



STATE OF CONNECTICUT – COUNTY OF
TOLLAND INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

MONDAY, JUNE 28, 2021, 7:00 PM

IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT

REMOTE ATTENDANCE: ZOOM VIDEO CONFERENCING, INSTRUCTIONS PROVIDED

MEMBERS PRESENT: IN PERSON: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN SEAN KELLY, REGULAR MEMBERS RICCI HIRTH, WILLIAM HOGAN, F. MICHAEL FRANCIS AND MICHAEL SWANSON, AND ALTERNATE KEN RADZIOW. ZOOM ATTENDANCE: NONE.

MEMBERS ABSENT: SECRETARY ROBERT SANDBERG, JR. AND ALTERNATE JON MOSER

STAFF PRESENT: IN PERSON: LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK. ZOOM ATTENDANCE: NONE.

I. CALL TO ORDER: Chairman Hoffman called the meeting to order at 7:01 pm.

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

Nicholas Healy, 92 Frog Hollow Road, is currently growing hemp on his property and has been helping other in Massachusetts with their cultivation. He wanted to start a dialog with the commission pertaining to the new Connecticut state laws for the growth of marijuana. He is interested in the cultivation process and not interested in the dispensary portion. Chairman Hoffman stated the activity is a cash crop for farmers. The commission will look at their regulations and the town has a choice to opt out with the state. Mr. Healy noted he has 17+ acres and has been doing his research pertaining to the growth of the product. He is hoping to have a glass hoop house constructed with raised beds and has been helping friends with their production. He said the Department of Consumer Protection will regulate how many dispensaries and cultivation sites will be allowed within any particular town. For example they would allow one dispensary for every 25,000 people within a town or city. Mr. Healy thanked the commission for the open dialog and looks forward to seeing how they move forward.

III. PUBLIC HEARING(S):

BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER TO ADDRESS ITEM #1 OF NEW BUSINESS.

V. NEW BUSINESS:

1. Z202110 - Pursuant to a memo dated June 23, 2021, from the Ellington First Selectman, request for CGS §8-24 review regarding the acquisition of 59 Maple Street, APN 073-003-0000, consisting of approximately 11.46 acres, in the RAR (Rural Agricultural Residential) and R (Residential) Zones.

Lori Spielman, Ellington First Selectwoman, was present to represent the CGS §8-24 request. Ms. Spielman explained funds for the purchase of the parcel was in the budget last year. She noted

the land is a total of 11.46 acres, currently used to grow corn and the terrain is flat. The parcel is located next to the high school and is zoned residential. The purchase would be for future development for a possible elderly housing development for ages over 62, similar to Snipsic Village on Main Street. The Town may seek a grant for the development and will need a future sewer expansion. The possible purchase would need to go to Town Meeting for vote.

Chairman Hoffman stated the purchase would fit within the Plan of Conservation & Development (POCD) by providing housing for the elderly. Vice Chairman Kelly asked if any of the parcel would be dedicated to fields for the high school. Ms. Spielman said none of the parcel would be for high school recreation. Commissioner Hirth suggested the Town plant trees along the street first before any other development starts.

MOVED (HOGAN), SECONDED (KELLY) AND PASSED UNANIMOUSLY TO RESOLVE THAT THE PLANNING AND ZONING COMMISSION RENDER A (POSITIVE REFERRAL) TO THE BOARD OF SELECTMEN FOR A REQUEST TO CONSIDER THE ACQUISITION OF A PARCEL OF LAND KNOWN AS 59 MAPLE STREET, ASSESSOR PARCEL NUMBER APN 073-003-0000, NOW OR FORMERLY OWNED BY ROBERT W. AND CHRISTINE A. SCHLUDE, CONSISTING OF APPROXIMATELY 11.46 ACRES, IN ACCORDANCE WITH CONNECTICUT GENERAL STATUTE SECTION 8-24. IN SO RECOMMENDING, THE COMMISSION FINDS NO CONFLICT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THAT ACQUISITION OF SAID PARCEL PROVIDES POTENTIAL TO EXPAND ELDERLY HOUSING AND/OR INCREASE AND ENHANCE COMMUNITY FACILITIES IN TOWN CENTER.

BY CONSENSUS, THE COMMISSION WENT BACK TO THE ORIGINAL AGENDA ORDER.

Applications S202101 and Z202109 were heard simultaneously.

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

Time: 7:24 pm

Seated: Hoffman, Kelly, Hirth, Hogan, Francis, Swanson and Radziwon

David Moser, 29 Sadds Mill Road and James Holden, 20 Griswold Street were present to represent the application. Mr. Moser stated since the last meeting they received septic system approval from North Central District Health Department (NCDHD). Ms. Houlihan reviewed possible conditions of approval. Mr. Moser clarified that the owner of 55 Kreyssig Road would not have access to Griswold Street. Jack Turner, 911 Coordinator for the Town of Ellington, asked if the driveway to the new house would exit from Kreyssig Road, Mr. Moser said they would access the property from Griswold Street. Mr. Turner said they may need to be assigned a half number off of Griswold Street and will need to discuss this with the Building Official.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR S202101 – Sunset Valley Farms, LLC owner/ David Moser, applicant, request for re-subdivision of 42.34 acres for two (2) lots for 55 Kreyssig Road, APN 156-004-0001, in a RAR (Rural Agricultural Residential) Zone.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITION FOR S202101 – Sunset Valley Farms, LLC owner/ David Moser, applicant, request for re-subdivision of 42.34 acres for two (2) lots for 55 Kreyssig Road, APN 156-004-0001, in a RAR (Rural Agricultural Residential) Zone.

CONDITIONS OF APPROVAL:

- **THE PLANS SHALL BE REVISED WITH STREET NUMBERS AND ASSESSOR PARCEL NUMBERS PRIOR TO BEING RECORDED ON THE LAND RECORDS;**
- **A RIGHT OF WAY PERMIT FOR THE NEW DRIVEWAY SHALL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO CONSTRUCTION;**
- **AREA SHOWN AS “PORTION OF LAND OF JAMES W. HOLDEN TO BE CONVEYED AND COMBINED WITH LAND OF SUNSET VALLEY FARMS, LLC, AREA 15,248 SF” SHALL BE MERGED WITH LOT 2 AND REQUIRED LEGAL DOCUMENT FILED ON THE LAND RECORDS.**

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

Time: 7:24 pm

Seated: Hoffman, Kelly, Hirth, Hogan, Francis, Swanson and Radziwon

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

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

CONDITION OF APPROVAL:

AREA SHOWN AS “PORTION OF LAND OF JAMES W. HOLDEN TO BE CONVEYED AND COMBINED WITH LAND OF SUNSET VALLEY FARMS, LLC, AREA 15,248 SF” SHALL BE MERGED WITH LOT 2 AND REQUIRED LEGAL DOCUMENT FILED ON THE LAND RECORDS.

3. S202102 – Mary Ellen H. Trueb, owner/applicant, request for re-subdivision of 13.93 acres for two (2) lots for 80 Tripp Road, APN 023-001-0004, in a RAR (Rural Agricultural Residential) Zone. (Notice requirements met and hearing may commence.)

Time: 7:32 pm

Seated: Hoffman, Kelly, Hirth, Hogan, Francis, Swanson and Radziwon

Russ Heintz, Tarbell, Heintz & Associates, 1227 Burnside Avenue #31, East Hartford, CT was present to represent the application.

Mr. Heintz explained the location of the parcel on Tripp Road. He stated the original house on the parcel was built in 1999. The owners are looking to subdivide the parcel for one of their children

to build a home. He noted soil testing has been completed and NCDHD gave a pre-approval for a three bedroom septic system and the home will be connected to public water.

Ms. Houlihan referred to the Town Engineer comments dated June 24, 2021, and explained given their nature they can be addressed as conditions of approval. She provided other comments as noted in an email dated June 9, 2021. Mr. Heintz explained the owner of the property will create a drainage swale on site for any potential runoff. Ms. Houlihan said the owners will need to provide a drainage easement between the two lots. The subdivision is exempt from open space requirements because the land is being split for a qualifying relative. If the property is sold within five years, other than a transfer to a family member for no consideration, then open space regulations will have to be met. Ms. Houlihan explained since Tripp Road is an existing town road, sidewalks cannot be required.

No one from the public spoke regarding the application.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR S202102 – Mary Ellen H. Trueb, owner/applicant, request for re-subdivision of 13.93 acres for two (2) lots for 80 Tripp Road, APN 023-001-0004, in a RAR (Rural Agricultural Residential) Zone.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO GRANT A WAIVER OF SUBDIVISION REGULATION SECTION 4.11 DRAINAGE/DETENTION DESIGN SUBJECT TO APPROVAL FROM THE TOWN ENGINEER FOR S202102 – Mary Ellen H. Trueb, owner/applicant, request for re-subdivision of 13.93 acres for two (2) lots for 80 Tripp Road, APN 023-001-0004, in a RAR (Rural Agricultural Residential) Zone.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR S202102 – Mary Ellen H. Trueb, owner/applicant, request for re-subdivision of 13.93 acres for two (2) lots for 80 Tripp Road, APN 023-001-0004, in a RAR (Rural Agricultural Residential) Zone.

CONDITIONS OF APPROVAL:

- **A RIGHT OF WAY PERMIT FOR THE NEW DRIVEWAY SHALL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO CONSTRUCTION;**
- **APPROVAL IS SUBJECT TO MEETING THE TOWN ENGINEER'S COMMENTS DATED JUNE 24, 2021;**
- **APPROVAL IS SUBJECT TO MEETING THE TOWN PLANNER'S COMMENTS DATED JUNE 9, 2021.**

IV. OLD BUSINESS: None

V. NEW BUSINESS:

2. Z202111 – Big Y Foods, owner/ applicant, request for a Special Permit and Site Plan Modification for the construction of a 5,000 sf building for a restaurant and a 5,152 sf building for a four bay car wash on West Road, APN 046-001-0000 and APN 037-004-000 in a PC - Planning Commercial Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR JULY 26, 2021, 7:00 PM AT THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET FOR Z202111 – Big Y Foods, owner/ applicant, request for a Special Permit and Site Plan

Modification for the construction of a 5,000 sf building for a restaurant and a 5,152 sf building for a four bay car wash on West Road, APN 046-001-0000 and APN 037-004-000 in a PC - Planning Commercial Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission May 24, 2021 Regular Meeting Minutes.

MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE MAY 24, 2021 REGULAR MEETING MINUTES WITH THE CORRECTION TO PAGE 2 OF 5, PARAGRAPH 3 AS FOLLOWS: COMMISSIONER HOGAN ASKED IF MR. STAVENS HAS AN AGREEMENT WITH THE SURROUNDING NEIGHBORS FOR USE OF THEIR PROPERTY AND INQUIRED ABOUT THE TRAILERS AND STOCKPILES ON THE SITE THAT ENCROACH ONTO OTHER PROPERTIES. MR. STAVENS SAID THE TRAILERS ARE GOING TO BE REMOVED AND HE HAS A GOOD RELATIONSHIP WITH THE ABUTTERS.

2. Correspondence:

- a. Discussion: draft text amendment to Section 7.1 Accessory Apartments of the Ellington Zoning Regulations.

The commission reviewed the draft text amendment to the accessory apartment section of the regulations. Ms. Houlihan reviewed the State of Connecticut's Public Act No. 21-29 requirements for accessory apartments. The commission conducted roundtable discussion.

Attorney Bruce Fader of Jacobs, Walker, Rice & Barry, LLC, 146 Main Street, Manchester, CT, Heather Hollay-Farr, 154 Crystal Lake Road, and Mary Hollay, 156 Crystal Lake Road, were present. Attorney Fader explained the proposed text changes would not benefit his clients. He noted the accessory apartment over the barn is 1,240 sf and if the regulation is to be changed to allow an accessory apartment up to 50% of the primary dwelling, then they could only have 620 sf of livable space. He asked if the commission could add one line to the regulations that would allow up to 1,250 sf accessory apartment if the property has farming activities.

After discussion, the commission agreed to add a provision for larger accessory apartments when associated with a farm and to make a formal application and submit to Capitol Region Council of Governments (CRCOG).

BY CONSENSUS, REVISED DRAFT TEXT AND SCHEDULED PUBLIC HEARING FOR JULY 26, 2021, 7:00 PM AT THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET FOR AMENDMENT TO SECTION 7.1 ACCESSORY APARTMENTS OF THE ELLINGTON ZONING REGULATIONS.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:17 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk