



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, SEPTEMBER 13, 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. V202112 – Maureen Keohane, owner/ Lasse Aspelin, 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 0ft and the side yard setback from 10ft to 5ft for a house and attached garage at 2 East Shore Road, APN 149-093-0000 in a Residential (R) zone. *(Notice requirements met, hearing may commence)*

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the August 2, 2021 Regular Meeting Minutes.
2. Correspondence/Discussion:
 - a. Public Act 21-29 – An act concerning required training for members of the Zoning Board of Appeals.
 - b. Cease and Desist Order – 9 Deborah Drive, Violation of the Zoning Regulations.

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/84375172441>

Meeting ID: 843 7517 2441

Passcode: 291820

Join Zoom Meeting by phone:

1 646 558 8656 US (New York)

Meeting ID: 843 7517 2441

Passcode: 291820

Town of Ellington Zoning Board of Appeals Application

DPI PROJ.#
2352.K

Application # <u>V202112</u>
Date Received <u>8/23/2021</u>

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

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

Owner's Information

Name: MR MAUREEN KEOHANE
 Mailing Address: 39 WINDSHIRE DRIVE
SOUTH WINDSOR CT. 06074
 Email: MAKeohane1@gmail.com

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

Primary Contact Phone #: 860 798-6501 15
 Secondary Contact Phone #: 860-716-6610 15

Owner's Signature: Maureen Keohane Date: 8/23/21

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

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

Applicant's Information (if different than owner)

Name: LASSE ASPELIN (ARCHITECT)
 Mailing Address: 44 EAST MAIN ST.
STAFFORD SPRINGS, CT. 06076
 Email: ASPELIN1@COX.NET

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

Primary Contact Phone #: 860 684 4279
 Secondary Contact Phone #: _____

Applicant's Signature: Lasse Aspelin Date: 8/20/21

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted.

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PLANNING DEPARTMENT

Street Address: 2 EAST SNOKE ROAD ELLINGTON CT 06029

Assessor's Parcel Number (APN): 149 - 093 - 0000 Zone: R

Public Water: Yes No Public Sewer: Yes No
If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).

Is parcel within 500' to any municipal boundary? Yes No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin? Yes No

Is the project in a public water supply watershed area? Yes No
If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-3i(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.

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

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) _____

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
SECTION 3.2.3 MINIMUM YARD SETBACK 20 SF OF GARAGE WITHIN 10 FT. SIDEYARD
HOUSE 35 FT FRONT YARD VARIANCE - HOUSE 0 FT FROM ST. LINE

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)
SEE NARRATIVE STATEMENT ZBA APPLICATION (3 PAGES ATTACHED)



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21 JEFFREY DRIVE
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FAX: 860.291.8757
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CIVIL & TRAFFIC ENGINEERS / PLANNERS / SURVEYORS / GIS ANALYSTS / LANDSCAPE ARCHITECTS
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Narrative Statement
ZBA Application
Maureen A. Keohane
2 East Shore Road
Ellington, Connecticut
DPI Project No. 2352.k
August 19, 2021

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Requested Variances:

Section 3.2.3 Minimum Yard Setbacks – garage addition within the 10-foot side yard, with the closest corner of the addition being 5.0 feet from the property line (5.0 feet variance); and house within the 35 feet front yard setback, with the house being 0 feet from the street line (35 feet variance).

The unique, undue hardships and particular circumstances in support of this application are:

- 1) The subject 13,619 square feet (0.31 acre) property at 2 East Shore Road is an existing nonconforming undersized lot. Minimum lot size is 40,000 square feet, thus this lot is only 31% of the minimum in the Residential Zone (R);
- 2) The lot is nonconforming to lot frontage, in that it does not front on any public street, and for that matter, does not front on a private street;
- 3) This house could not physically accommodate a garage served by its driveway without a front yard variance;
- 4) At the request of Town staff, we are requesting a variance of 35 feet for the front yard setback from the residence's private driveway (A/K/A East Shore Road), to allow a house and garage at 0 feet setback;
- 5) Town staff have requested, and the ZBA has approved, a zero feet front yard setback for at least one other East Shore Road residence (N/F Pinard);
- 6) Proposed Lot Coverage is conforming at 22%. Maximum allowable is 25%;
- 7) This property has a unique issue with ledge, a natural impediment to development. Indeed, Aborn Road and East Shore Road were originally intended to be connected, as depicted on maps, but today they are offset, which has caused vehicular and public safety access issues for homes on both roads;
- 8) The ledge issue, in particular the ledge outcropping on the Keohane lot, has also been a natural impediment to pedestrian access around the lake. Walkers now go down the Keohane family's adjoining driveways at 42 and 44 Aborn Road, then up the existing Keohane stairwell (13 or so steps) to access the Keohane driveway at 2 East Shore Road as they continue their walk around the lake. The Keohane family has been accommodating to pedestrians in this regard;
- 9) The requested 5 feet side yard variance for the corner of the proposed two car garage is required in order to build an attached two car garage on the property for Maureen and her husband, William Keohane, both of whom intend to make this their primary, year-round

Pg 1 of 2

residence (they will be selling their current year-round home in South Windsor). They each have a car;

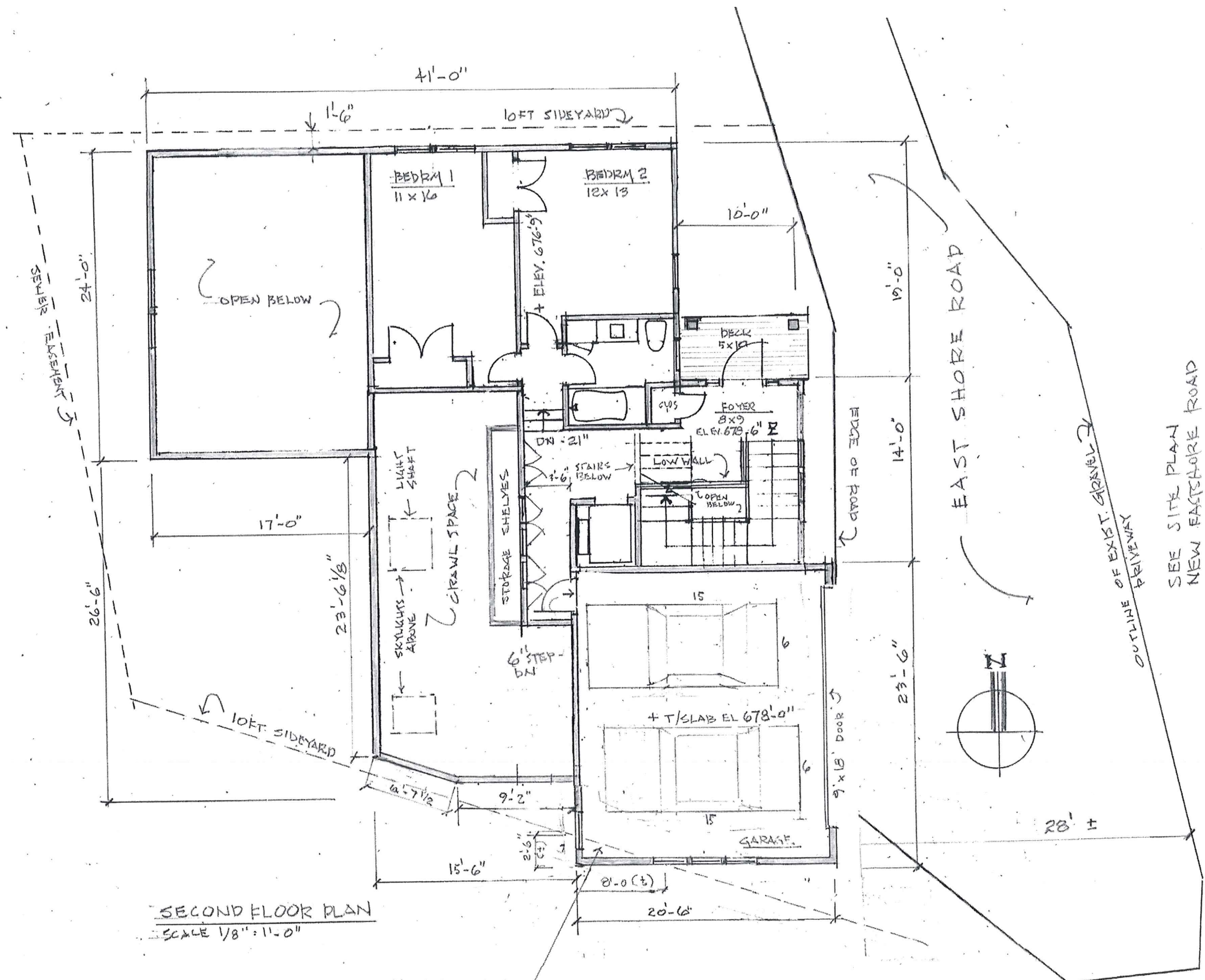
- 10) The two car garage will allow Mr. & Mrs Keohane to park their vehicles in the garage, rather than in their driveway (a/k/a East Shore Road);
- 11) By removing these vehicles from their driveway, it will allow the numerous vehicles which traverse East Shore Road to have the ability, on most occasions, to turn around to exit the narrow street, rather than backing up a considerable distance at great risk to pedestrians, themselves, and others. This includes UPS, FEDEX, Amazon and USPS delivery vehicles, drivers who are mistakenly guided by GPS to the end of the road, drivers visiting other families on East Shore Road, and others. This is more than for the purposes of public convenience, but is also a matter of public safety. Without the side yard variance, this will not be possible;
- 12) By parking their vehicles in their garage rather than in the street, it will facilitate pedestrian access down their driveway;
- 13) The irregular, trapezoidal shape of the lot, in which the parcel has only sixty feet of frontage on the lake (west side) which is near the house, but a more generous 108 feet at the top of the hill (east side) well above the house, makes the need for the side yard variance;
- 14) The property has a very challenging topography, or a drop of 72 feet (from 710 at the top, to 638 by the lake), which makes a garage at the driveway all that more important. The proposed retaining walls and landing will also make it safer for neighbors walking around the lake;
- 15) The existing residence on the lot is closer to the lake than the proposed structure. This is in part in consideration of the wetlands 100 feet upland review area;
- 16) The house will contain an elevator serving both upper levels and the walk-out basement for the long-term mobility of its residents, one of whom is already a senior citizen;
- 17) The applicant and her husband have retained a number of professionals to guide them through the design process, including an architect, surveyor, civil engineer, landscape architect and structural engineer;
- 18) The architecture is attractive, is designed to embrace the property's steep slopes, and will help maintain area property values.
- 19) The applicant has met with many neighbors to apprise them of this application.

In summary, we believe this narrative, maps and property demonstrate unique circumstances and hardships in support of this effort to improve this beautiful lakefront property. Thank you for your consideration.

Pg 2 of 2

These drawings have been specifically prepared for this client at this site, and are not to be used for any other purpose, location, or owner without the written permission of Lasse Aspelin & Associates.

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SECOND FLOOR PLAN
 SCALE 1/8" = 1'-0"

AREA REQUESTED FOR SIDE YARD VARIANCE
 $4' \times 9.5' \div 2 = 19 \text{ SF} (\pm)$
 (INCLUDES 1'-6" FOR ROOF OVERHANG & GUTTER)

SEE SITE PLAN
 NEW EASTSHORE ROAD
 OUTLINE

Maureen A. Keohane
 NEW CUSTOM DESIGN RESIDENCE
 2 East Shore Road, Ellington CT

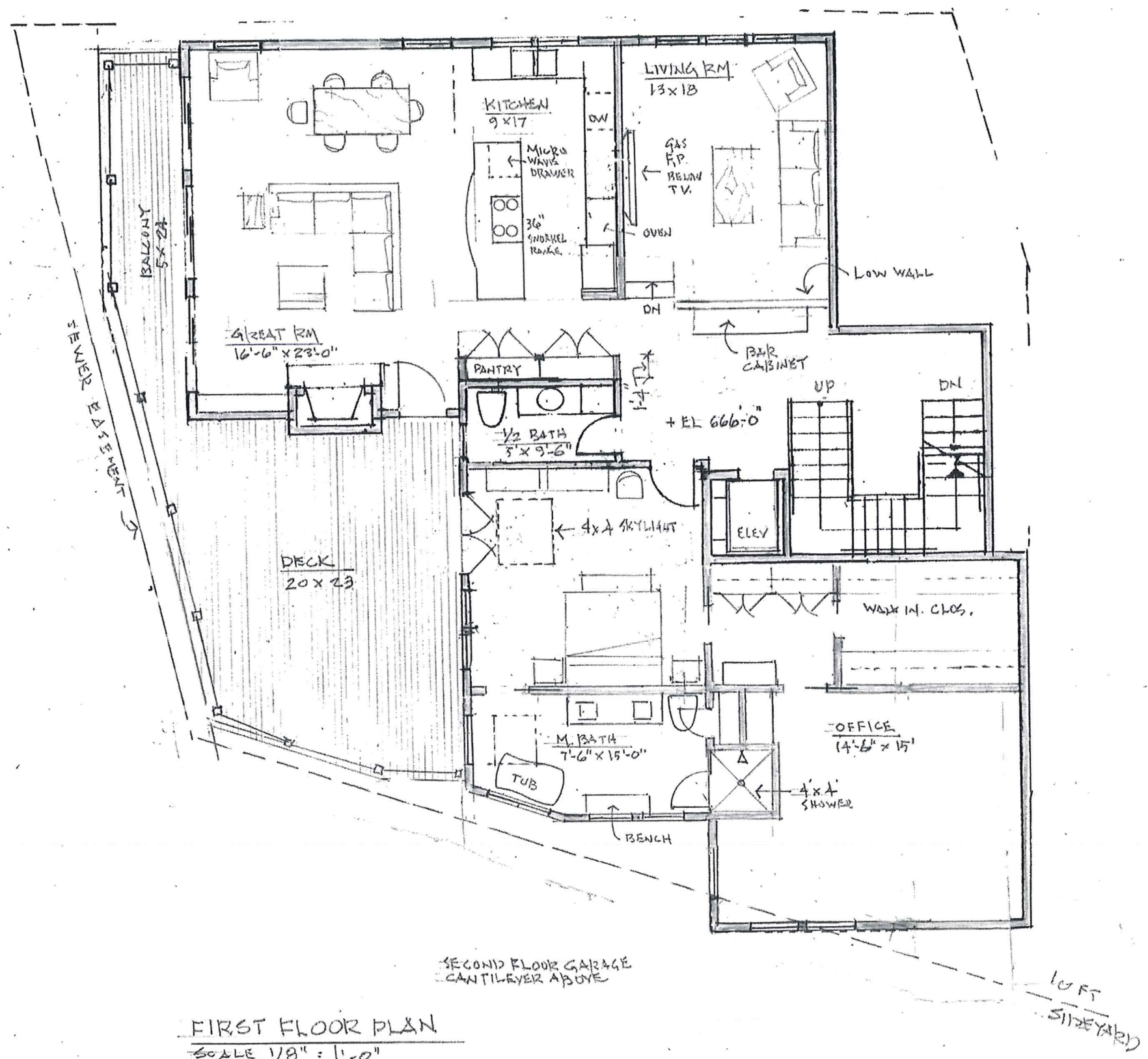
8-20-21
 8-3-21
 7-28-21
 REVISED
 7-20-21

Design Concept
 Drawings
A-1



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FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"

Maureen A. Keohane
 NEW CUSTOM DESIGN RESIDENCE
 2 East Shore Road, Ellington CT

8-20-21
 8-12-21
 7-28-21
 REVISION
 7-20-21

Design Concept
 Drawings
A-2

Lasse Aspelin
 & ASSOCIATES
 ARCHITECTURE • PLANNING • INTERIORS
 44 East Main St. Stafford Springs, CT 06076

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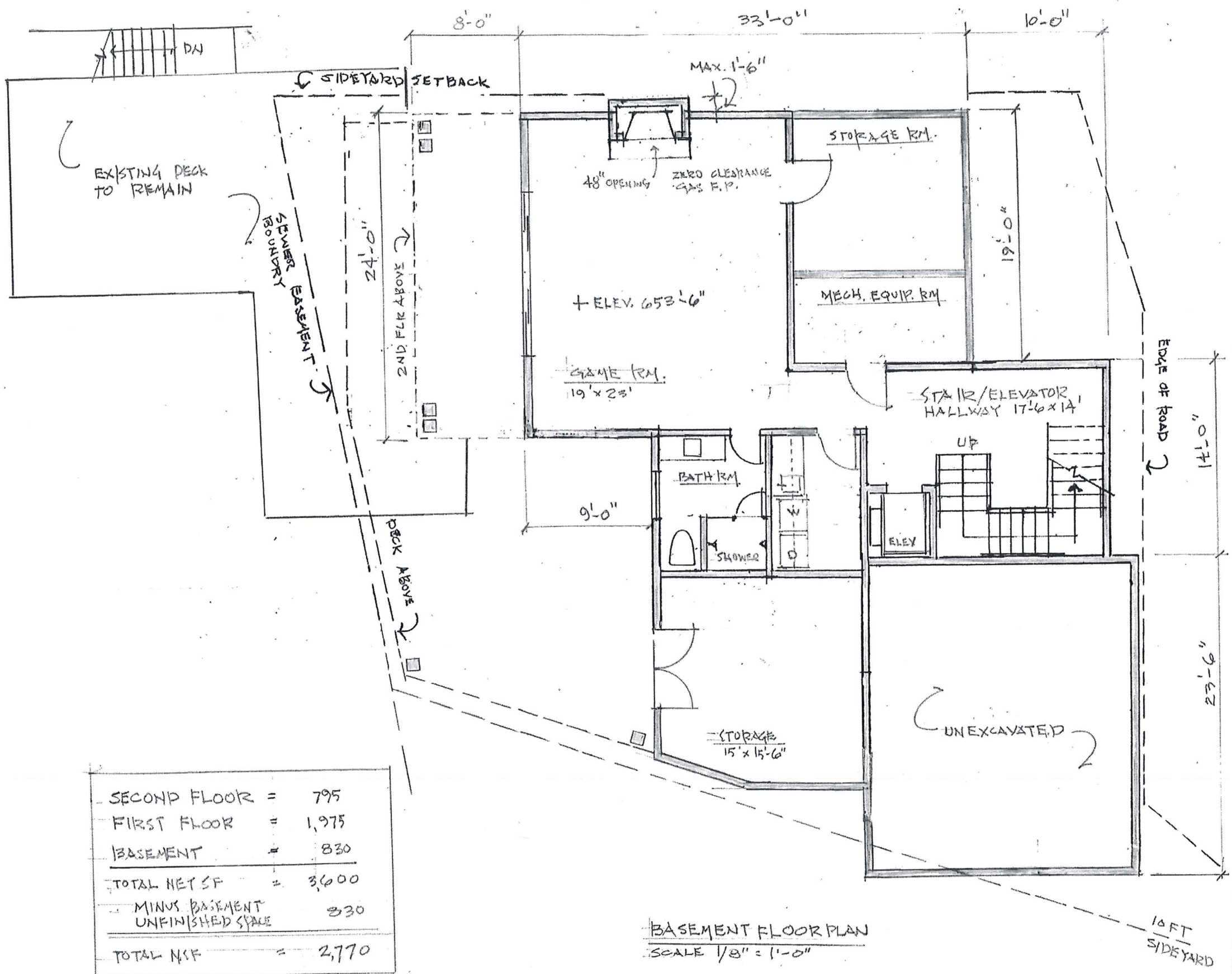
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Maureen A. Keohane
 NEW CUSTOM DESIGN RESIDENCE
 2 East Shore Road, Ellington CT

8-20-21
 8-13-21
 7-28-21
 REVISED
 7-20-21

Design Concept
 Drawings
A-3

Lasse Aspelin
 & ASSOCIATES
 ARCHITECTURE • PLANNING • INTERIORS
 44 East Main St, Stafford Springs, CT 06076



SECOND FLOOR	=	795
FIRST FLOOR	=	1,975
BASEMENT	=	830
TOTAL NET SF	=	3,600
MINUS BASEMENT UNFINISHED SPACE	=	830
TOTAL NSF	=	2,770

BASEMENT FLOOR PLAN
 SCALE 1/8" = 1'-0"

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WEST ELEVATION
SCALE 1/8" = 1'-0"

Maureen A. Keohane
NEW CUSTOM DESIGN RESIDENCE
2 East Shore Road, Ellington CT

7-20-21
7-28-21
REVISED
7-20-21

Design Concept
Drawings

A-4

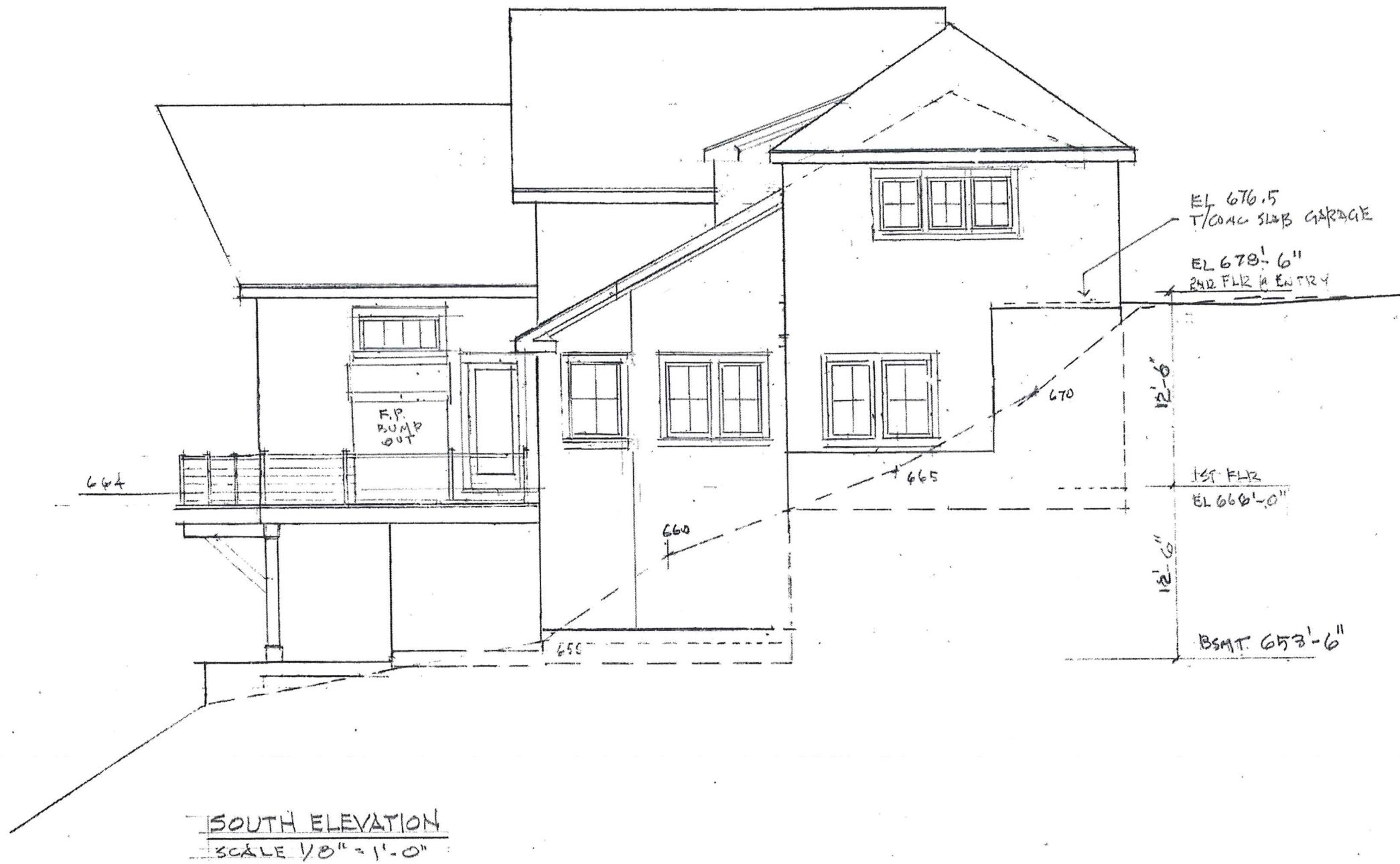
Lasse Aspelin
& ASSOCIATES
ARCHITECTURE • PLANNING • INTERIORS
44 East Main St. Stafford Springs, CT 06076

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Maureen A. Keohane
NEW CUSTOM DESIGN RESIDENCE
2 East Shore Road, Ellington CT

8-20-21
8-13-21
8-3-21
7-28-21
REVISED
7-20-21

Design Concept
Drawings

A-5

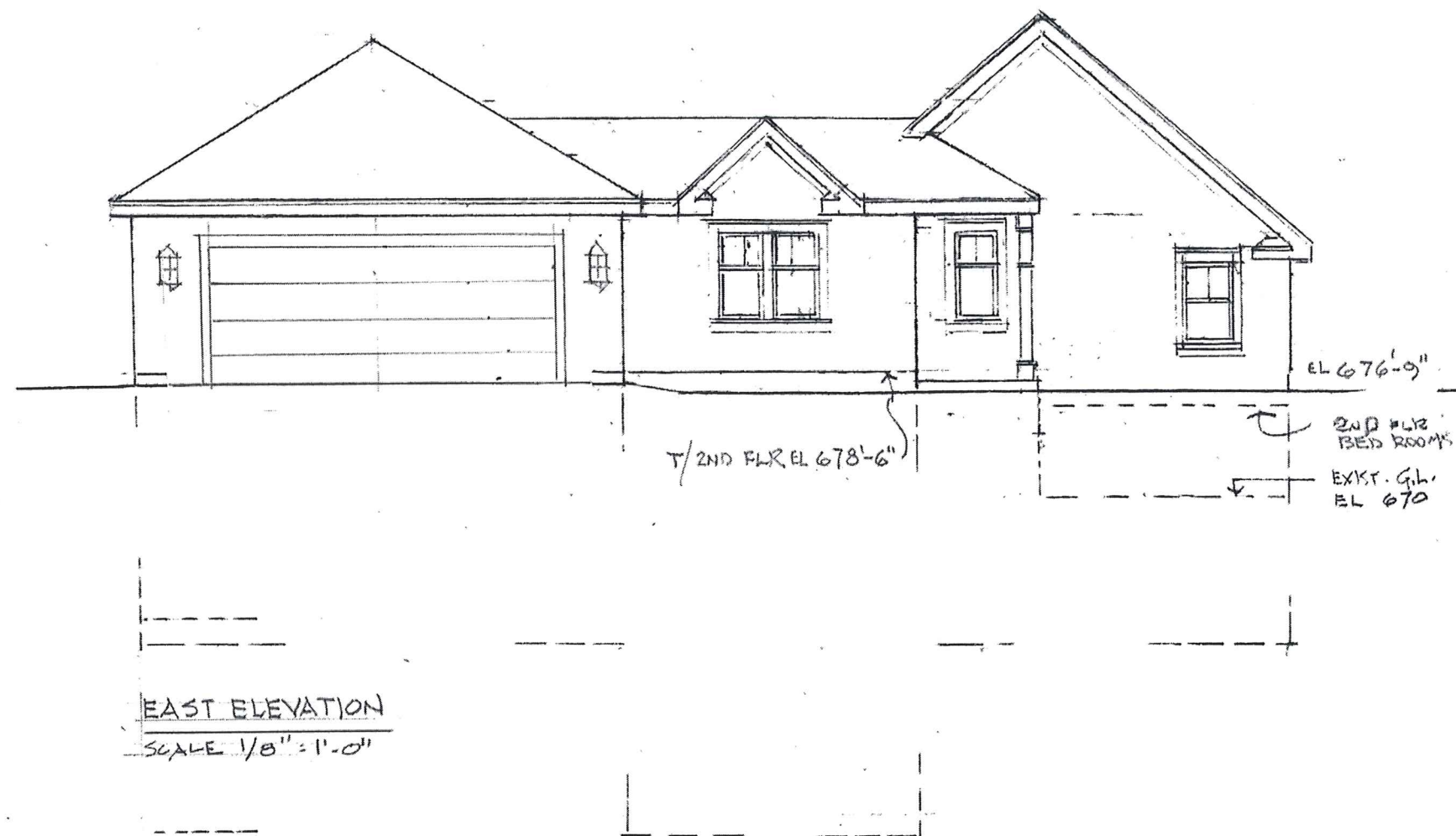
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Maureen A. Keohane
NEW CUSTOM DESIGN RESIDENCE
2 East Shore Road, Ellington CT

7-20-21
REVISED
7-20-21

Design Concept
Drawings

A-6

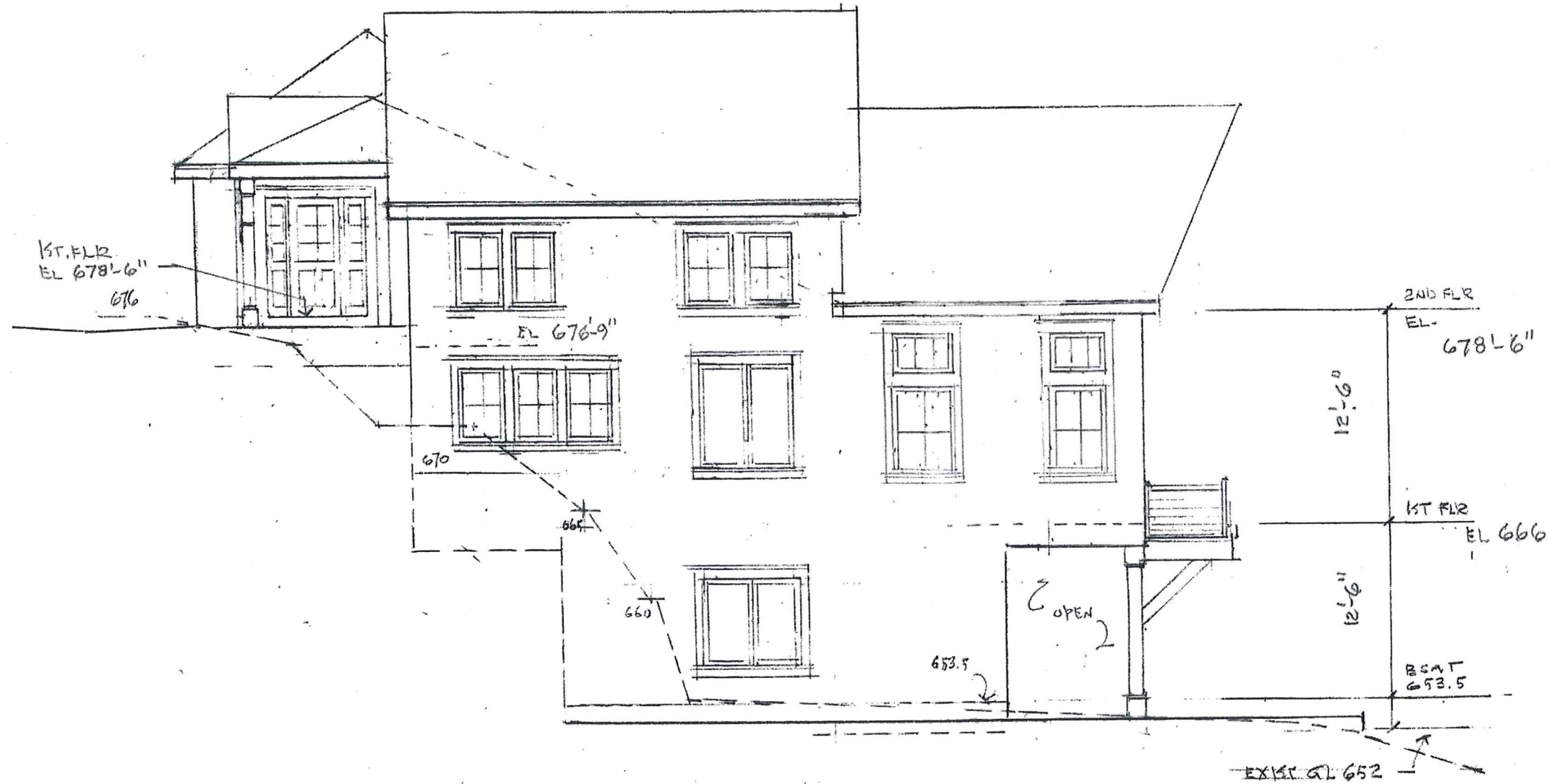
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NORTH ELEVATION

SCALE 1/8" = 1'-0"

Maureen A. Keohane
NEW CUSTOM DESIGN RESIDENCE
2 East Shore Road, Ellington CT

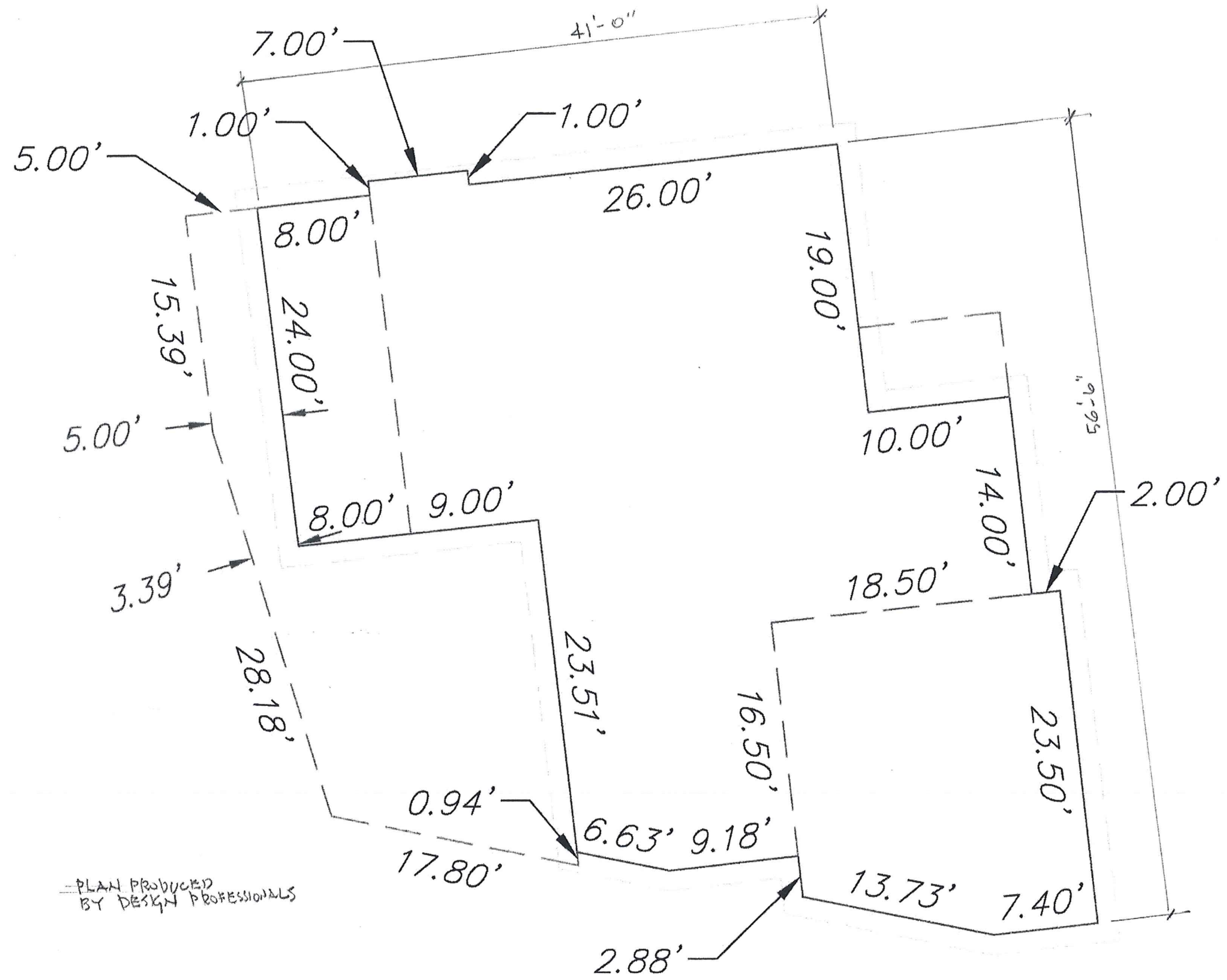
8-20-21
7-28-21
REVISED
7-20-21

Design Concept
Drawings

A-7

Lasse Aspelin
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TOWN OF ELLINGTON
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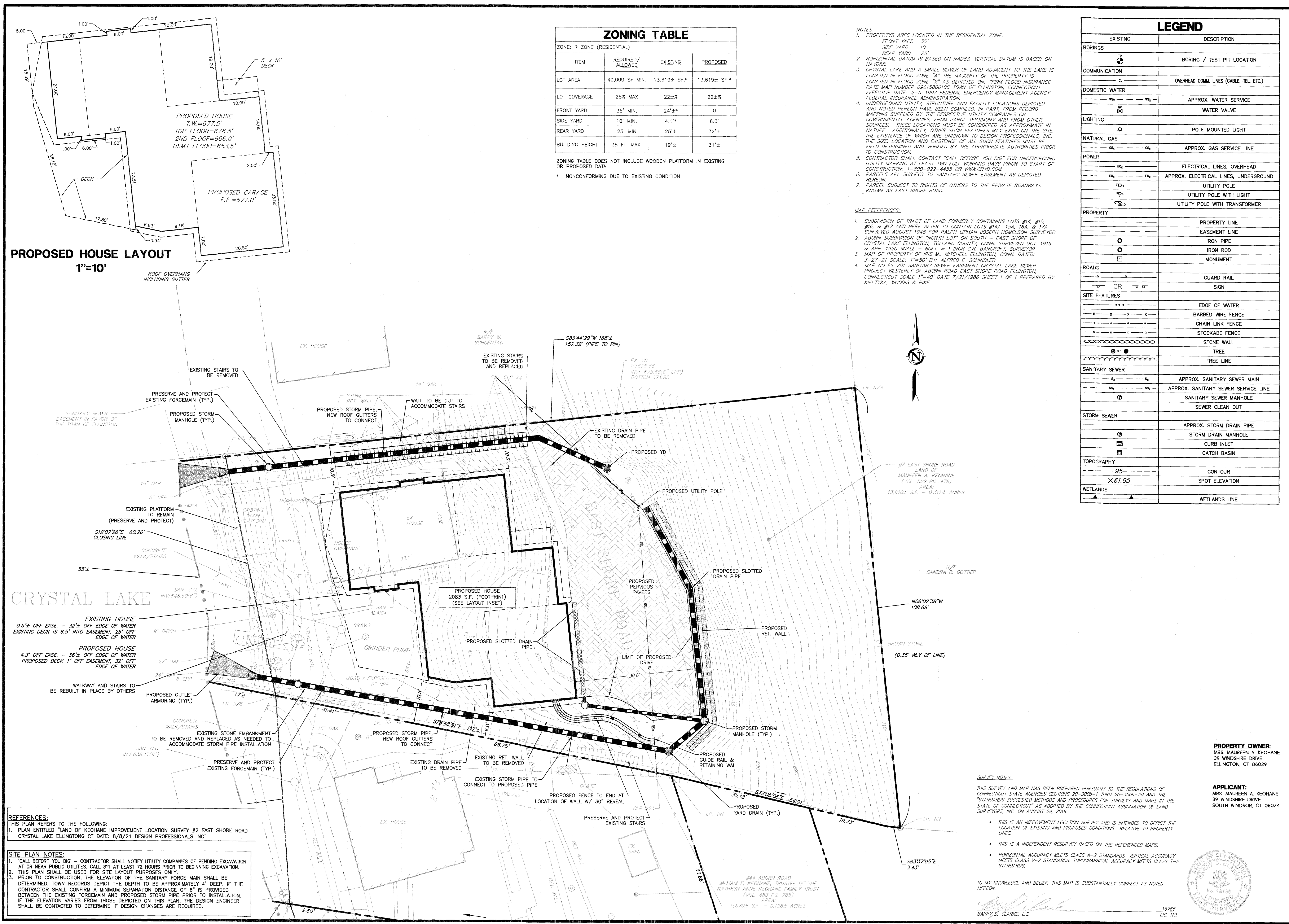
PLAN PRODUCED
BY DESIGN PROFESSIONALS

NEW HOUSE EXTERIOR DIMENSIONS
SCALE 1/8" = 1'-0"

KEUNGWE RESIDENCE
2 EAST SHORE ROAD.

8/4/21

Maureen A. Keohane
NEW CUSTOM DESIGN RESIDENCE
2 East Shore Road, Ellington CT



ZONING TABLE

ZONE: R ZONE (RESIDENTIAL)

ITEM	REQUIRED/ALLOWED	EXISTING	PROPOSED
LOT AREA	40,000 SF MIN.	13,619± SF.*	13,619± SF.*
LOT COVERAGE	25% MAX	22±%	22±%
FRONT YARD	35' MIN.	24'±*	0
SIDE YARD	10' MIN.	4.1'±	6.0'
REAR YARD	25' MIN	25'±	32'±
BUILDING HEIGHT	38 FT. MAX.	19'±	31'±

ZONING TABLE DOES NOT INCLUDE WOODEN PLATFORM IN EXISTING OR PROPOSED DATA

* NONCONFORMING DUE TO EXISTING CONDITION

- NOTES:**
1. PROPERTIES ARE LOCATED IN THE RESIDENTIAL ZONE.
 2. HORIZONTAL DATUM IS BASED ON NAD83. VERTICAL DATUM IS BASED ON NAVD83.
 3. CRYSTAL LAKE AND A SMALL SLIVER OF LAND ADJACENT TO THE LAKE IS LOCATED IN FLOOD ZONE "A." THE MAJORITY OF THE PROPERTY IS LOCATED IN FLOOD ZONE "X" AS DEPICTED ON: "FIRM FLOOD INSURANCE RATE MAP NUMBER 0901580000, TOWN OF ELLINGTON, CONNECTICUT, EFFECTIVE DATE: 2-5-1997 FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION.
 4. UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROL TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO DESIGN PROFESSIONALS, INC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION.
 5. CONTRACTOR SHALL CONTACT "CALL BEFORE YOU DIG" FOR UNDERGROUND UTILITY MARKING AT LEAST TWO FULL WORKING DAYS PRIOR TO START OF CONSTRUCTION. 1-800-922-4455 OR WWW.CBYD.COM.
 6. PARCELS ARE SUBJECT TO SANITARY SEWER EASEMENT AS DEPICTED HEREON.
 7. PARCEL SUBJECT TO RIGHTS OF OTHERS TO THE PRIVATE ROADWAYS KNOWN AS EAST SHORE ROAD.

- MAP REFERENCES:**
1. SUBDIVISION OF TRACT OF LAND FORMERLY CONTAINING LOTS #14, #15, #16, & #17 AND HERE AFTER TO CONTAIN LOTS #14A, 15A, 16A, & 17A SURVEYED AUGUST 1945 FOR RALPH LIPMAN JOSEPH HOMELSON SURVEYOR
 2. ABBORN SUBDIVISION OF "NORTH LOT" ON SOUTH - EAST SHORE OF CRYSTAL LAKE ELLINGTON, TOLLAND COUNTY, CONN. SURVEYED OCT. 1919 & APR. 1920 SCALE - 80 FT. = 1 INCH C.H. BANCROFT, SURVEYOR
 3. MAP OF PROPERTY OF IRIS M. MITCHELL, ELLINGTON, CONN. DATED: 3-27-21 SCALE: 1"=50' BY: ALFRED E. SCHINDLER
 4. MAP NO. ES 201 SANITARY SEWER EASEMENT CRYSTAL LAKE SEWER PROJECT WESTERLY OF ABBORN ROAD EAST SHORE ROAD ELLINGTON, CONNECTICUT SCALE: 1"=40' DATE 7/21/1986 SHEET 1 OF 1 PREPARED BY KIELYKA, WOODS & PIKE.

PROPOSED HOUSE LAYOUT
1"=10'

LEGEND

EXISTING	DESCRIPTION
	BORING / TEST PIT LOCATION
	OVERHEAD COMM. LINES (CABLE, TEL, ETC.)
	APPROX. WATER SERVICE
	WATER VALVE
	POLE MOUNTED LIGHT
	APPROX. GAS SERVICE LINE
	ELECTRICAL LINES, OVERHEAD
	APPROX. ELECTRICAL LINES, UNDERGROUND
	UTILITY POLE
	UTILITY POLE WITH LIGHT
	UTILITY POLE WITH TRANSFORMER
	PROPERTY LINE
	EASEMENT LINE
	IRON PIPE
	IRON ROD
	MONUMENT
	GUARD RAIL
	SIGN
	EDGE OF WATER
	BARBED WIRE FENCE
	CHAIN LINK FENCE
	STOCKADE FENCE
	STONE WALL
	TREE LINE
	APPROX. SANITARY SEWER MAIN
	APPROX. SANITARY SEWER SERVICE LINE
	SANITARY SEWER MANHOLE
	SEWER CLEAN OUT
	APPROX. STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	CATCH BASIN
	CONTOUR
	SPOT ELEVATION
	WETLANDS LINE

REFERENCES:
THIS PLAN REFERS TO THE FOLLOWING:
1. PLAN ENTITLED "LAND OF KEOHANE IMPROVEMENT LOCATION SURVEY #2 EAST SHORE ROAD CRYSTAL LAKE ELLINGTON CT DATE: 8/9/21 DESIGN PROFESSIONALS INC"

SITE PLAN NOTES:
1. "CALL BEFORE YOU DIG" - CONTRACTOR SHALL NOTIFY UTILITY COMPANIES OF PENDING EXCAVATION AT OR NEAR PUBLIC UTILITIES. CALL 811 AT LEAST 72 HOURS PRIOR TO BEGINNING EXCAVATION.
2. THIS PLAN SHALL BE USED FOR SITE LAYOUT PURPOSES ONLY.
3. PRIOR TO CONSTRUCTION, THE ELEVATION OF THE SANITARY FORCE MAIN SHALL BE DETERMINED. TOWN RECORDS DEPICT THE DEPTH TO BE APPROXIMATELY 4' DEEP. IF THE CONTRACTOR SHALL CONFIRM A MINIMUM SEPARATION DISTANCE OF 6" IS PROVIDED BETWEEN THE EXISTING FORCEMAIN AND PROPOSED STORM PIPE PRIOR TO INSTALLATION. IF THE ELEVATION VARIES FROM THOSE DEPICTED ON THIS PLAN, THE DESIGN ENGINEER SHALL BE CONTACTED TO DETERMINE IF DESIGN CHANGES ARE REQUIRED.

SURVEY NOTES:
THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCY'S SECTIONS 20-302b-1 THRU 20-302b-30 AND THE "STANDARDS SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019.

- THIS IS AN IMPROVEMENT LOCATION SURVEY AND IS INTENDED TO DEPICT THE LOCATION OF EXISTING AND PROPOSED CONDITIONS RELATIVE TO PROPERTY LINES.
- THIS IS AN INDEPENDENT RESURVEY BASED ON THE REFERENCED MAPS.
- HORIZONTAL ACCURACY MEETS CLASS A-2 STANDARDS. VERTICAL ACCURACY MEETS CLASS V-2 STANDARDS. TOPOGRAPHICAL ACCURACY MEETS CLASS 1-2 STANDARDS.

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

BARRY D. CLARK, L.S.
16766
LIC. NO.



ZBA PLAN

MAUREEN KEOHANE

2 EAST SHORE ROAD
ELLINGTON, CONNECTICUT 06029

IMPROVEMENT LOCATION SURVEY

SHEET
C-SP1
SHEET 1 OF 1

SCALE: 0' 5' 10'
1" = 10'

PROPERTY OWNER:
MRS. MAUREEN A. KEOHANE
39 WINDSHIRE DRIVE
ELLINGTON, CT 06029

APPLICANT:
MRS. MAUREEN A. KEOHANE
39 WINDSHIRE DRIVE
SOUTH WINDSOR, CT 06074

PREPARED FOR:
MR. WILLIAM KEOHANE
39 WINDSHIRE DRIVE
SOUTH WINDSOR, CT 06074
860-798-6501

DESIGN PROFESSIONALS
CIVIL & TRAFFIC ENGINEERS / LAND SURVEYORS
PLANNERS / LANDSCAPE ARCHITECTS

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

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, AUGUST 2, 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, Alternates Ron Brown and Ron Stomberg

ABSENT: Vice Chairman Sulakshana Thanvanthri, Regular Member Subhra Roy and Alternate Rodger Hosig

STAFF

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

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:10 pm at the Ellington Town Annex Meeting Room, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARINGS:

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.

Time: 7:11 pm

Seated: Aube, Braga, Heminway, Brown and Stomberg

Mr. Colonese read an email dated July 19, 2021 from Michael D'Amico to Barbra Galovich requesting withdrawal of his application for a variance to install a fence along the Sweeney Street side of his property.

MOVED (BROWN), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ACCEPT WITHDRAWAL OF APPLICATION 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.

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.

Time: 7:12 pm

Seated: Aube, Braga, Heminway, Brown and Stomberg

Benjamin Meyers, 5 Brighton Way, Farmington, CT was present via Zoom to represent the appeal.

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, read his memorandum to the ZBA dated July 26, 2021 regarding how he arrived at his decision to issue a Cease and Desist Order for violations of the Ellington Zoning Regulations at 97 West Shore Road, which led to the appeal. He stated short term rentals that are not owner occupied are not permitted by the Ellington Zoning Regulations, and therefore are a violation. He concluded by stating the remedy to this violation is to cease the use of the property and dwelling for short term rentals.

Mr. Meyers explained they are trying to sell the house, however, it has a tier 3 crumbling foundation. He stated they are on a waiting list for funds to fix the foundation which could take up to a year to receive. They intend to sell the house as soon as possible after the foundation is fixed. He stated he is renting the property to help pay the mortgage, taxes and other house expenses. Mr. Meyers stated his family does not currently live at the house, but they have strict rules for the renters and he is not aware of any complaints.

Maryann Fusco-Rollins, 99 West Shore Road, said Mr. Meyers did not notify any of his surrounding neighbors that he would be renting the house. She added that she noticed different vehicles parked at the home and on occasions noticed the garbage bins overflowing. Ms. Fusco-Rollins is sorry to hear about the foundation, but explained the houses are built close together and the owner is not there at 3:00 am hearing the noise. She stated she contacted Airbnb about the situation and didn't have contact information for Mr. Meyers. She noted where they live is not zoned for short term rentals, and added that she did not have any issues when there was a long term rental of the property.

Bruce Brown, 108 West Shore Road, stated the lots in the area are too small to have short term rentals and if they were allowed, there would be more around the lake. He mentioned a canoe incident caused by renters that happened in late March. Mr. Meyers stated he was not aware of the incident and apologized to the neighbors for the inconvenience.

Commissioner Heminway said there are zoning rules in place and if the Board allows one owner to do such an activity, then others will start having illegal short term rentals. Commissioner Stomberg agreed with Commissioner Heminway about the issue, and that short term rentals are a violation of the regulations.

Commissioner Brown noted the activity is not authorized by the regulations and doesn't want to set a precedent for the town.

Mr. Meyers was asked how far out the house is booked. He said through August and a few dates in September and October. After a brief discussion, it was decided to require the owner to cease from conducting short term rentals on the property as of August 31, 2021.

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

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO AFFIRM WHOLLY - V202111 – Cease & Desist Order from the Zoning Enforcement Officer dated May 18, 2021, 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.

SHORT TERM RENTALS THAT ARE NOT OWNER OCCUPIED ARE NOT PERMITTED BY THE ZONING REGULATIONS IN RESIDENTIAL ZONES, THEREFORE THE PROPERTY OWNER SHALL CEASE FROM CONDUCTING A SHORT TERM RENTAL ON THE PROPERTY AS OF AUGUST 31, 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 July 12, 2021 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE JULY 12, 2021 MEETING AS WRITTEN.

2. Correspondence/Discussion:

V. ADJOURNMENT:

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:38 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk

Town of Ellington

Planning Department



DATE: September 7, 2021
TO: Zoning Board of Appeals
FROM: John D. Colonese
Assistant Town Planner/ZEO
RE: Connecticut Public Act 21-29

On June 10, 2021 the Governor signed Public Act 21-29 which, among other matters, requires biennial training for members of the Zoning Board of Appeals. Please see an outline below of the requirements.

- Beginning January 1, 2023, the act requires each member of a municipal planning commission, zoning commission, combined planning and zoning commission, and zoning board of appeals, to complete at least four (4) hours of training biennially:
 - Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings under the Freedom of Information Act, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.
 - For members serving as of January 1, 2023, the deadline to complete the initial training is January 1, 2024.
 - For members serving after January 1, 2023, the deadline to complete the initial training is not later than one year after elected or appointed.
 - The new section also includes (1) a deadline of January 1, 2022 for the Secretary of the Office of Policy and Management to establish guidelines for such training (training may be provided by various entities such as CAZEO, CCM, CCAPA, Land Use Academy of UConn CLEAR, CBA, COGs, etc), and (2) a requirement for annual reporting to the municipality's legislative body, beginning March 1, 2024, affirming compliance with the training requirement.



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

CEASE AND DESIST ORDER

September 3, 2021

Edwin Rodriguez
9 Deborah Drive
Ellington, CT 06029

Certified Mail R/R 70162710000114698869
US POSTAL SERVICE

Re: 9 Deborah Drive (Assessor Parcel No. 160-043-0000)
Violation of Ellington Zoning Regulations

Dear Mr. Rodriguez:

On November 9, 2020, you were sent a letter notifying you that 9 Deborah Drive has a lean-to structure located too close to the southern side property line in violation of the Ellington Zoning Regulations side yard building setback requirements. On multiple occasions since you received the letter, you and I spoke about your intentions to comply with the Ellington Zoning Regulations by either removing the existing lean-to structure or applying for a variance with the Ellington Zoning Board of Appeals. I am also aware a surveyor was hired to locate your side property line as the survey firm contacted the Planning Department to state that the survey work for your property line was complete. Recent inspections have found that the lean-to structure has not been removed, therefore the subject property is in violation of the following Ellington Zoning Regulations:

- Pursuant to Section 3.2.3 Minimum Yard Setbacks: The side yard setback requirement for a structure is 10 feet in the Rural Agricultural / Residential zone and the existing lean-to structure does not meet the requirement.
- Pursuant to Section 9.2.1 Zoning Permits: All new buildings and structures shall require a zoning permit, and a zoning permit has not been granted for the existing lean-to structure.

By the powers vested in me, you are hereby **ORDERED TO CEASE AND DESIST THE ABOVE VIOLATION 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 REMOVE THE EXISTING LEAN-TO STRUCTURE FROM THE SUBJECT PROPERTY, OR CERTIFY AGREEMENT WITH THE TOWN OF ELLINGTON 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,

A handwritten signature in black ink, appearing to read 'J. Colonese', written in a cursive style.

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

cc. Zoning Board of Appeals