



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, AUGUST 2, 2021, 7:00 PM

**TOWN HALL ANNEX MEETING ROOM, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE VIA ZOOM MEETING, INSTRUCTIONS PROVIDED BELOW**

I. CALL TO ORDER:

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

III. PUBLIC HEARING(S):

1. V202110 – Michael & Karen D'Amico, owners/applicants, request for a variance of the Ellington Zoning Regulations Section 2.1.6 – Visibility at Corners and Section 2.1.7 – Construction in Required Yards: to reduce the front yard setback from 35ft to 12ft on Sweeney Street and from 35ft to 19.6ft on Green Street for a 6ft fence at 12 Keeney Street, APN 129-031-0000 in a Lake Residential (LR) zone. *(Request to withdraw application present)*
2. V202111 – 97 West Shore Road, Benjamin & Janelle Meyers owners/applicants, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated May 18, 2021 of Section 10.2-Definitions: Dwelling, One-Family, Section 2.1.1.D-Zoning Compliance and Section 3.1-Permitted Uses of the Ellington Zoning Regulations. *(Notice requirements met, hearing may commence)*

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the July 12, 2021 Regular Meeting Minutes.
2. Correspondence/Discussion:

V. ADJOURNMENT:

Remote attendance for this meeting is available using the online video conferencing provider Zoom Meeting. Instructions to attend online are provided below and the agenda is 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://us06web.zoom.us/j/83489802824>

Meeting ID: 834 8980 2824

Passcode: 634644

Join Zoom Meeting by phone:

1 646 558 8656 US (New York)

Meeting ID: 834 8980 2824

Passcode: 634644

From: [MICHAEL D'AMICO](#)
To: [Barbra Galovich](#)
Subject: Variance Application
Date: Monday, July 19, 2021 9:16:38 AM

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.

Good Morning Barb,
I'm writing to inform you that I am hereby withdrawing my application for a variance to install a fence along the Sweeney St side of my property.
Thank you for all your help.
Mike D'Amico



Town of Ellington

Planning Department

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

DATE: July 26, 2021

TO: Zoning Board of Appeals

FROM: John D. Colonese, Assistant Town Planner/ZEO *JDC*

RE: V202111 – 97 West Shore Road, Benjamin & Janelle Meyers owners/applicants, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated May 18, 2021 of Section 10.2-Definitions: Dwelling, One-Family, Section 2.1.1.D-Zoning Compliance and Section 3.1-Permitted Uses 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 97 West Shore Road which led to the current appeal, ZBA file V202111. 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 February 24, 2021, a resident sent a letter via email to the Planning Department to make a complaint about 97 West Shore Road operating an "Airbnb" also known as a short term rental (Attachment 1).

Investigation of the website of Airbnb, Inc. (www.airbnb.com) indicated that the property was being advertised and used for short term rentals based on the calendar provided by the website and testimonials of individuals who had stayed at the property (Attachment 2).

Based on this information I issued a Notice of Violation, hereinafter the "Notice", on March 19, 2021, (Attachment 3) explaining the violation and a remedy to bring the property into compliance. The Notice stated 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 Certified Mail Return Receipt to the address on file with the Tax Collector and the Town Assessor. The return receipt was dated as delivered on March 23, 2021.

In addition, on March 31, 2021, I emailed the Notice to the email address the Tax Collector has on file for the property and received a response the same day. I set up a time to discuss the Notice with the owner, Ben Meyers. On April 5, 2021, I reviewed the Notice and violation with the owner over the phone. He said he intended to continue the short term rentals until he receives funds to replace his foundation. Please see email and notes from the conversation (Attachment 4).

Additional review of the website of Airbnb, Inc. (www.airbnb.com) indicated the property was continuing to be advertised and used for short term rentals based on the calendar provided by the website and testimonials of individuals who had stayed at the property (Attachment 5). Also, emails from

a neighbor indicated the property was continuing to be used for short term rentals (Attachment 6). Based on the lack of action to remedy the violations I issued a Cease and Desist Order, hereinafter the "Order", on May 18, 2021, (Attachment 7) citing the same violations referenced in the Notice. The Order states the corrective action required to bring the property into compliance. The Order was sent via US Postal Service Certified Mail Return Receipt to the address on file with the Tax Collector and Town Assessor, and noted as delivered by the Ellington Post Office on May 21, 2021.

The Notice and Order reference the following Sections of 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.

My decision is further solidified by the fact that the Zoning Regulations under Sections 3.1.3 and 7.2 allow for Bed-and-Breakfasts with the issuance of a Special Permit from the Ellington Planning & Zoning Commission. The regulations allow for this specific type of short term rental however it requires that *"the dwelling in which the bed-and-breakfast operates shall be the principal residence of the operator/owner, and the operator/owner shall live on the premises where the bed-and-breakfast is active"*. Since the regulations only allow this use by way of Special Permit, it is undeniable that the Planning & Zoning Commission intended to have owner occupied short rentals. The owner of 97 West Shore Road has indicted the property is not owner occupied.

Short term rentals that are not owner occupied are not permitted by the Ellington Zoning Regulations, and therefore are a violation. The remedy to this violation is to cease the use of the property and dwelling for short term rentals.

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.

Attachment 1

February 24, 2021

Dear John,

There is another Airbnb running at 97 West Shore Road. On New Year's Day, Dave and I were walking and noticed 12 cars at the residence. Now considering the day, we thought it was a traditional get-together, but as the days and weekends continued, there were a variety of vehicles from different states parked there. We thought it might be an Airbnb. This weekend, a neighbor from that area told us it was advertised as such so Dave researched and found it to be true.

This is the link:

https://www.airbnb.com/rooms/47267610?s=2&unique_share_id=935bab63-183b-4f5d-b666-bae52114b7a8

Hopefully you will be able to contact the owner to end solve this before it becomes another issue.

Thank you,

Corinne (Connie) Milnes

Dave Milnes

147 West Shore Road

Cell: 860-916-9446

Cell: 860-803-5261

John Colonese

From: Corinne Milnes <cardinal17475@gmail.com>
Sent: Wednesday, February 24, 2021 1:09 PM
To: John Colonese
Cc: David Milnes
Subject: 97 West Shore Road Airbnb
Attachments: 97 West Shore Road.docx

Follow Up Flag: Follow up
Flag Status: Completed

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.

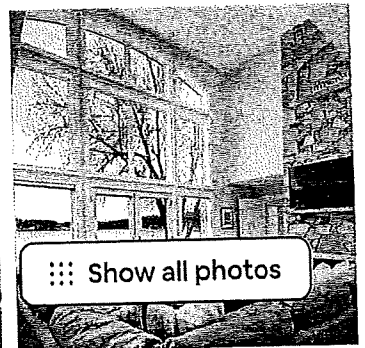
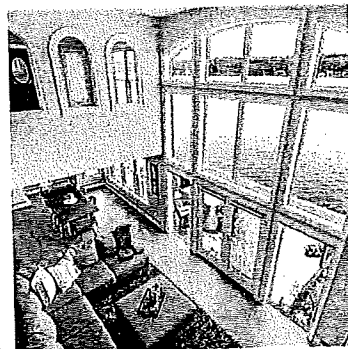
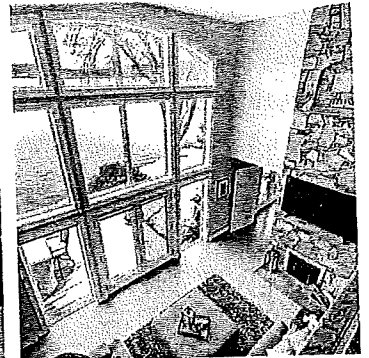
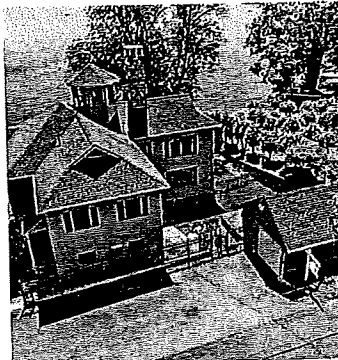
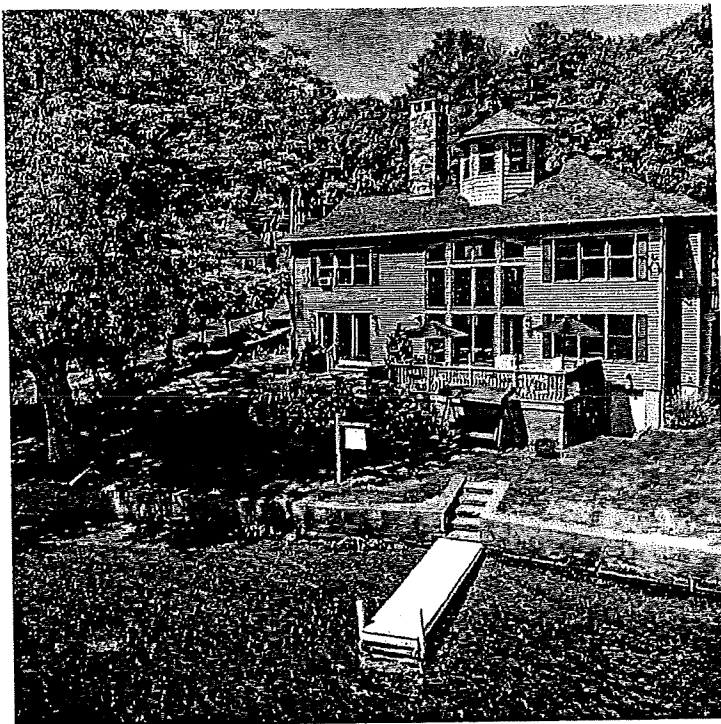
Sent from Mail for Windows 10

Attachment 2

Lakefront Paradise

★ 5.0 (5 reviews) · Superhost · Ellington, Connecticut, United States

[Share](#) [Save](#)



Show all photos

Entire house hosted by Ben

12 guests · 4 bedrooms · 7 beds · 2 baths



\$363 / night ★ 5.0 (5 reviews)

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	▼

Check availability

[Report this listing](#)

Entire home
You'll have the house to yourself.

Enhanced Clean
This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)

Self check-in
Check yourself in with the keypad.

Cancellation policy
Add your trip dates to get the cancellation details for this stay.

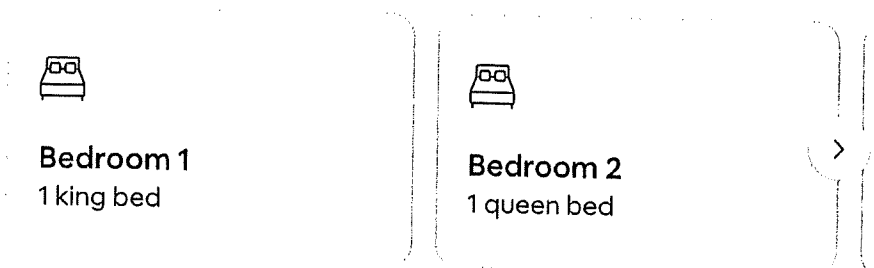
House rules

The host doesn't allow pets or smoking. [Get details](#)

Beautiful lakefront house with some of the best views on Crystal Lake! Incredible water views from nearly every room in the house! Perfect for a relaxing family vacation or gathering of any kind. 4 bedrooms, 2 bathrooms, 3 fire places, office, dock, 1 car garage and 5 parking spaces etc. Includes high end outdoor fire pit, weber propane grill, canoe, kayak, water floats etc. Holds up to 12 people.

[Contact host](#)

Sleeping arrangements



Amenities

Kitchen



Wifi



Free driveway parking on premises – 6 spaces



Indoor fireplace



Hangers



TV



Iron



Dryer



Hair dryer



Washer



...

Show all 51 amenities

Select check-in date

Add your travel dates for exact pricing

March 2021

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo
	1	2	3	4	5	6		
7	8	9	10	11	12	13	4	5
14	15	16	17	18	19	20	11	12
21	22	23	24	25	26	27	18	19
28	29	30	31				25	26



★ 5.0 (5 reviews)

Cleanliness

5.0

Accuracy

5.0

Communication

5.0

Location	4.6
Check-in	5.0
Value	5.0



Maggie
January 2021

This stay was much better than I expected. It looked exactly like the pictures! And it was so clean! Ben had everything there! Utensils, cleaning supplies, pots/dishes, and even some fun games stashed away. Everyone had an amazing time. Especially in the living room with the big comfy couch! And the view to the frozen lake was perfect. And Ben was very quick to reply to any questions we had while there. 10/10 experience. We will definitely be there again in the summer time!



Natasia
January 2021

Amazing !!!!!



Jenny
January 2021

If you're looking for a relaxing weekend with some place, this is the place to be! It borders the lake and it's absolutely gorgeous. The house itself is extremely clean, and fit 12 people comfortably. Ben and Janelle are also very quick to respond and were gracious while we were using their space. 5/5 stars!



Yully
January 2021

Ben's place is the cleanest I had ever been to so far. He thought of every little detail, from the minute we booked the place until when we left. Our welcome was outstanding, a bottle of champagne with an awesome note, along with beers and much more. House is prepared with everything, from cooking essentials to cleaning supplies, clean sheets, and comforter all brand new. Clean bathrooms and bedrooms, awesome toys for kids and adults. Comfiest couch ever. Lovely dining table, fancy kitchen, lovely deck, and lake view. Fanciest dining glass, felt like home. Beautiful sunset and sunrise, outstanding lake-view. Didn't find one thing I didn't like. Booking again for spring and summer. A MUST! Reasonable price. Large windows, picture-perfect.





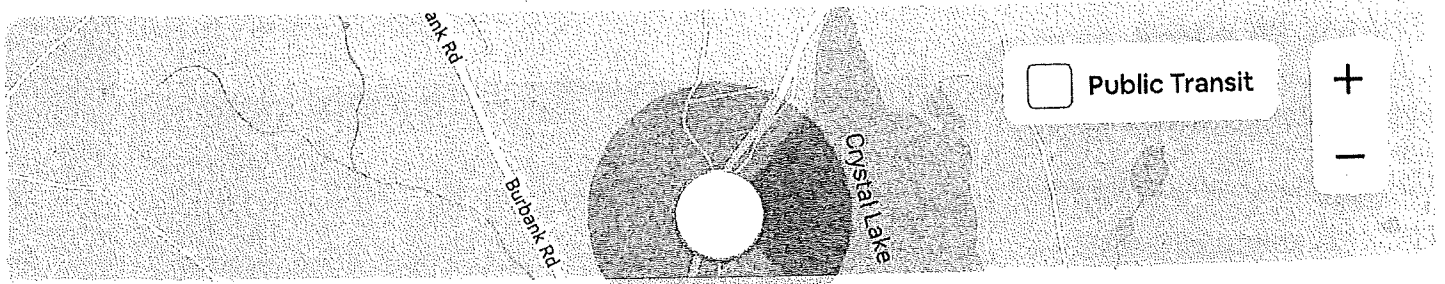
Nana Ama
February 2021

Ben's place was incredible! The view of the lake is stunning and the house has so much natural light. Ben was very responsive when trying to book the place and was very kind! This was one of the best Airbnb experiences I have had both in terms of the host and the house. We will definitely be back in the summer when it's warm enough to lounge on the deck

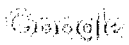
Show all 5 reviews

Location

Ellington, Connecticut, United States



Exact location provided after booking.



RMap data ©2021

Hosted by Ben

Joined in April 2014

★ 77 Reviews

🛡️ Identity verified

🏆 Superhost

Hello everyone! I have lived in San Diego for the last 10 years and love everything about this city! I always enjoy meeting new people, and am available any time to ensure you have the best vacation possible!



Co-hosts

Janelle

Ben is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Response rate: 100%

Response time: within an hour

Contact host

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.



Things to know

House rules

- 🕒 Check-in: After 3:00 PM
- 🕒 Checkout: 10:00 AM
- 🔑 Self check-in with keypad
- 🚭 No smoking
- 🐾 No pets
- ✔️ Long term stays (28 days or more) are allowed

Health & safety

- ✦ Committed to Airbnb's enhanced cleaning process. [Learn more](#)
- 🕒 Airbnb's social-distancing and other COVID-19-related guidelines apply
- ✔️ Carbon monoxide alarm
- ✔️ Smoke alarm

[Show all](#) >

Cancellation policy

Add your trip dates to get the cancellation details for this stay.

[Add dates](#) >

Attachment 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

NOTICE OF VIOLATION REQUEST FOR VOLUNTARY COMPLIANCE

March 19, 2021

Benjamin Meyers & Janelle Meyer
97 West Shore Road
Ellington, CT 06029

Sent Via: Certified Mail R/R 70162710000114698838
US POSTAL SERVICE

Re: 97 West Shore Road (Assessor Parcel No. 148-025-0000)

Dear Mr. Meyers & Ms. Meyer:

Recently, the Ellington Planning Department received a complaint regarding the use of the property and dwelling for short term rental at 97 West Shore Road, Ellington, CT. In response, the complaint was investigated. It appears the subject property and dwelling are being used for short term rentals, and therefore the subject property 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.

In order to remedy this situation you must cease the use of the subject property and dwelling for short term rentals, certifying agreement with the Town of Ellington Zoning Regulations.

Failure to correct this situation and bring your property into compliance with the Ellington Zoning Regulations may necessitate the issuance of a Cease and Desist Order and/or the issuance of a municipal citation and fine, in addition to any other legal remedies as prescribed by law. A review of your property will be conducted no less than fifteen (15) business days from the date of receipt of this letter.

Please feel free to contact me at (860) 870-3120 to discuss this notice. Thank you in advance for your prompt attention and anticipated voluntary compliance to this matter.

Respectfully,

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

8838 8469 0001 2710 0001 7000 0129 9T00

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

Ellington, CT 06029

Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee as appropriate)	\$2.95
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$3.50
<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	\$0.55
Total Postage and Fees	\$7.00

Postmark Here
0129 01
03/19/2021

Sent To
 Benjamin Meyers + Janelle Meyer
 97 West Shore Rd
 Ellington, CT 06029


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:

Benjamin Meyers + Janelle Meyer
 97 West Shore Rd
 Ellington, CT 06029



9590 9402 2387 6249 0757 15

2. Article Number (Transfer from service label)

7016 2710 0001 1469 8838

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *dm* Agent Addressee

B. Received by (Printed Name) *dm* C. Date of Delivery *3/23*

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail™	
<input type="checkbox"/> Insured Mail Restricted Delivery (S00)	

Attachment 4

John Colonese

From: Ben Meyers <bmey24@yahoo.com>
Sent: Wednesday, March 31, 2021 3:21 PM
To: John Colonese
Subject: Re: 97 West Shore Road, Ellington, CT

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

Hi John,

Thank you for your email. I am happy to set up a time to discuss. Please feel free to send me a few dates or times that may work with your schedule.

Best,

Ben Meyers

Sent from my iPhone

On Mar 31, 2021, at 2:42 PM, John Colonese <jcolonese@ellington-ct.gov> wrote:

Dear Mr. Meyers,

Recently, the Ellington Planning Department received a complaint regarding the use of 97 West Shore Road for short term rentals. In response, the complaint was investigated. It appears the subject property is being used for short term rentals, and is therefore in violation of the Ellington Zoning Regulations.

Please see the attached Notice of Violation / Request for Voluntary Compliance dated March 19, 2021 that was sent via US Postal Service Certified Mail Return Receipt to your attention.

Please contact me at (860) 870-3120 at your earliest convenience to discuss this notice. Thank you in advance for your prompt attention and anticipated voluntary compliance to this matter.

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

<97 West Shore Rd - NOV.pdf>

Town of Ellington

Planning Department

55 Main Street, Ellington, CT 06029
Phone 860-870-3120, Fax 860-870-3122 / email: jcolonese@ellington-ct.gov



To File: 97 West Shore Road, Complaint file

From: John Colonese, Zoning Enforcement Officer

Date: 4/5/21

I spoke to the owner of 97 West Shore Road, Ben Meyers, 858-692-3949 on 4/5/21. He said he received the Notice of Violation (NOV) via email (received email address via Tax office on 3/31/21 – sent email with NOV same day). He asked who complained and I gave him the address. He said he checked with his attorney and did not feel that short term rentals were a violation of the zoning regulations. I reviewed my findings with him and the NOV. He said he intends to continue the short term rentals as he needs money for taxes and other costs. He added that he plans to ultimately sell the property but the house has a tier 3 crumbling foundation and need to have it replaced before they sell. They have applied through the Connecticut Region Council of Governments (CRCOG) for funds to replace the foundation and are at the top of the list to get the funds. He does not know how long the process will take to receive the funds but when they do they will cease the short term rentals and repair the foundation. I reviewed the NOV and the enforcement process should the property continue to be used for short term rentals. I added that another property on the lake received enforcement notices regarding short term rentals and ultimately complied with the regulations. I stated that it appears that he is the only short term rental on the lake advertising with AIRBNB, and he said he was unaware of that information. I noted I would send him the wetlands agency application, fees, and meeting schedule to request a permit for the replacement of the foundation by the lake.

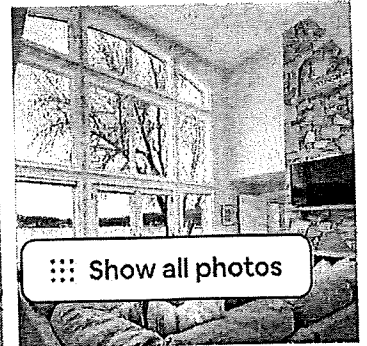
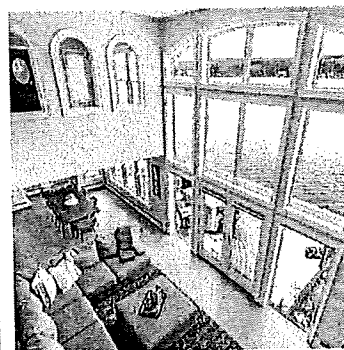
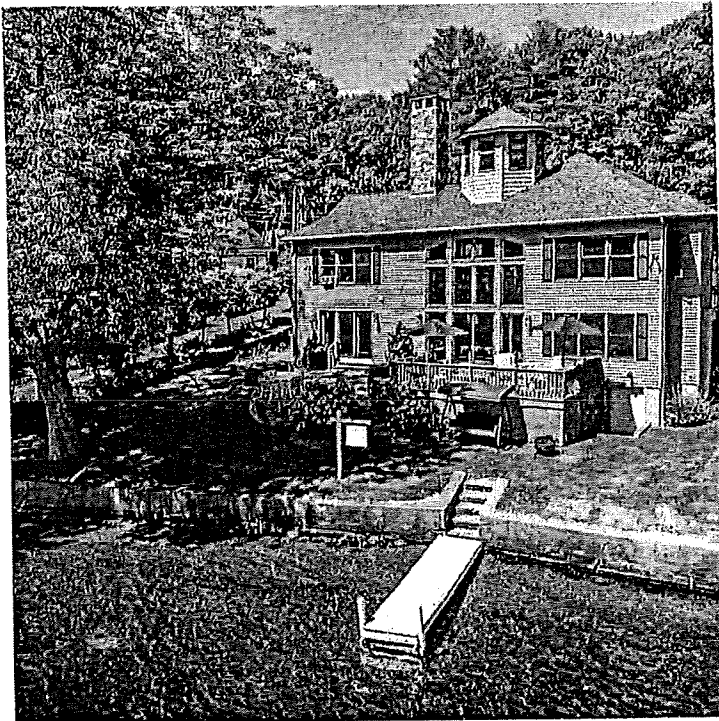
Attachment 5

Lakefront Paradise

PRINTED MAY 10, 2021 JAC

★ 4.92 (13 reviews) · Superhost · Ellington, Connecticut, United States

Share Save



Show all photos

Entire house hosted by Ben

12 guests · 4 bedrooms · 7 beds · 2 baths



\$379 / night

★ 4.92 (13 reviews)

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	

Check availability

Report this listing

Entire home
You'll have the house to yourself.

Enhanced Clean
This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)

Self check-in
Check yourself in with the keypad.

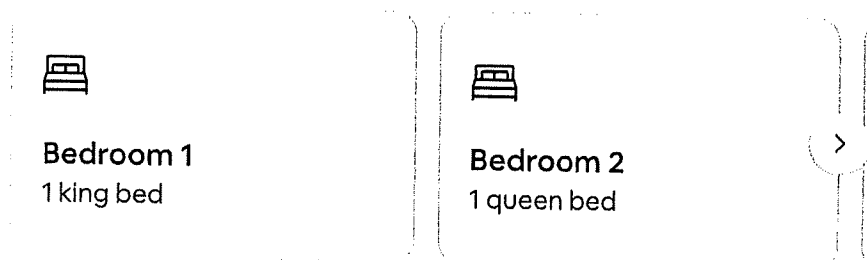
Ben is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

House rules









The host doesn't allow pets or smoking. [Get details](#)

Beautiful lakefront house with some of the best views on Crystal Lake! Incredible water views from nearly every room in the house! Perfect for a relaxing family vacation or gathering of any kind. 4 bedrooms, 2 bathrooms, 3 fire places, office, dock, 1 car garage and 5 parking spaces etc. Includes high end outdoor fire pit, weber propane grill, canoe, kayak, water floats etc. Holds up to 12 people.

Sleeping arrangements



Amenities

- Beach access – Beachfront 
- Kitchen 
- Wifi 
- Free driveway parking on premises – 6 spaces 
- TV 
- Washer 
- Dryer 
- Air conditioning 

Bathtub



Patio or balcony



Show all 54 amenities

Select check-in date

Add your travel dates for exact pricing

May 2021

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo
						1		
2	3	4	5	6	7	8	6	7
9	10	11	12	13	14	15	13	14
16	17	18	19	20	21	22	20	21
23	24	25	26	27	28	29	27	28
30	31							



★ 4.92 (13 reviews)

Cleanliness

4.8

Accuracy

4.8

Communication

4.8

Location

4.7

Check-in

5.0

Value

4.8



Lindsay
April 2021

Wonderful stay!! Everything was as expected and very clean!



Jim
April 2021

This was a great house and Ben was a wonderful host. The lake was amazing to wake up to every day with a very nice deck and fire pit to enjoy as well. Although it's in Ellington we got everywhere we wanted to go in less than 20 minutes. We would rent this house again!



Jennifer
April 2021

The location on the lake was great and the stay was fine. The beds were comfy and we were happy with the design of the house and the access to a canoe and kayak. We were disappointed that there was no dock and crib - even though it is stated in the listing and shown in the photos, several blinds were missing or broken, dishwasher was not working and the floors were still quite dirty and there was confetti sprinkled throughout the house from prior guests. We communicated most of this to Ben throughout the stay and they said thanks for letting them know and they'll address after our stay so hopefully future guests don't have to deal with the inconveniences.



Victoria
March 2021

Hands down the best place and hosts. Any questions or concerns were answered immediately and the stay was amazing. From the amazing interior to the gorgeous views right outside, there was nothing to complain about. Will definitely be coming back again!



Zuzu
March 2021

This place was amazing, I went there for the weekend with my friends for my birthday and the view was to die for. The house had everything to use to cook and to drink. It is very spacious especially the rooms. House had games too. I honestly can't wait to boo another trip especially in the summer. The response is quick if you are ever looking for anything.



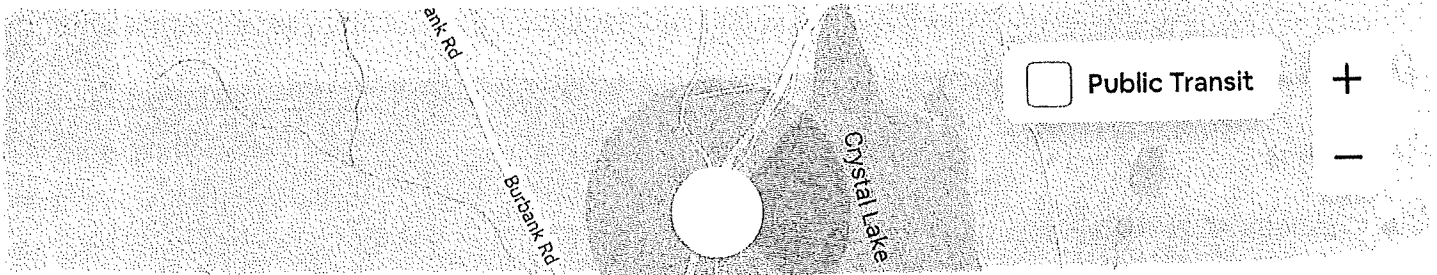
Corina
March 2021

This house is exactly as described; a paradise! I love how the lake is right in front and the house is clean and the rooms are very spacious and comfortable, I would definitely love to rent it again for the summer

Show all 13 reviews

Location

Ellington, Connecticut, United States



Exact location provided after booking.

Google

RMap data ©2021

Hosted by Ben

Joined in April 2014

★ 97 Reviews

✔ Identity verified



 Superhost

Hello everyone! I have lived in San Diego for the last 10 years and love everything about this city! I always enjoy meeting new people, and am available any time to ensure you have the best vacation possible!

Co-hosts

Janelle

Ben is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Response rate: 95%

Response time: within an hour






Contact host

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.







Things to know

House rules

-  Check-in: After 3:00 PM
-  Checkout: 10:00 AM
-  Self check-in with keypad
-  No smoking
-  No pets

Health & safety

-  Committed to Airbnb's enhanced cleaning process. [Learn more](#)
-  Airbnb's social-distancing and other COVID-19-related guidelines apply
-  Carbon monoxide alarm
-  Smoke alarm

[Show all](#) >

Cancellation policy

Bathtub



Patio or balcony



Show all 54 amenities

Select check-in date

Add your travel dates for exact pricing

< August 2021

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo
1	2	3	4	5	6	7		
8	9	10	11	12	13	14	5	6
15	16	17	18	19	20	21	12	13
22	23	24	25	26	27	28	19	20
29	30	31					26	27



★ 4.93 (14 reviews)

Cleanliness

4.8

Accuracy

4.8

Communication

4.9

Location

4.7

Bathtub



Patio or balcony



Show all 54 amenities

Select check-in date

Add your travel dates for exact pricing

< July 2021

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo
				1	2	3	1	2
4	5	6	7	8	9	10	8	9
11	12	13	14	15	16	17	15	16
18	19	20	21	22	23	24	22	23
25	26	27	28	29	30	31	29	30



★ 4.92 (13 reviews)

Cleanliness

4.8

Accuracy

4.8

Communication

4.8

Location

4.7

 Identity verified

 Superhost

Hello everyone! I have lived in San Diego for the last 10 years and love everything about this city! I always enjoy meeting new people, and am available any time to ensure you have the best vacation possible!

Co-hosts

Janelle

Ben is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Response rate: 94%

Response time: within an hour






Contact host

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.







Things to know

House rules

-  Check-in: After 3:00 PM
-  Checkout: 10:00 AM
-  Self check-in with keypad
-  No smoking
-  No pets

Health & safety

-  Committed to Airbnb's enhanced cleaning process. [Learn more](#)
-  Airbnb's social-distancing and other COVID-19-related guidelines apply
-  Carbon monoxide alarm
-  Smoke alarm

Hands down the best place and hosts. Any questions or concerns were answered immediately and the stay was amazing. From the amazing interior to the gorgeous views right outside, there was nothing to complain about. Will definitely be coming back again!



Zuzu

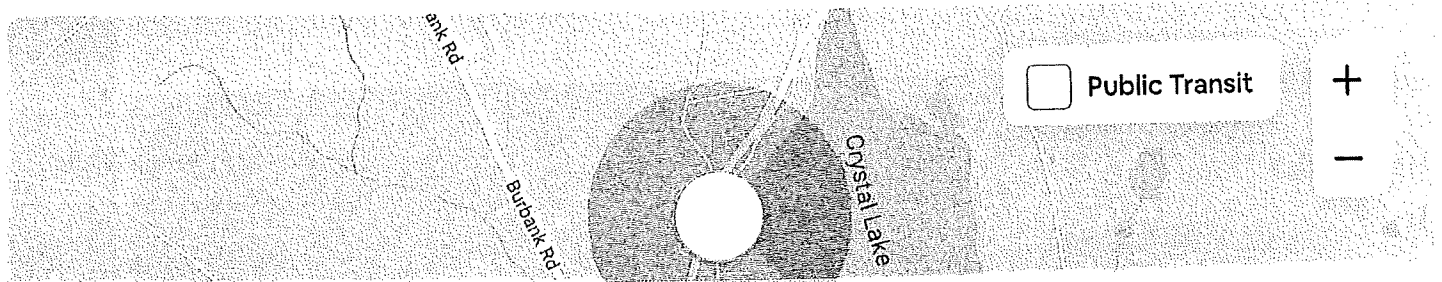
March 2021

This place was amazing, I went there for the weekend with my friends for my birthday and the view was to die for. The house had everything to use to cook and to drink. It is very spacious especially the rooms. House had games too. I honestly can't wait to boo another trip especially in the summer. The response is quick if you are ever looking for anything.

Show all 14 reviews

Location

Ellington, Connecticut, United States



Exact location provided after booking.

Transfer

RMap data ©2021

Hosted by Ben

Joined in April 2014

★ 100 Reviews



Location

4.7

Check-in

5.0

Value

4.9



Melanie

May 2021

Very quiet, comfortable, well equipped and spacious. This exceeded my expectations. We encountered a minor issue and had immediate response. I'd definitely rent again.



Lindsay

April 2021

Wonderful stay!! Everything was as expected and very clean!



Jim

April 2021

This was a great house and Ben was a wonderful host. The lake was amazing to wake up to every day with a very nice deck and fire pit to enjoy as well. Although it's in Ellington we got everywhere we wanted to go in less than 20 minutes. We would rent this house again!



Jennifer

April 2021

The location on the lake was great and the stay was fine. The beds were comfy and we were happy with the design of the house and the access to a canoe and kayak. We were disappointed that there was no dock and crib - even though it is stated in the listing and shown in the photos, several blinds were missing or broken, dishwasher was not working and the floors were still quite dirty and there was confetti sprinkled throughout the house from prior guests. We communicated most of this to Ben throughout the stay and they said thanks for letting them know and they'll address after our stay so hopefully future guests don't have to deal with the inconveniences.



Victoria

March 2021

Bathtub



Patio or balcony



Show all 54 amenities

Select check-in date

Add your travel dates for exact pricing

May 2021

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo
						1		
2	3	4	5	6	7	8	6	7
9	10	11	12	13	14	15	13	14
16	17	18	19	20	21	22	20	21
23	24	25	26	27	28	29	27	28
30	31							





★ 4.93 (14 reviews)

Cleanliness	4.8
Accuracy	4.8
Communication	4.9

The host doesn't allow pets or smoking. [Get details](#)

Beautiful lakefront house with some of the best views on Crystal Lake! Incredible water views from nearly every room in the house! Perfect for a relaxing family vacation or gathering of any kind. 4 bedrooms, 2 bathrooms, 3 fire places, office, dock, 1 car garage and 5 parking spaces etc. Includes high end outdoor fire pit, weber propane grill, canoe, kayak, water floats etc. Holds up to 12 people.

Sleeping arrangements

 Bedroom 1 1 king bed	 Bedroom 2 1 queen bed	
---	--	--

Amenities

Beach access – Beachfront



Kitchen



Wifi



Free driveway parking on premises – 6 spaces



TV



Washer



Dryer



Air conditioning

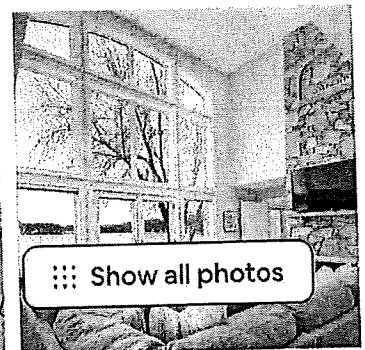
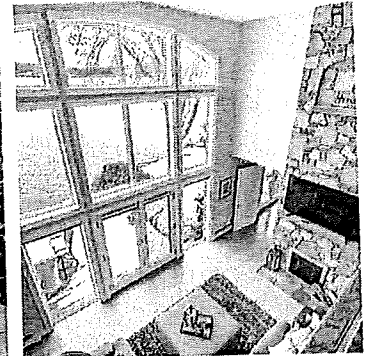
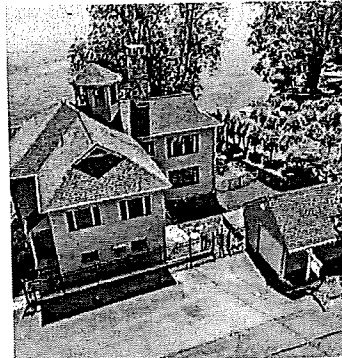


Lakefront Paradise

PRINTED MAY 18, 2021

★ 4.93 (14 reviews) · Superhost · Ellington, Connecticut, United States

Share Save



Show all photos

Entire house hosted by Ben

12 guests · 4 bedrooms · 7 beds · 2 baths



\$378 / night

★ 4.93 (14 reviews)

Entire home

You'll have the house to yourself.

Enhanced Clean

This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)

Self check-in

Check yourself in with the keypad.

Ben is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

House rules

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	

Check availability

Report this listing

Bathtub



Patio or balcony



Show all 54 amenities

Select check-in date

Add your travel dates for exact pricing

< August 2021

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo
1	2	3	4	5	6	7		
8	9	10	11	12	13	14	5	6
15	16	17	18	19	20	21	12	13
22	23	24	25	26	27	28	19	20
29	30	31					26	27



★ 4.92 (13 reviews)

Cleanliness	4.8
Accuracy	4.8
Communication	4.8
Location	4.7

Attachment 6

John Colonese

From: Maryann Fusco <fusc0@hotmail.com>
Sent: Friday, April 09, 2021 7:32 PM
To: John Colonese
Subject: Zoning violation Air bnb at 97 W Shore Rd

Follow Up Flag: Follow up
Flag Status: Flagged

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,

I am writing to inquire about the air bnb at 97 W Shore Rd. that is in violation of zoning regulations. Below is the link to the air bnb listing that a contain contact link to the owner and the reservation calendar that shows the short term mostly weekend rentals

https://www.airbnb.com/rooms/47267610?adults=10&source_impression_id=p3_1617923214_ctwDyJa%2BfNJ6Cvni&guests=1

I had spoken to you a couple of weeks ago when a renter capsized the canoe and learned that a complaint had been filed by another party. I want to know what is the timeline for termination of the air bnb short term rentals at this property. According to the calendar on the air bnb site this place is rented every weekend through August 2021. The property has had different groups of people every weekend.

I will follow up with a phone call on Monday. Thank you.

Best regards,
Maryann

John Colonese

From: Maryann Fusco <fusco0@hotmail.com>
Sent: Monday, May 10, 2021 2:23 PM
To: John Colonese
Subject: 97 W Shore Rd Ellington

Follow Up Flag: Follow up
Flag Status: Flagged

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,

I am writing as a follow up to our phone conversation. The property at 97 W Shore Rd continues to be used as a short term Airbnb rental. There are different cars and groups of people weekly. This past weekend 6 cars with out of state plates (NJ and MA) arrived on Friday after 3pm and left on Sunday by 11am. On Saturday night many young adults were outdoors yelling - let's party at 12:30 am. while blasting their music. After this group left, three different cars from out of state (all from NJ) arrived after 3 pm on Sunday. The arrival and departures coincide with the check in and out times listed for this property on Airbnb. I have included the link.

https://www.airbnb.com/rooms/47267610?adults=12&source_impression_id=p3_1620670849_Hip77pUZp0NG7MoZ&guests=1

Thank you for your time and attention in this matter.

Best regards,
Maryann

Attachment 7



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

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL RECEIPT

Certified Mail Fee

\$ 3.60

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

- Return Receipt (hardcopy) \$ 2.85
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$.51

Total Postage and Fees

\$ 6.96

Sent To

Benjamin Meyers

Street and Apt. No. or PO Box No.

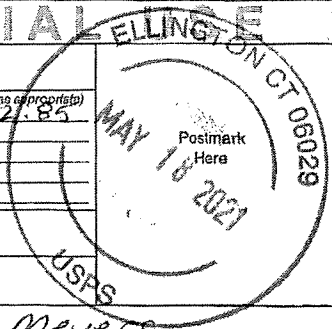
77 West Shore Rd.

City, State, ZIP+4®

Ellington CT 06029

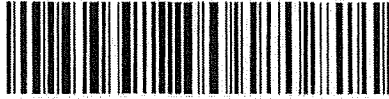
PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7016 2710 0001 1469 8852

USPS TRACKING #



9590 9402 2387 6249 0756 09



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

TOWN OF ELLINGTON
PLANNING DEPARTMENT
55 MAIN STREET
P.O. BOX 187
ELLINGTON, CT 06029-0187

Per tracking #
Delivered 5/21/21
Checked w/
Ellington Post
office 6/9/21
(860) 875-6391

Town of Ellington Zoning Board of Appeals Application

Application #
V202111
Date Received
6/20/2021

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.

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

Owner's Information

Name: BENJAMIN & JANELLE MEYERS
Mailing Address: 97 WEST SHORE RD
ELLINGTON, CT 06029
Email: BMEY24@YAHOO.COM

Applicant's Information (if different than owner)

Name: _____
Mailing Address: _____
Email: _____

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

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

Primary Contact Phone #: 858-692-3949
Secondary Contact Phone #: 860-402-9511

Primary Contact Phone #: _____
Secondary Contact Phone #: _____

Owner's Signature: B-M-M Date: 6-16-21

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. 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.

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: 97 WEST SHORE RD ELLINGTON, CT 06029

Assessor's Parcel Number (APN): 146 .025 .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 WE ARE ON CRYSTAL LAKE, BUT NO CONSTRUCTION ACTIVITY REQUESTED

Is the project in a public water supply watershed area? Yes No AT THIS TIME.
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) _____

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

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

RECEIVED
JUN 21 2021
TOWN OF ELLINGTON
PLANNING DEPARTMENT

06/16/2021

RECEIVED

JUN 21 2021

TOWN OF
PLANNING DEPARTMENT

Dear Ellington Planning Department:

We received your Cease and Desist letter on May 21st, 2021. We are writing to appeal this letter. We have reviewed the Ellington Zoning Regulations with our attorney. We cannot find any laws or regulations against short term rentals.

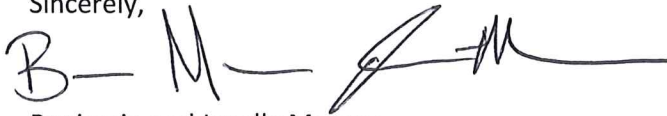
We tried to sell our house in October, 2020. We had a buyer, and upon the inspection, we discovered our house has a tier 3 crumbling foundation. It is a very unfortunate situation. We are on the Connecticut Foundations Solutions waiting list to receive reimbursement to repair our foundation.

The state is expected to receive new funds around July 1st, 2021 to help home owners in our position. Since our foundation claim is a tier 3, we have been told we are at the top of the list.

We plan on selling our house as soon as we can fix the foundation. In the meantime, we must still meet our monthly financial obligations for this home. This includes our mortgage, taxes, town fees etc. We are only renting the home short term to cover our financial obligations until we can fix the foundation.

During this hardship, we would greatly appreciate any leniency possible. We have not had any complaints about our guests. We have a very strict list of house rules, and are amenable to sharing them with the town.

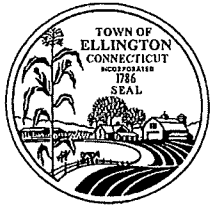
Sincerely,

A handwritten signature in black ink, appearing to read 'B-Meyers', with a long horizontal flourish extending to the right.

Benjamin and Janelle Meyers

97 West Shore Rd

Ellington, CT 06029



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:

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- 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



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

March 19, 2021

Benjamin Meyers & Janelle Meyer
97 West Shore Road
Ellington, CT 06029

Sent Via: Certified Mail R/R 70162710000114698838
US POSTAL SERVICE

Re: 97 West Shore Road (Assessor Parcel No. 148-025-0000)

Dear Mr. Meyers & Ms. Meyer:

Recently, the Ellington Planning Department received a complaint regarding the use of the property and dwelling for short term rental at 97 West Shore Road, Ellington, CT. In response, the complaint was investigated. It appears the subject property and dwelling are being used for short term rentals, and therefore the subject property 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.

In order to remedy this situation you must cease the use of the subject property and dwelling for short term rentals, certifying agreement with the Town of Ellington Zoning Regulations.

Failure to correct this situation and bring your property into compliance with the Ellington Zoning Regulations may necessitate the issuance of a Cease and Desist Order and/or the issuance of a municipal citation and fine, in addition to any other legal remedies as prescribed by law. A review of your property will be conducted no less than fifteen (15) business days from the date of receipt of this letter.

Please feel free to contact me at (860) 870-3120 to discuss this notice. Thank you in advance for your prompt attention and anticipated voluntary compliance to this matter.

Respectfully,

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

M DION DEVELOPMENT LLC

RECEIVED

JUN 21 2021

TOWN OF ELLINGTON
PLANNING DEPARTMENT

December 26, 2020

Benjamin & Janelle Meyers
97 West Shore Road
Ellington, CT 06029

Re: Visual Review of Concrete Foundation Walls
97 West Shore Road, Ellington

Dear Mr. & Mrs. Meyers:

On Wednesday, December 23, 2020, I made a site inspection of the existing residential dwelling located at 97 West Shore Road, Ellington. The reason for the inspection was to make an attempt to visually identify cracking caused by a reactive aggregate in the concrete foundation supporting the home reported to be rebuilt approximately 2004.

The colonial styled home had a hybrid basement under the main living area. The western and southern sides had a crawl space with partial height walls (4' +/-), and the northeast corner had a full basement with generally full height walls (7' +/-). Some walls were masonry block from the original home which had been reconstructed. The basement was unfinished with mild storage limiting viewing in a few isolated areas. Basement exterior access was provide by a man door in the northeast corner.

The available inside perimeter of the basement walls were visually inspected. The viewable area of the foundation were found to be in good/fair condition. Some typical shrinkage/stress cracks were noted along wall lengths and at inside corners. Though, minor to moderate map cracking was noted throughout the southern crawl space. This type of "atypical" cracking is likely related to a reactive aggregate in the concrete. Moderate areas of efflorescence (moisture travel) were noted. No pour lines were observed; mild areas of honeycombing was noted.

A review of the exterior of the home foundation found no immediate areas of concern. Typical shrinkage cracks were noted along wall lengths and inside corners. Though, moderate horizontal cracking was noted at the southeast corner. The home site provided good exterior grading characteristics. Front, side and rear yards provided the potential for drainage away from the home. Controlling water by assuring it drains away from, and minimizes contact with, the home is recommended for long term performance of the foundation and to control water leakage and potential further reaction.

Should you pursue repair funding from the Connecticut Foundation Solutions Indemnity Company, LLC, based on my opinion and interpretation of their definition of deleterious pyrrhotite, the home foundation has Severity Class 3 characteristics based on the viewable areas. Please contact me at (860) 432-3937 or at mdiondevelopment@cox.net with any follow-up comments, questions or inspections.

Signature
MICHAEL E. DION
No. 17635
Professional Engineer
MICHAEL E. DION, P.E. (PEN.0017635)

Attachment
Tania Drive, Manchester, CT 06040 phone/fax (860) 432-3937

RECEIVED

JUN 27 2021

December 30, 2020

ESIS®

Janelle Meyers
97 West Shore Road
Ellington, CT 06029



Via email: Janelle.sauve@gmail.com

RE: Date of Application: 12/29/2020
Claim #: 1E01E098013005

Dear Ms. Meyers:

Thank you for your application to the CFSIC "Crumbling Foundations" program. We have received your Type 1 application, have noted it in our records as a "Pending" claim, and have assigned the above noted claim number for reference.

Pending claims will be held by ESIS ProClaim on behalf of CFSIC until those claims can be considered for either "Active" or "Inactive" status. In order for Pending claims to convert to either Active or Inactive status, CFSIC must first determine its ability to fund those claims based on an extension of CFSIC's current sunset date, as well as confirmation of sources of funding after July 1, 2021.

In order to learn more about how a Pending claim is defined and administered, you should go to CFSIC's website, which is <https://crumblingfoundations.org>, and go specifically to the main menu on the home page and look for the "For Homeowners" section. Click that tab and go to **subsection 18** at the bottom of that page, which will provide you with a link to specific information regarding what a Pending status claim is, as well as CFSIC's current efforts to increase the base of our funding.

Your claim may be in Pending status for a long time. It may be that you will not hear from us for a while...but that does not mean that we have lost your claim, or that we are not aware of your status as a Pending claimant.

Rest assured that when we have information to give you about the status of your claim, we will do so promptly.

Should you have further questions, please call 844-763-1207 to speak with a member of our Team.

Regards,

ESIS®

Jeff S. Tager, M.Ed., J.D.
Team Leader – ESIS ProClaim
82 Hopmeadow Street, Simsbury, CT 06070
O 860-408-2181 M 860-990-9169
F 800-981-4375 E Jeff.Tager@esis.com



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
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TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, JULY 12, 2021, 7:00 PM

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

REMOTE MEETING ATTENDANCE PROVIDED WITH ZOOM MEETING

PRESENT: Chairman Art Aube, Regular members Ken Braga, Katherine Heminway, Subhra Roy, and Alternate Ron Brown

ABSENT: Vice Chairman Sulakshana Thanvanthri, Alternate Ron Stomberg and Rodger Hosig

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 7:00 pm at the Ellington Town Annex Meeting Room, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARINGS:

Alternate Ron Brown announced that he reviewed all the documentation, listened to the audio of last month's meeting, and is comfortable being seated on applications V202107 and V202101.

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.

Time: 7:01 pm

Seated: Aube, Heminway, Roy and Brown

Betty Lukens, 28 Florence Avenue and Dan Shustock, 61 Miller Road, Broad Brook, CT were present to represent the application.

Mr. Colonese stated the property owner has submitted a letter from her doctor and a survey showing the property line and detached garage structure. He also noted the Planning Department received a letter from the neighbor at 26 Florence Avenue on July 8, 2021.

Commissioner Heminway thanked Ms. Lukens for providing the survey to the Zoning Board of Appeals.

Kathy Vaiciulis, 26 Florence Avenue, stated she lives next door and read her letter that was submitted to the Planning Department on July 8, 2021. Ms. Lukens responded that she has limited mobility and balance due to the metal in her body, and is therefore unable to stretch to brush off the snow from her car.

Mr. Shustock explained the elevation to the west side of the property is a steep slope whereas on the east side there is only one step down to where the garage is located.

Ms. Vaiciulis stated the ramp to the garage is an additional obstacle for Ms. Lukens. Mr. Shustock said the ramp is like any other ramp, such as a convenience store handicap ramp.

Alternate Brown asked if there was any cover between the house and the garage, Ms. Lukens explained the side step off the house is covered and they plan to add hand rails leading into the garage.

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

MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE 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.

Hardship: Accessibility for a person with a disability.

2. V202109 – Adam & Havi Klifeld, owners/ Kendall B. Trenchard, 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 12ft for a 36'x16' screened in pavilion above an existing deck at 161 West Shore Road, APN 169-007-0000 in a Lake Residential (LR) zone.

Time: 7:16 pm

Seated: Aube, Braga, Heminway, Roy and Brown

Kendall Trenchard, 22 Lucks Way, Bolton, CT was present to represent the application. Mr. Trenchard stated there is an existing deck on the north side of the house. The owner of the property is looking to install a pavilion on roughly half of the deck. He noted there is a 12 foot retaining wall along side of the deck and the deck cannot be seen from the main road. Mr. Trenchard added that there is ledge on the south side of the house.

Alternate Brown asked why the owner would need the variance to 12 feet. Mr. Trenchard explained they are looking to keep the pavilion as far from the retaining wall as possible.

Commissioner Roy asked the applicant what the hardship is. Mr. Trenchard noted there is no other place to build the pavilion on the property due to the ledge and proximity to the water.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202109 – Adam & Havi Kligfeld, owners/ Kendall B. Trenchard, 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 12ft for a 36'x16' screened in pavilion above an existing deck at 161 West Shore Road, APN 169-007-0000 in a Lake Residential (LR) zone.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202109 – Adam & Havi Kligfeld, owners/ Kendall B. Trenchard, 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 12ft for a 36'x16' screened in pavilion above an existing deck at 161 West Shore Road, APN 169-007-0000 in a Lake Residential (LR) zone.

Hardship: Lot is narrow on south side of property with bedrock; pavilion to be built upon existing non-conforming deck.

3. V202110 – Michael & Karen D'Amico, owners/applicants, request for a variance of the Ellington Zoning Regulations Section 2.1.6 – Visibility at Corners and Section 2.1.7 – Construction in Required Yards: to reduce the front yard setback from 35ft to 12ft on Sweeney Street and from 35ft to 19.6ft on Green Street for a 6ft fence at 12 Keeney Street, APN 129-031-0000 in a Lake Residential (LR) zone.

MOVED (HEMINWAY), SECONDED (ROY) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING TO THE AUGUST 2, 2021 REGULAR MEETING AT THE TOWN HALL ANNEX MEETING ROOM, 57 MAIN STREET, FOR V202110 – Michael & Karen D'Amico, owners/applicants, request for a variance of the Ellington Zoning Regulations Section 2.1.6 – Visibility at Corners and Section 2.1.7 – Construction in Required Yards: to reduce the front yard setback from 35ft to 12ft on Sweeney Street and from 35ft to 19.6ft on Green Street for a 6ft fence at 12 Keeney Street, APN 129-031-0000 in a Lake Residential (LR) zone.

By consensus, the Board decided to go out of agenda order to Public Hearing item 5.

5. V202111 – 97 West Shore Road, Benjamin & Janelle Meyers owners/applicants, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated May 18, 2021 of Section 10.2-Definitions: Dwelling, One-Family, Section 2.1.1.D-Zoning Compliance and Section 3.1-Permitted Uses of the Ellington Zoning Regulations.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING TO THE AUGUST 2, 2021 REGULAR MEETING AT THE TOWN HALL ANNEX MEETING ROOM, 57 MAIN STREET, FOR V202111– 97 West Shore Road, Benjamin & Janelle Meyers owners/applicants, to appeal a Cease & Desist Order from the Zoning Enforcement Officer dated May 18, 2021 of Section 10.2-Definitions: Dwelling, One-Family, Section 2.1.1.D-Zoning Compliance and Section 3.1-Permitted Uses of the Ellington Zoning Regulations.

By consensus, the Board decided to go back to regular agenda order.

4. 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: 7:26 pm

Seated: Aube, Braga, Heminway, Roy and Brown

Ms. Houlihan noted this is the third meeting for this appeal and there are only four days of extension remaining to close the public hearing. She stated to the applicant and the public that it is not necessary to repeat any testimony that was previously heard at the other meetings. Chairman Aube requested Ms. McCarthy to only discuss the Cease & Desist Order and not surrounding neighbors. Ms. McCarthy proceeded to explain that she moved some fencing to within the allowed area and was not in violation of the regulation. She reviewed a diagram of her property with the Board.

Michael Vengruskas, 14 Green Street, noted that the Board offered Ms. McCarthy to apply for a variance which she has not applied for, and he added that she hasn't done any improvements to the property since the last meeting.

Michael D'Amico, 12 Kenney Street, concurred with Mr. Vengruskas that Ms. McCarthy is not complying with the Board's suggestions.

Commissioner Heminway asked Ms. McCarthy why she could not get the survey completed for at least another 2 months, whereas a preceding applicant was able to have the survey completed and submitted to the Zoning Board of Appeals within a few weeks. Ms. McCarthy explained that the surveyors she contacted were unable to give her a timeframe of less than two months. Alternate Brown asked Ms. McCarthy what she has done on the property since she received the Cease & Desist Order. Ms. McCarthy responded that she has moved some of the fencing closer to the house.

Kathy Guilmette, 10 Keeney Street, stated the fencing that Ms. McCarthy has moved is now on her property.

Erin Stavens, Ellington Enterprises, 26 Green Street, expressed her concerns for the neighbors and feels the Zoning Board of Appeals has given Ms. McCarthy enough time to plead her case.

Ms. McCarthy submitted additional documents to the Board. Chairman Aube asked for a motion to close the public hearing.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBIC HEARING FOR V202101.

Ms. McCarthy submitted additional documents to the Board.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO AFFIRM WHOLLY V202101 – Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020, Section 2.1.7-Construction in Required Yards of the Ellington Zoning Regulations.

OWNER SHALL SUBMIT TO THE PLANNING DEPARTMENT A ZONING BOARD OF APPEALS APPLICATION FOR A VARIANCE BY AUGUST 25, 2021 IN ORDER TO HAVE THE APPLICATION HEARD AT THE SEPTEMBER 13, 2021 REGULAR MEETING OR REMOVE THE FENCE AND SECTIONS OF FENCE WITHIN THE FRONT YARD SETBACK AREA OVER TWO AND A HALF FEET IN HEIGHT THAT PROVIDE MORE THAN FIFTY

PERCENT OBSTRUCTION OF VISION THROUGH THE FENCE AND ANY FENCE OVER FOUR FEET IN HEIGHT BY AUGUST 25, 2021. THE FRONT YARD SETBACK AREA ON THE PROPERTY IS SETBACK 35 FEET FROM THE FRONT PROPERTY LINE ON GREEN STREET AND SWEENEY STREET.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO AFFIRM WHOLLY V202101 – Cease & Desist Order from the Zoning Enforcement Officer dated December 11, 2020, Section 2.1.1.D-Zoning Compliance, Section 3.1-Permitted Uses of the Ellington Zoning Regulations.

PROPERTY OWNER SHALL IMMEDIATELY CEASE FROM ACCUMULATING FURTHER JUNK ON THE PROPERTY.

ITEMS CONSIDERED JUNK ARTICLES CONSTITUTING A JUNK YARD BASED ON THE PHOTOS OF THE PROPERTY FROM DECEMBER 3, 2020 TO BE REMOVED WITHIN THIRTY (30) DAYS FROM TODAY, JULY 12, 2021 ARE IDENTIFIED AS FOLLOWS:

- **DISASSEMBLED FENCE POSTS AND FENCE PANELS;**
- **DISASSEMBLED FENCE PIECES UNDER TARP;**
- **TARPED ARTICLES;**
- **GRAY, BLUE, AND WHITE GARBAGE BINS BY THE ROAD NOT PART OF TOWN TRASH OR RECYCLING COLLECTION;**
- **WOOD PALLETS NOT IN USE;**
- **METAL PIPES BY FRONT OF HOUSE.**

DISASSEMBLED FENCE PIECES AS DESCRIBED BY THE OWNER IN THE FRONT YARD MAY REMAIN IF A VARIANCE IS APPLIED FOR BY AUGUST 25, 2021 IN ORDER TO HAVE THE APPLICATION HEARD AT THE SEPTEMBER 13, 2021 REGULAR MEETING.

BASED ON THE LATEST PHOTOS OF THE PROPERTY FROM JUNE 7, 2021 AND DESCRIPTIONS FROM THE OWNER AS TO HOW THE ITEMS ARE BEING USED ON THE PROPERTY, THE FOLLOWING ITEMS ARE NOT CONSIDERED JUNK ARTICLES CONSTITUTING A JUNK YARD:

- **ONE GREEN EXERCISE DEVISE;**
- **WOODEN SPOOLS;**
- **WHITE WOODEN PALLETS IN USE.**

WHITE WOOD RECTANGULAR ITEM ON THE DRIVEWAY AS SHOWN IN DECEMBER 3, 2020 PHOTOS AS TARPED AND DESCRIBED BY THE OWNER AS A PILLAR IS CONSIDERED A STRUCTURE AND WITHOUT PERMIT APPROVAL MUST BE REMOVED FROM THE PROPERTY WITHIN THIRTY (30) DAYS FROM TODAY, JULY 12, 2021.

FAILURE TO COMPLY WITH TIME PERIODS STATED HEREIN WILL RESULT IN THE ISSUANCE OF A CITATION AND FINE IN ACCORDANCE WITH CHAPTER 48: CITATIONS FOR WETLANDS AND ZONING VIOLATIONS OF THE TOWN OF ELLINGTON CODE OF ORDINANCES.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the June 7, 2021 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED (BROWN - ABSTAINED) TO APPROVE THE JUNE 7, 2021 MEETING AS WRITTEN.

2. Correspondence/Discussion:

V. ADJOURNMENT:

MOVED (HEMINWAY), SECONDED (ROY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 8:12 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk