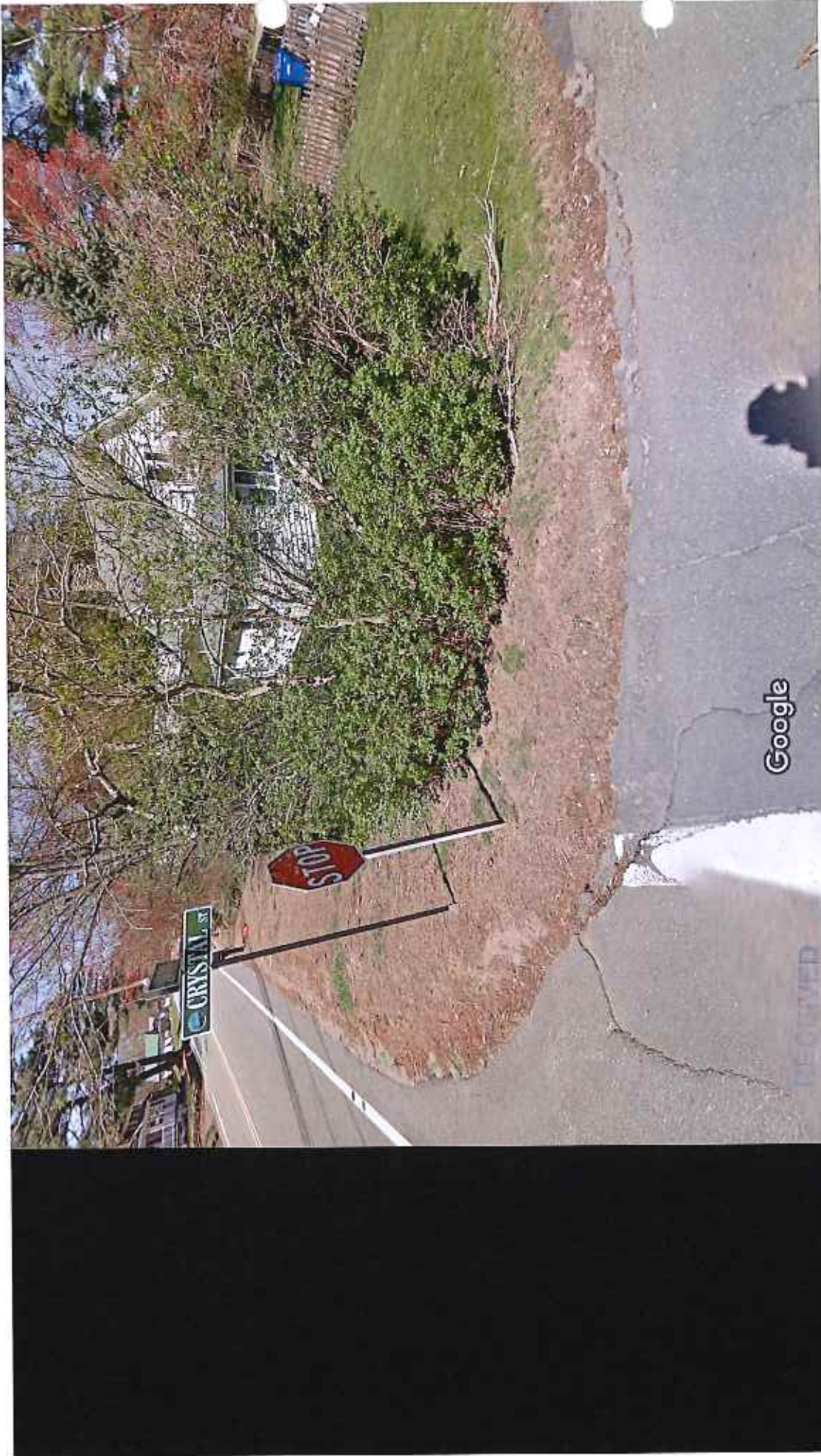


Image capture: Apr 2012 © 2021 Google

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Street View

MAY 28 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Pg 37 of 41

Google Maps 14 Crystal St



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Street View

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Google Maps 11 Crystal St



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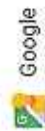
Pg 39 of 41

Google Maps 11 Crystal St



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Street View

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TOWN OF ELLINGTON
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Pg 40 of 41

Google Maps 5 Lake St



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NOV 30
~~Aug~~ 2018

John C.
Town

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MAY 28 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

RECEIVED

MAY 28 2021

TOWN OF BILLERICA
PLANNING DEPARTMENT



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TOWN OF ELLINGTON
PLANNING DEPARTMENT



pg 3065

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MAY 28 2021

1940f5





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MAY 28 2024
TOWN OF ELLINGWOOD
PLANNING DEPARTMENT

Pg 5 of 5

August 13, 2020

John A.
Tamm

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MAY 28 2021

FLORIDA DEPARTMENT OF
TRANSPORTATION

Pg 1a/11

Exhibit# 96

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MAY 28 2011

TOWN OF FELLINGTON
PLANNING DEPARTMENT

Pg 2 of 11

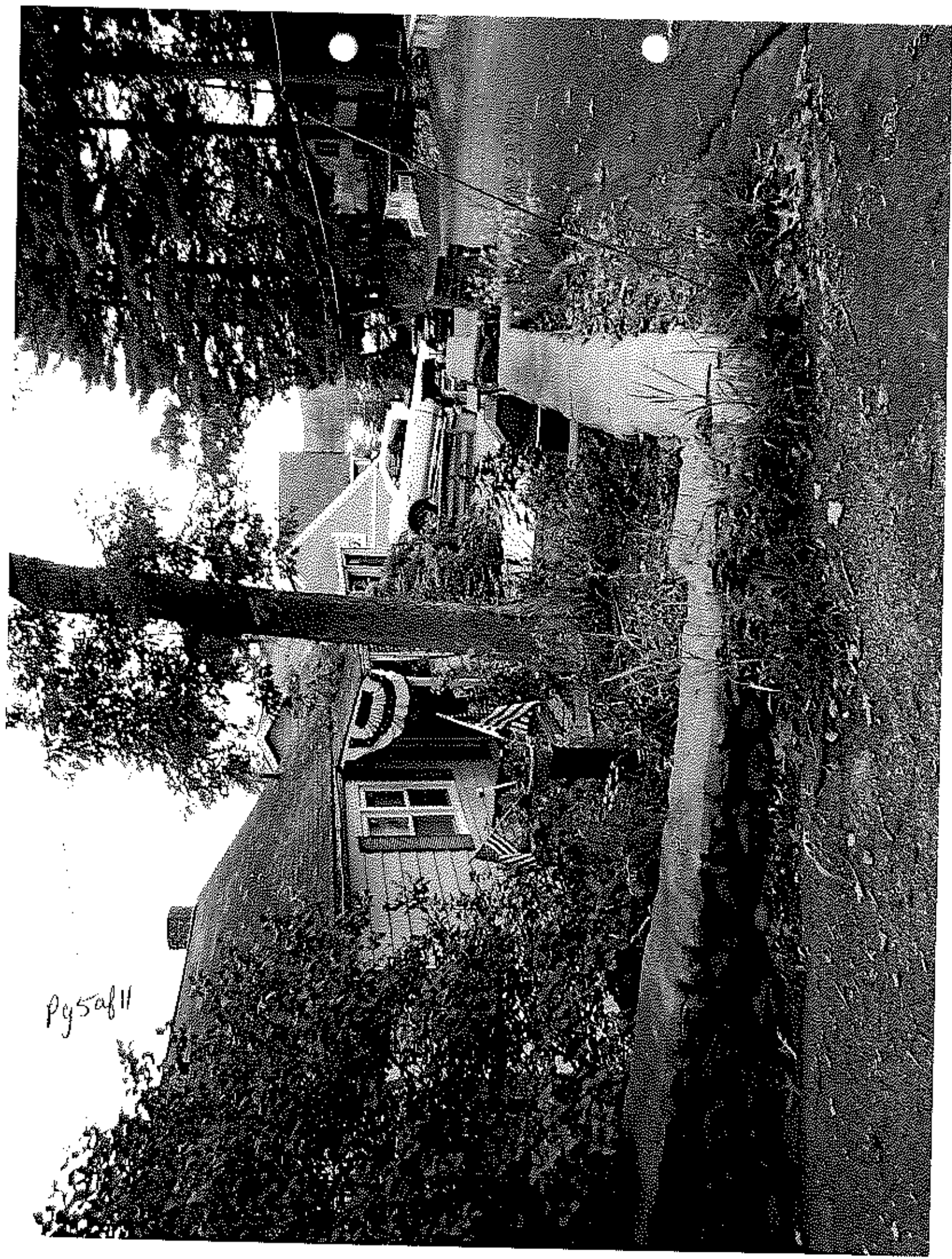




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TOWN OF HILLSDALE
PLANNING & ZONING DEPARTMENT

Pg 3 of 11

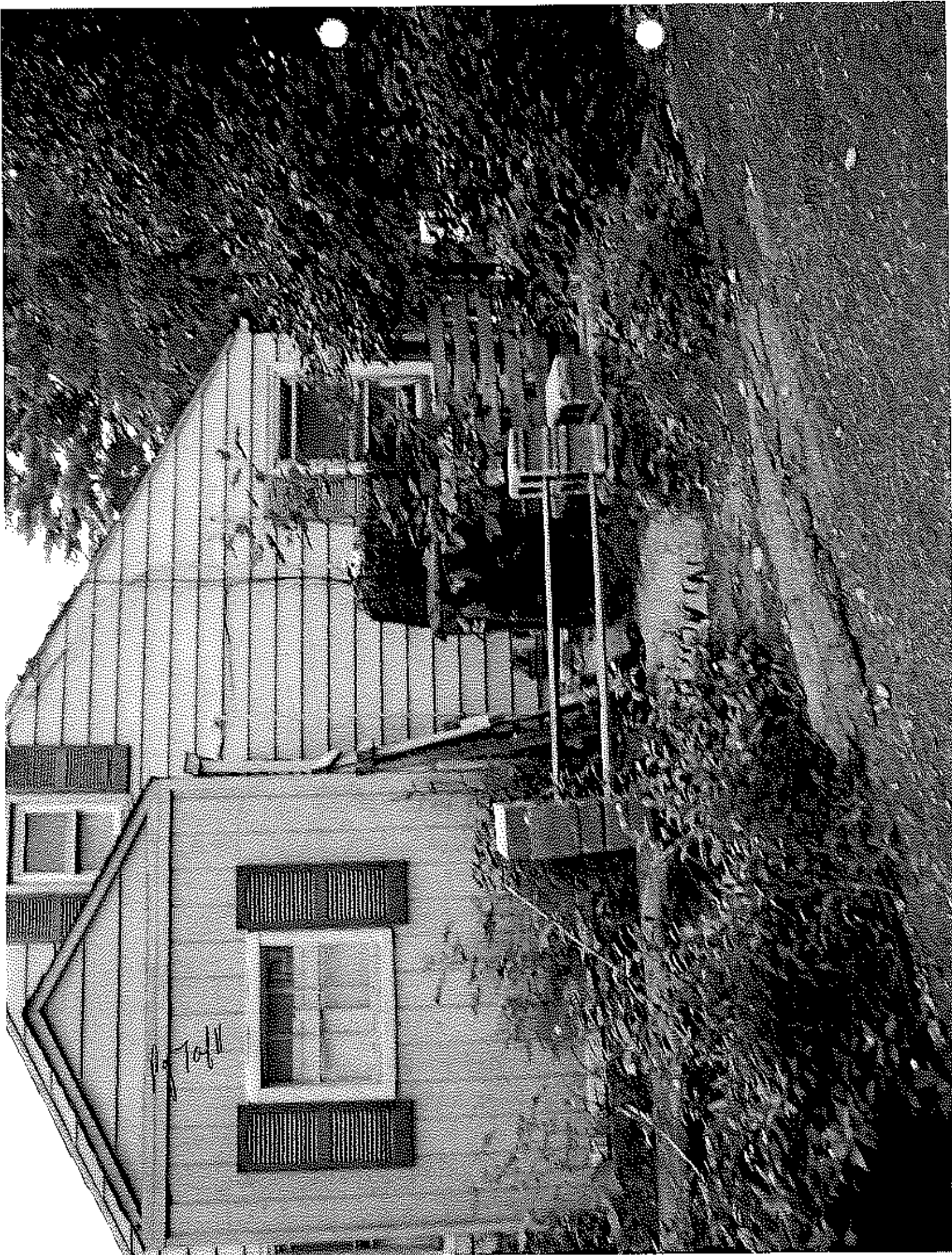




pg 5 of 11



Page 11





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MAY 20 2002

TOYOTA
FINANCE

pg 84/11



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FLORIDA
PLANTING

Pg 9 of 11



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MAY 28 2021

Pg 11 of 11

Says Nov 18, 2020 file

But created

Dec 7, 2020

John C - Town

pg 1082

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PLANNING DEPARTMENT

Exhibit# 97



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TOWNSHIP OF
BURLINGTON

Pg 2062

Sept 30, 2020

5 ph

JOHNC

Tom

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MAY 28 2021

PL

Pg 1 of 3

Exhibit# 98

[illegible]

Pg 2 of 3

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TOWN
PLANNING

Pg 3 of 3





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 FAX (860) 870-3122

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, MAY 3, 2021, 7:00 PM
TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT**

**IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS
AND ZOOM MEETING ATTENDANCE**

PRESENT: Chairman Art Aube, Regular members Ken Braga and Katherine Heminway and Alternate Ron Stomberg; Present via ZOOM meeting: Vice Chairman Sulakshana Thanvanthri, Regular member Subhra Roy, Alternates Rodger Hosig, and Ron Brown

ABSENT: None

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer, Lisa Houlihan, Town Planner and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 pm at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the Statement of Conduct for the meeting.

II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. V202106 – Pamela Peters, owner/applicant, request for a variance of the Ellington Zoning Regulations 2.1.10-Highway Clearance Setback and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Stafford Road from 60ft to 17ft, reduce the front yard setback along West Shore Road from 35ft to 7ft, and reduce the side yard setback from 10ft to 8ft to allow a pitched roof over an existing flat roof garage at 146 West Shore Road, APN 169-022-0000 in a Lake Residential (LR) zone.

TIME: 7:02 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Pamela Peters, 28 Samuel Lane, Mansfield, CT and Chris Dreaher, C.K. Construction Services, LLC, 26 Andrew Street, Meriden, CT were present to represent the application.

Ms. Peters stated she is looking to reroof her garage because it is leaking and is looking to construct a pitched roof, rather than having a flat roof. Alternate Brown asked if the roof will be extended. Mr. Dreaher stated the proposed roof will have a 6 inch overhang from left to right. Alternate Hosig asked if the proposed seating area will extend past the existing roof. Mr. Dreaher stated a portion of the roof will be pitched and the remainder will have a flat seating area facing the lake, and will not extend past the existing garage size. He added that the rear of the garage is built into the existing hillside.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202106.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202106 – Pamela Peters, owner/applicant, request for a variance of the Ellington Zoning Regulations 2.1.10-Highway Clearance Setback and Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback along Stafford Road from 60ft to 17ft, reduce the front yard setback along West Shore Road from 35ft to 7ft, and reduce the side yard setback from 10ft to 8ft to allow a pitched roof over an existing flat roof garage at 146 West Shore Road, APN 169-022-0000 in a Lake Residential (LR) zone.

HARDSHIP: Existing non-conforming garage.

2. V202101 – 15 Green Street, Susann McCarthy owner/applicant, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020 of Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses and Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

TIME: 7:10 pm

SEATED: Aube, Braga, Heminway, Thanvanthri and Roy

Chairman Aube read a procedural statement for the appeal outlining the duties the ZBA has during an appeal in accordance with Conn. Gen. Stat. Section 8-6, and how the ZBA would proceed hearing the appeal. He said the Zoning Enforcement Office will review his findings, then Susann McCarthy, 15 Green Street, will have an opportunity to explain why she feels there is an error made in the requirement or decision referenced in the Cease & Desist Order. He recommended the commission discuss and decide the violations separately.

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, read his memorandum to the ZBA dated April 28, 2021 regarding how he arrived at his decision to issue a Cease and Desist Order for violations of the Ellington Zoning Regulations at 15 Green Street, which led to the appeal. He then referred to photos taken of the property dated May 3, 2021.

Chairman Aube asked Susann McCarthy to explain why she is appealing the Zoning Enforcement Officer's Cease and Desist Order. She explained that she is in the process of painting sections of platform that will be placed on the ground to walk on around the property. Ms. McCarthy stated she spoke with Mr. Colonese at her property and that he noted her neighbor, Rene Prentiss, had made a complaint to the Planning Department for an outdoor exercise bike, stone and slate, and fencing materials erected within the front yard setbacks. Ms. McCarthy said Mr. Colonese told her he was only there to look at the fencing.

Ms. McCarthy proceeded to explain how the elevation of her land is higher at the corner of Sweeney Street and Green Street and then slopes down along Sweeney Street. She mentioned the existing very old tall oak tree and an overgrown lilac bush on the property. She continued to explain how the property slopes down towards the lake. She stated there is a three foot stone wall around the property and there is an eleven foot drop from the Sweeney Street side to the Green Street side yard property line.

Ms. McCarthy said that other neighbors in the area have fences and stone walls within the front yard without any approvals. Chairman Aube reminded Ms. McCarthy to focus on the appeal of the Cease and Desist Order.

Ms. McCarthy explained that she was erecting the fencing to protect her house and noted that things were stolen off the property and her bushes had been cut. Ms. Houlihan told her if she is having trespassing issues to contact the State Trooper's office. Ms. McCarthy noted that she has called and reported the issues. Ms. McCarthy did not think the height of the fence was an issue.

Ms. Houlihan asked what materials the platforms are made of and what they are being used for. Ms. McCarthy stated the platforms are made of pine and she made a ramp over the walkway and they are 8 inches off the ground. She noted she prefers to walk on the wooden platforms as opposed to the existing sidewalk due to her bad ankle.

Commissioner Braga said when the issue was first brought to the commission he took a drive by the property and there was a lot of material on the property. He added that he drove by the property today and there is still a lot of material on the site. He asked her to address the materials on site. Ms. McCarthy said she wants to secure her property and plans to erect some chain link fence. She explained she plans to secure the chain link fence behind portions of the stone wall. Braga asked about items that are leaning against the house. She explained that she was painting the plywood and pieces of platform and only has so much space to work within the property.

Ms. McCarthy explained how she has been painting the pieces of the wood and how she will be utilizing them on the property, noting the 2x4 or 2x6 pieces of wood will be placed over the existing cement. Ms. Houlihan asked Ms. McCarthy if she had any additional information to be submitted for the record. Ms. McCarthy stated she did not receive the original Notice of Violation that Mr. Colonese sent. She then received the Cease and Desist Order by service of a State Marshal. Ms. McCarthy stated her parcel is a non-conforming lot and she reviewed the definition of what a non-conforming lot consists of, and added that since she has a non-conforming lot she is not bound by the setback requirements for a fence.

Ms. McCarthy submitted a copy of her deed and a copy of the zoning enforcement complaint log for 15 Green Street dated from August 2, 2018 to October 1, 2020. Ms. McCarthy referred to Mr. Colonese's memorandum and dates of the complaints. She noted that the first few times Mr. Colonese visited the site he found no violations. She questioned if he found no violations at those times how could he find violations thereafter.

Vice Chairman Thanvanthri said nothing is assembled on the property and therefore it looks like junk. She understands that Ms. McCarthy will be using the spools for tables and planters. She asked Ms. McCarthy when she plans on finishing the project with the fencing materials as it has been sitting on the property for a good part of the year. Ms. McCarthy said she was served the Cease and Desist Order so she halted work on it until she got clarification from Mr.

Colonese on what her requirements were to be in compliance with the town. Vice Chairman Thanvanthri suggested that she talk with Mr. Colonese about what is required and briefly explained to her how the ZBA serves the town. She told Ms. McCarthy she has the option to apply for a variance for the erection of the fence, just like other properties that have non-conforming lots. Ms. McCarthy noted she had an old stockade fence at the side of the property along the driveway.

Ms. Houlihan referred to Mr. Colonese's diagram showing the corner lot setbacks of 15 Green Street. Ms. McCarthy to read the definitions of a "Building Setback Line" and "Yard, Front" from the Ellington Zoning Regulations. She stated her building line is where the house is located, referring to the definition of "Building Setback Line" and this is where the fence can be located. She stated her building line begins at her mudroom along Sweeney Street, for example. Mr. Colonese explained his interpretation of the regulations, stating that a six foot stockade fence is not allowed within the front yard setback area, which would be 35 feet back from Green Street and Sweeney Street. Ms. McCarthy submitted a copy of the Planning Department fence brochure and reviewed some of its content, and noted that based on the way it is worded she is in compliance with the regulations. Ms. Houlihan explained the brochure is for informational purposes only, and reviewed the remainder of the brochure that includes the zoning regulations and how the front yard setback area is defined.

Chairman Aube opened up the hearing to public comment.

Michael Vengruskas, 14 Green Street, said they have been waiting for over a year for something to be done about this property. He referred to pictures that were taken by Mr. Colonese today on site. He said Ms. McCarthy is continuously bringing stuff onto the property. He noted she has stored 16 sheets of vinyl fencing under the platform and is hiding additional stuff behind the fencing. He added that she rents trucks and brings in materials at all hours of the night. Mr. Vengruskas noted that no one goes on the property and steals anything, and he stated the property is hazardous and the fencing is not properly installed. He submitted pictures of the house from December of 2014 prior to when Ms. McCarthy bought the house in 2015.

Rene Prentiss, 11 Green Street, stated this issue has been going on since February of 2015 and Ms. McCarthy is a hoarder. She noted that Ms. McCarthy cleaned up the area in 2018 after speaking with Mr. Colonese and then disappeared for two years. She said that Ms. McCarthy started bringing junk onto the property again last May. Ms. Prentiss noted that when she applied for a variance for a fence on her property in 2015, the ZBA told her that she could install shrubs but not a fence within 35 feet of the front yard setback. She said Ms. McCarthy currently has fencing within 35 feet of the front property line. She added that surrounding neighbors have put money into their property to better the neighborhood.

Michael Damico, 12 Kenney Street, said he agrees with a couple of the commissioners who said that the junk has not been addressed. He said Ms. McCarthy is trying to hide the debris by putting up fencing all around the property. He added that he has lived there for 36 years and there was never a fence at 15 Green Street.

Commissioner Braga asked Ms. McCarthy for permission to walk on the property. It was explained to her that only one commission member at a time could visit and they would be instructed to view the site and not engage in a conversation with the property owner. Ms. McCarthy said she would have to think about the request and decide at a later date. Commissioner Braga requested that Ms. McCarthy let the Planning Department know by May 24th if they will be able to walk the property and see behind the fencing. Ms. Houlihan asked

Ms. McCarthy that if she has additional documentation to present to the ZBA, it would need to be submitted the Planning Department by May 24th in order to be distributed to the members of the ZBA. Any new documentation will be provided to the members of the commission prior to the next regularly scheduled meeting on June 7, 2021.

Lynn Tracy, 5 Keeney Street, said Ms. McCarthy's property looks like it's a fire hazard with all the fencing and wood pallets on the property. She noted that many surrounding owners have gone through the process to obtain a variance to do work on their property. Ms. Tracy noted that Ms. McCarthy's property is decreasing surrounding property values.

Alternate Hosig suggested the discussion at the next meeting should be focused on the junk portion of the Cease and Desist Order rather than fencing, which was discussed in detail tonight.

Ms. Houlihan asked the commission members to review the zoning regulations and the documentation that was submitted in preparation for the next meeting. She clarified that Ms. McCarthy has not applied for a variance. Ms. Houlihan explained the process of applying for a variance with the ZBA. Ms. McCarthy said she will consider applying for the variance.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE THE APPEAL TO THE JUNE 7, 2021 REGULAR MEETING AT THE TOWN HALL MEETING HALL, 55 MAIN STREET, FOR V202101.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the April 5, 2021 Regular Meeting Minutes.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 5, 2021 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Letter from Pullman & Comley for CTEC Solar, LLC, dated April 13, 2021, submittal of a Petition for Declaratory Ruling to the Connecticut Siting Council for two solar-based electric generating facilities at 277 Sadds Mill Road, Ellington, CT.

V. ADJOURNMENT:

MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 9:49 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk



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 FAX (860) 870-3122

CEASE AND DESIST ORDER

May 18, 2021

Benjamin Meyers & Janelle Meyer
97 West Shore Road
Ellington, CT 06029

Sent Via: Certified Mail R/R 70162710000114698852
US POSTAL SERVICE

Re: 97 West Shore Road (Assessor Parcel No. 148-025-0000)
Violation of the Ellington Zoning Regulations

Dear Mr. Meyers & Ms. Meyer:

On March 19, 2021, you were issued a Notice of Violation for using the subject property and dwelling for short term rentals. On April 4, 2021, you and I spoke regarding your receipt of the Notice of Violation. Since we spoke, I have conducted additional research and information has been provided to me to indicate that the property and dwelling continue to be used for short term rentals. Based on this information, the property referenced above is in violation of the following Ellington Zoning Regulations:

- Pursuant to **Section 10.2 Definitions**: A one-family dwelling is “a building designed for and occupied as a home or residence for not more than one family”. A home or residence contemplates something more than the temporary or occasional occupancy associated with a short term rental.
- Pursuant to **Section 2.1.1.D Zoning Compliance**: The use of the dwelling and property for short term rentals (a commercial use) is not a permitted use or accessory to a permitted use and therefore “all uses not specifically permitted are prohibited.”
- Pursuant to **Section 3.1 Permitted Uses**: The use of the dwelling and property for short term rentals is not a permitted use. One single family dwelling on one lot is a permitted use.

By the powers vested in me, you are hereby **ORDERED TO CEASE AND DESIST THE ABOVE VIOLATIONS AND TAKE PROPER CORRECTIVE ACTION TO BRING YOUR PROPERTY INTO COMPLIANCE WITH THE TOWN OF ELLINGTON ZONING REGULATIONS WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS ORDER. TO REMEDY THIS SITUATION YOU MUST CEASE THE USE OF THE PROPERTY AND DWELLING FOR SHORT TERM RENTALS**, certifying agreement with the Town of Ellington's Zoning Regulations.

Pursuant to Section 8-7 of the Connecticut General Statutes, you may appeal this Order to the Zoning Board of Appeals (hereinafter "ZBA"), specifying the grounds of your appeal, within thirty (30) days of receipt of this Order.

If compliance to this Order is not met or an appeal to the ZBA is not taken within thirty (30) days from the day of receipt of this Order, **A CITATION AND FINE CAN BE ISSUED TO YOU** in accordance with Town of Ellington Code Chapter 48: Citations for Wetland and Zoning Violations in addition to any other legal remedies as prescribed by law. Citations can include fines of one hundred and fifty dollars (\$150.00) for each day a zoning violation continues.

Questions regarding this Order may be directed to the Planning Department at (860) 870-3120.

Thank you in advance for your prompt attention to this matter.

Respectfully,



John D. Colonese, CZEO
Assistant Town Planner/Zoning Enforcement Officer

cc. Zoning Board of Appeals