



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
MONDAY, SEPTEMBER 13, 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, Vice Chairman Sulakshana Thanvanthri, Regular members Ken Braga, Katherine Heminway, Subhra Roy and Alternate Rodger Hosig

**ABSENT:** Alternates Ron Brown and Ron Stomberg

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

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

**III. PUBLIC HEARINGS:**

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.

**Time:** 7:01 pm

**Seated:** Aube, Thanvanthri, Braga, Heminway, and Roy

William and Maureen Keohane, 39 Windshire Drive, South Windsor, Lasse Aspelin, 44 East Main Street, Stafford Springs, and Peter DeMallie, Design Professionals, 21 Jeffrey Drive, South Windsor, were present to represent the application.

Mr. DeMallie stated the Keohane's are planning to construct a new year round dwelling on the 13,619 square foot parcel, which is a non-conforming lot. They are seeking variances for the front yard setback from 35' to 0' and side yard setback from 10' to 5' to allow for a dwelling with attached garage to be built. He explained the lot has no frontage on a street and East Shore Road, which runs through the parcel, is a private driveway. The proposed lot coverage is at 22%, under the maximum allowance of 25%. He described the parcel as trapezoidal in

shape with ledge issues, and having a 72 foot drop in elevation from the top of the parcel down to the lake.

Commissioner Braga and Alternate Hosig inquired about the 22% lot coverage. Mr. Keohane explained the existing compacted gravel driveway will be extended to 30' in width and will be replaced with pervious pavers. Vice Chairman Thanvanthri asked about the comments from the health department regarding the well. Mr. DeMallie said they will communicate with North Central District Health Department pertaining to the well, and if needed will move the well.

Mr. Aspelin reviewed the architectural plans and elevations with the Board. The Keohane's are proposing a three level 2,770 square footage dwelling with an elevator and attached garage. He stated the need for the two car garage is so the owners can park in the garage and allow pedestrian and vehicle access through their lot.

Monique Lussier, 181 Sandy Beach Road, asked if East Shore Road is a private road or a line of driveways. Mr. DeMallie stated there is no association that has control over the road and it is not owned by any one individual. Ms. Lussier asked where the garage is proposed on the parcel. Mr. Keohane stated it will be attached to the house on the southeast corner. Ms. Lussier asked who owns the parcel to the south of property. Mr. Keohane stated that it is in a family trust.

David Gauthier, 34 Aborn Road, noted he is a member of the Crystal Lake Association and Aborn Road Association and is in support of the variances due to the small lot configuration. He noted the Keohane family are neighbors and praised them for allowing pedestrians to cross their property.

Shawn Keohane, 183 Porter Road, said he owns 44 Aborn Road and his brother owns 42 Aborn Road. He explained the current condition of the retaining wall is not good and the amount of rain over the past month has caused drainage issues. He hopes the Board grants the variances to allow the applicant to proceed with the site improvements to the parcel and fix the current drainage issues.

Walter Moody, 32 East Shore Road, said he is in support of the application as they are dealing with a challenging lot.

Jim Whitesell, 30 Aborn Road, stated he is in favor of the application and the proposal will be an improvement to the neighborhood and property values.

Mr. Colonese stated the Planning Department received comments from the Health Department today, and also received comments dated 8/31/21 from Tim Webb, WPCA regarding the sewer connection.

Mr. Colonese stated he received an email from Cathy Pinard of 12 East Shore Road regarding information that was provided within the applicant's narrative statement. She wanted it clarified that 12 East Shore Road was recently granted a 3 foot front yard setback for a house. Mr. Colonese noted that 10 East Shore Road was granted a 0 foot front yard setback to the pavement edge in 2015. He added that Betty Ann Marsland of 46 East Shore Road called the Planning Department today to express her support for the application as she was unable to attend the meeting tonight.

Dan Murray, 31 Aborn Road, said the drainage in that area is a concern. Mr. Colonese advised Mr. Murray that the proposal will require a permit from the Wetlands Agency and through the application process the Town Engineer will review the plan.

Vice Chairman Thanvanthri noted this application has a good case for hardship. Commissioner Braga said it's a good plan. Commissioner Roy agreed with Commissioner Heminway when she stated the concept was well thought out for the parcel, likes the proposed drainage improvements, and likes how the Keohane family is open to the neighbors passing through their property. Alternate Hosig said it's a great looking proposal for the lake.

**MOVED (BRAGA), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202112.**

**MOVED (THANVANTHRI), SECONDED (HEMINWAY) AND PASSED (YEA – AUBE, THANVANTHRI, HEMINWAY, AND ROY; NAY - BRAGA) TO APPROVE WITH CONDITIONS FOR 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.

**Hardship:** Lot configuration and topography of lot.

**Condition(s):** Subject to approval by the Water Pollution Control Authority and North Central District Health Department.

#### **IV. ADMINISTRATIVE BUSINESS:**

1. Approval of the August 2, 2021 Regular Meeting Minutes.

**MOVED (HEMINWAY), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO APPROVE THE AUGUST 2, 2021 MEETING AS WRITTEN.**

2. Correspondence/Discussion:

- a. Public Act 21-29 – An act concerning required training for members of the Zoning Board of Appeals.

Mr. Colonese stated in accordance with Connecticut's Public Act 21-29, all members of the Board will be required to have at least four (4) hours of training biennially. He noted the Secretary of the Office of Policy and Management will need to establish guidelines for such training by January 1, 2022 and the Planning Department will follow up at that time with more details on training options.

- b. Cease and Desist Order – 9 Deborah Drive, Violation of the Zoning Regulations.

Mr. Colonese stated a Cease and Desist Order was mailed to the property owner on September 3, 2021. He noted the owner visited the Planning & Building Departments after receipt of the original letter of violation. He added that he spoke with the owner on multiple occasions about his intentions of complying with the Zoning Regulations by either removing the existing lean-to structure or applying for a variance with the Zoning Board of Appeals. He said a surveyor located the side property line however recent inspections

have found that the lean-to structure has not been removed. After several further attempts to contact the owner to discuss the violation went unanswered, Mr. Colonese sent the owner a Cease and Desist Order.

**V. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 8:15 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk