



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON
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TEL. (860) 870-3120 **TOWN PLANNER'S OFFICE** FX (860) 870-3122

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, AUGUST 23, 2021, 7:00 PM
IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE: ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT: IN PERSON: VICE CHAIRMAN SEAN KELLY, REGULAR MEMBERS RICCI HIRTH, F. MICHAEL FRANCIS AND MICHAEL SWANSON, AND ALTERNATES JON MOSER AND KEN RADZIWON

MEMBERS ABSENT: CHAIRMAN ARLO HOFFMAN, SECRETARY ROBERT SANDBERG, JR, AND REGULAR MEMBER WILLIAM HOGAN

STAFF PRESENT: IN PERSON: LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK

I. CALL TO ORDER: Vice Chairman Kelly called the meeting to order at 7:00 pm.

II. PUBLIC COMMENTS (On non-agenda items): **None**

III. PUBLIC HEARING(S):

1. Z202112 - Text amendment to Section 3.1.2 – Residential Uses, Section 7.1 Accessory Apartments and Section 10.2 - Definitions of the Ellington Zoning Regulations.

Time: 7:01 pm

Seated: Kelly, Hirth, Francis, Swanson, Moser and Radziwon

The proposal addresses the portion of Public Act 21-29 for accessory apartments. Vice Chairman Kelly read the amendment to Section 7.1 Accessory Apartments as follows:

Section 7.1 Accessory Apartments

- A. Accessory Apartments are subject to the following restrictions and conditions:
 1. Either the primary dwelling unit or accessory apartment shall be owner-occupied.
 2. The usable floor area of the accessory apartment shall be less than 50 percent of the usable floor area of the primary dwelling unit and shall be no more than 1,000 square feet, except when an accessory apartment is associated with a farm it shall be no more than 1,250 square feet and shall not be subject to being less than 50 percent of the usable floor area of the primary dwelling unit. These areas shall be exclusive of garages, porches, or basements.
 3. The accessory apartment shall have no more than two bedrooms.
 4. The accessory apartment shall comply with Section 3.2.3 Minimum Yard Setbacks and Section 3.2.4 Building Height & Lot Coverage.

5. When an accessory apartment is attached to a primary dwelling unit, the following shall apply:
 - a. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
 - b. The accessory dwelling unit shall have only one main entrance on the street side of the structure; all other entrances shall be at the side or to the rear.

Vice Chairman Kelly explained that Section 3.1.2 will be amended to permit accessory apartments in three residential zones, Section 6.2.3 amended to require a minimum of one parking space per accessory apartment and Section 10.2 amended to define accessory apartment.

All commissioners were in agreement with the proposed wording.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR Z202112 - Text amendment to Section 3.1.2 – Residential Uses, Section 7.1 Accessory Apartments and Section 10.2 - Definitions of the Ellington Zoning Regulations.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE Z202112 - Text amendment to Section 3.1.2 – Residential Uses, Section 7.1 Accessory Apartments and Section 10.2 - Definitions of the Ellington Zoning Regulations. **EFFECTIVE DATE: SEPTEMBER 1, 2021.**

2. Z202113 - Juliano Family One, LLC, owner/Brian Juliano, applicant, request for modification to Special Permit to expand storage yard and Site Plan Modification to expand pavement for parking and outdoor storage, detached signage, landscaping and associated improvements at 100 Windermere Avenue, APN 018-021-0000, in the IP-Zone. (Opening of hearing to be tabled)

BY CONSENSUS, TABLED THE OPENING OF THE PUBLIC HEARING TO THE SEPTEMBER 27, 2021, 7:00 PM REGULAR MEETING AT THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z202113 - Juliano Family One, LLC, owner/Brian Juliano, applicant, request for modification to Special Permit to expand storage yard and Site Plan Modification to expand pavement for parking and outdoor storage, detached signage, landscaping and associated improvements at 100 Windermere Avenue, APN 018-021-0000, in the IP-Zone.

3. S202103 – Brooks Crossing Developers, LLC owner/applicant, request for re-subdivision for eleven (11) lots for 55.94 acres off of Jobs Hill Rd between Brook Crossing and Brook Crossing Extension, APN 119-004-0000 (Highfield Estates Phase IV). (Opening of hearing to be tabled)

BY CONSENSUS, TABLED THE OPENING OF THE PUBLIC HEARING TO THE SEPTEMBER 27, 2021, 7:00 PM REGULAR MEETING AT THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S202103 – Brooks Crossing Developers, LLC owner/applicant, request for re-subdivision for eleven (11) lots for 55.94 acres off of Jobs Hill Rd between Brook Crossing and Brook Crossing Extension, APN 119-004-0000 (Highfield Estates Phase IV).

IV. OLD BUSINESS: None

BY CONSENSUS, ADDED ITEMS #1, 2 AND 3 OF NEW BUSINESS TO THE AGENDA

V. NEW BUSINESS:

1. S202101 – Sunset Valley Farms, LLC owner/ David Moser, applicant, request for two consecutive 90-day extensions for filing of subdivision plans for approval granted June 28, 2021 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 (FRANCIS) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO GRANT TWO CONSECUTIVE 90-DAY EXTENSIONS TO MARCH 27, 2022, FOR FILING OF SUBDIVISION PLANS FOR APPROVAL GRANTED JUNE 28, 2021 FOR S202101 – Sunset Valley Farms, LLC owner/ David Moser, applicant, re-subdivision of 42.34 acres for two (2) lots for 55 Kreyszig Road, APN 156-004-0001, in a RAR (rural agricultural residential) zone.

2. Z202115 - Brooks Crossing Developers, LLC owner/applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements for two rear lots associated with the re-subdivision for eleven (11) lots for 55.94 acres off of Jobs Hill Rd between Brook Crossing and Brook Crossing Extension, APN 119-004-0000, in a RAR (Rural Agricultural Residential) Zone (Highfield Estates Phase IV).

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR SEPTEMBER 27, 2021, 7:00 PM AT THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z202115 - Brooks Crossing Developers, LLC owner/applicant, request for a Special Permit pursuant to Section 7.9 – Rear Lot Requirements for two rear lots associated with re-subdivision for eleven (11) lots for 55.94 acres off of Jobs Hill Rd between Brook Crossing and Brook Crossing Extension, APN 119-004-0000, in a RAR (Rural Agricultural Residential) Zone (Highfield Estates Phase IV).

3. Z202114 – Tango Properties, LLC, owner/ Ready Imaging, Inc., applicant, request for a Special Permit to convert existing detached sign to digital LED fuel price sign at 194 Windsorville Road, APN 009-067-0000, in a C (Commercial) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR SEPTEMBER 27, 2021, 7:00 PM AT THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z202114 – Tango Properties, LLC, owner/ Ready Imaging, Inc., applicant, request for a Special Permit to convert existing detached sign to digital LED fuel price sign at 194 Windsorville Road, APN 009-067-0000, in a C (Commercial) Zone.

V. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission August 2, 2021 Special Meeting Minutes.

MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE THE AUGUST 2, 2021 SPECIAL MEETING MINUTES AS WRITTEN.

2. Correspondence:

- a. Town Planner memo dated July 26, 2021, regarding Public Act 21-1 An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.

Noting Public Act 21-1, Ms. Houlihan explained options to regulate adult-use cannabis in town. If no action is taken and an application is submitted, it must be treated similar to like regulations. Other options include a text amendment and/or a moratorium.

Ms. Houlihan noted currently the Ellington Zoning Regulations include provisions to permit a licensed medical marijuana production facility in industrial zones by special permit and a licensed medical marijuana dispensary in commercial zones by special permit. And, regulations limit one of each town-wide at any one time and do not allow them within 500' of a public or private school, municipal park, public or private recreation facility, daycare, place of worship, hospital, veteran's home or camp or military establishment. She stated some towns are processing temporary moratorium for adult-use cannabis to allow additional time to consider.

Alternate Moser suggested not to rush into a new regulation and Commission Swanson suggested to wait for 6-12 months before moving forward. Vice Chairman Kelly asked if they wanted growers in town. Commission Francis explained growers have to adhere to strict guidelines and marijuana would be grown in a secured building. By consensus, the commission agreed to process a six (6) month moratorium.

- b. Assistant Planner Enforcement Officer's email dated July 26, 2021, regarding standards for temporary political signs.

Vice Chairman Kelly noted John Colonese, Assistant Town Planner Zoning Wetlands Enforcement Officer, sent an email reminding the Chairman of the Democratic and Republican parties of regulations pertaining to political signs given the impending election this coming November.

- c. Discussion: Recommendation for use of American Rescue Plan Funds - Connecticut Conference of Municipalities Toolkit.

Vice Chairman Kelly stated the Town received a portion of funding and the Board of Selectmen wants recommendations on the best use of the money. The commissioners round tabled the subject matter. It was suggested to possibly put the money towards roads, bridges, drainage system, utilities to commercial and industrial areas, or mental health for school aged children. By consensus, the commission decided to table their final decision to the Board of Selectmen to next month's meeting.

VI. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 7:37 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk