



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES MONDAY, JANUARY 24, 2022, 7:00 PM

IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE: ZOOM VIDEO CONFERENCING
(ATTENDEES BELOW WERE IN PERSON UNLESS OTHERWISE NOTED)

MEMBERS PRESENT: VICE CHAIRMAN SEAN KELLY, REGULAR MEMBERS WILLIAM HOGAN, F. MICHAEL FRANCIS, JON MOSER AND MICHAEL SWANSON, ALTERNATES KEN RADZIWON AND RACHEL DEARBORN

MEMBERS ABSENT: CHAIRMAN ARLO HOFFMAN AND SECRETARY ROBERT SANDBERG, JR

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

I. CALL TO ORDER: Vice Chairman Kelly called the meeting to order at 7:01 p.m.

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

Blaine Kinney, owner of Backroads Barbeque, 292 Sandy Beach Road, was present to discuss directional signs. The commission reviewed a color rendering of the enter/exist signs Mr. Kinney had made for his business along with Section 6.3.3: Signs Which are Exempt from these Regulations, subsection 3. Mr. Kinney wants to install the signs to improve access to and from the property.

Ms. Houlihan read subsection 3 of section 6.3.3 as follows, "Directional signs containing no advertising material and not exceeding three square feet in area or greater than four feet in height." Mr. Kinney stated the directional signs are 24"x30.5". Commissioner Moser said a logo to him is a marketing prospective and advertising is when a business is having a 10% off sale. Ms. Houlihan then read the definition of a sign according to the Ellington Zoning Regulations as follows, "Sign is any natural or artificial structure, device, light, material, or object which shall use any letter, word, number, banner, flag, pennant, insignia, logo, device, to attract attention to identify, advertise, announce, or represent any object, project, place, activity, person, institution, organization, firm, group, commodity, enterprise, business, or industry and which is intended to be seen from a public street."

Commissioner Hogan commented directional signs should only read enter or exit and referred to the directional signs approved at Dunkin Donuts in town which are devoid of logos. Commissioner Francis explained the regulations are intended to control the number of signs in town and was not in favor of amending the regulations. Commissioner Swanson does not consider the flames on the signs as advertising but felt the name of the restaurant should be removed, and other commissioners agreed. Alternate Radziwon agreed with Mr. Kinney's concern for safety. The directional signs exceed the square footage allowed by the regulations. Vice Chairman Kelly suggested directional sign regulations be added to next month's meeting agenda for further discussion.

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

IV. OLD BUSINESS:

1. 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(Industrial Park) Zone.

The public hearing for this application was previously closed at the December 20, 2021 meeting. Ms. Houlihan explained the proposed conditions of approval were reviewed and accepted by the applicant prior to tonight's meeting. Commission Hogan expressed concerns about a 6:00 a.m. start for the business, referring to existing residential uses within the Industrial Park zone. It was noted The Barn Yard across the street starts at 5:30 a.m. The majority of commissioners agreed with a 6:00 a.m. start time.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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 (Industrial Park) Zone.

CONDITIONS OF APPROVAL:

1. **Approved plans include sheets 1 & 2 dated 5/26/21 and revised 7/21/21, 8/25/21, 9/24/21 and 12/8/21; sheet 3 of 5 dated 6/18/21; sheet 4 of 5 dated 9/23/21; sheet 5 of 5 dated 10/8/21, and lighting plan sheet SL-IC dated 12/7/21.**
2. **Sheets 1 of 5 and 2 of 5 shall be corrected to show the wetland boundaries and upland review line as determined by field delineation.**
3. **Parking of vehicles, trailers and other construction equipment is strictly limited to inside of the building and spaces shown on the approved site plan (sheet 2 of 5, dated 12/8/21).**
4. **Parking spaces shall be laid out on the parking surface with paint as shown on sheet 2 of 5, dated 12/8/21, to provide a permanent delineation between spaces as shown on the approved site plan (sheet 2 of 5, dated 12/08/21) and maintained in perpetuity.**
5. **Storage of other equipment shall be limited to inside of the building or bituminous parking area.**
6. **Landscaping, including the sodded area near the intersection of Windermere Avenue and Lower Butcher Road, shall be maintained in perpetuity and dead or dying vegetation replaced within the current or next growing season, generally April through October annually.**
7. **Landscaping shall be installed as shown on plan sheet 2 of 5, dated 12/08/21.**
8. **Lighting proposed on the east side of the building is limited to what is shown on the approved plans. Light fixtures shall be down lit.**
9. **Site improvements shown on the approved plans, with the exception of the grass lined detention basin adjacent to wetlands line WL1-WL11, shall be complete as soon as practical, but no later than May 30, 2022. In the event the May 30th deadline cannot be met, the applicant shall apply to the Planning and Zoning Commission for modification of approvals.**
10. **All vehicles, equipment, supplies, etc. shall be relocated from the 2.3 acres of land acquired to the east of 100 Windermere Avenue, formerly land of Carlson, to inside the buildings or the bituminous paved area no later than April 30, 2022. If phase II approvals are not secured by June 30, 2022, the land shall be restored to its previous natural condition no later than August 30, 2022.**

11. If alternative drainage provisions are not approved by June 30, 2022, the grass lined swale approved for Z202113 shall be constructed by July 30, 2022.
12. An as-built drawing for detention facilities is required upon completion and shall be in compliance with approved plans.
13. Detached sign is subject to issuance of a zoning permit and shall be in compliance with Section 6.3.7 Detached Signs Permitted in C, PC, I, and IP zones.
14. Standard daily hours of operation shall be no earlier than 6 o'clock a.m. and later than 10 o'clock p.m., unless to accommodate emergency situations such as, but not limited to, vehicular/equipment breakdowns, inclement weather, or utility failures.
15. Phase II plans shall include buffer plantings south of Lower Butcher Road and along the eastern property line to adequately screen parking and storage east of the existing building. If Phase II approvals are not secured by June 30, 2022, the applicant shall apply to the Planning and Zoning Commission to modify Phase I (Z202113) approvals to include screening provisions.
16. Any work within the town right-of-way requires a permit from the Department of Public Works.

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

III. PUBLIC HEARING(S): (Notice requirements met, hearing may commence.)

1. Z202120 – Seventy-four (74) West Road, LLC and KUP Enterprises, LLC, owners/ Seventy-four (74) West Road, LLC, applicant, request for modification to Site Plan and Special Permit approvals for a proposed greenhouse, façade improvements, outside storage, additional parking and landscaping, and related site improvements for Agway of Ellington at 74 West Road, APN 028-002-0000 & 80 West Road, APN 028-003-0000, in a Commercial (C) zone.

Time: 7:28 pm

Seated: Kelly, Hogan, Francis, Moser, Swanson, Radziwon and Dearborn

Eric Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT, and Jim Bell, Moser Pilon Nelson, Architects, LLC, 30 Jordan Lane, Wethersfield, CT, and Cory Kupferschmid of Ellington Agway, were present to represent to application.

PLANS REVIEWED: Property Survey, Site Plan of Development Land of 74 West Road, LLC & KUP Enterprises, LLC, 74 & 80 West Road – Route 83, Ellington, Connecticut; Prepared by: Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, Connecticut; Scale: 1"=30'; Sheet: 1 of 6; Date: 12-10-2021.

Improvement Location Survey, Site Plan of Development Land of 74 West Road, LLC & KUP Enterprises, LLC, 74 & 80 West Road – Route 83, Ellington, Connecticut; Prepared by: Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, Connecticut; Scale: 1"=30'; Sheet: 2 of 6; Date: 12-10-2021, Rev. date: 1/24/2022.

Landscaping & Lighting Plan, Land of 74 West Road, LLC & KUP Enterprises, LLC, 74 & 80 West Road – Route 83, Ellington, Connecticut; Prepared by: Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, Connecticut; Scale: 1"=30'; Sheet: 3 of 6; Date: 12-10-2021.

Erosion & Sediment Control Plan, Land of 74 West Road, LLC & KUP Enterprises, LLC, 74 & 80 West Road – Route 83, Ellington, Connecticut; Prepared by: Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, Connecticut; Scale: 1"=30'; Sheet: 4 of 6; Date: 12-10-2021.

Erosion & Sediment Control Notes & Details, Land of 74 West Road, LLC & KUP Enterprises, LLC, 74 & 80 West Road – Route 83, Ellington, Connecticut; Prepared by: Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, Connecticut; Scale: 1"=30'; Sheet: 5 of 6; Date: 12-10-2021.

Construction Details Land of 74 West Road, LLC & KUP Enterprises, LLC, 74 & 80 West Road – Route 83, Ellington, Connecticut; Prepared by: Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, Connecticut; Scale: 1"=30'; Sheet: 6 of 6; Date: 12-10-2021.

Ellington Agway Greenhouse/Garden Center 74 West Road, Ellington, CT; 3D View; Prepared by: Moser Pilon Nelson Architects, 30 Jordan Lane, Wethersfield, CT 06109; Dwg. No. A0.0; Date: 11/18/2021; Date Stamped: Jan. 24, 2022.

Ellington Agway Greenhouse/Garden Center 74 West Road, Ellington, CT; Building Elevations; Prepared by: Moser Pilon Nelson Architects, 30 Jordan Lane, Wethersfield, CT 06109; Dwg. No. A2.1; Date: 11/18/2021; Date Stamped: Jan. 24, 2022.

Mr. Peterson briefly described the proposed improvements for Ellington Away and the variances granted by the Zoning Board of Appeals. He stated that 74 and 80 West Road will be combined and the Inland Wetlands Agency approved a map amendment showing all proposed activity outside of the wetlands and upland review area. Ellington Agway is proposing front façade improvements, a new 1,300 s.f. greenhouse next to the existing building and a covered storage

area to the back of the existing building. Mr. Peterson noted that the concept plan was reviewed and endorsed by the Design Review Board. He referred to the Town Engineer's comment and the relocation of the proposed accessible parking spot and acceptance of drainage provisions. He noted the Town Planner's comments regarding curb-cut regulations and the Plan of Conservation and Development's objective to improve green space along Route 83. Mr. Peterson reviewed the existing curb-cuts on West and Lower Butcher Roads, he showed how the existing curb-cut for large truck traffic functioned and the intention to maintain it. He reviewed plan sheet 2 of 6, revised January 24, 2022, showing the closure of the existing middle curb-cut, the widening of a portion of landscaped island along West Road, the area for customers to drop-off small equipment or machines for repair, and how parking will extend from the existing building to the front of the proposed greenhouse.

Mr. Bell reviewed the architectural plans and said they are proposing two dormers to the front of the existing building with timber accents. The greenhouse is a prefab all-glass structure supported by galvanized steel framing. He explained the separation between the existing building and the greenhouse is due to required building codes. In the back of the existing building they propose to construct outside storage with a roof to protect equipment from snow and runoff, noting the base will be gravel and the area enclosed with a six (6) foot chain link fence.

Mr. Peterson explained two light poles will be added on the north side of the parking area, and noted two other existing lights adhered to the utility poles on West Road. He said all lighting will be down lit.

Commissioner Hogan inquired about the existing lights and if they are dark sky compliant. Mr. Peterson acknowledged that he does not know what type of lights they are and explained they are owned by Eversource. Commissioner Hogan asked if the maple tree proposed on the landscape plan could be replaced with a smaller tree to avoid sightline constraints. He referred to the signage to be replaced on the front of the building and asked when they are reinstalled if they could have a consistent horizontal line along the bottom of the signs. Commissioner Hogan requested landscaping be installed around the detached temporary sign with the interchangeable letters and the smaller attached signs on the north and south sides of the building be removed and brought into compliance with the regulations.

Commissioner Swanson stated he liked the plan and agreed with Commissioner Hogan about the signage having the same horizontal plane. Alternate Radziwon clarified with Mr. Peterson the traffic flow for delivery trucks, customer parking areas, and the grading to the north of the existing building. He requested Mr. Peterson update the parking stall details.

Roger Moser, 17 Hayes Avenue, spoke in favor of the improvements.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202120 – Seventy-four (74) West Road, LLC and KUP Enterprises, LLC, owners/ Seventy-four (74) West Road, LLC, applicant, request for modification to Site Plan and Special Permit approvals for a proposed greenhouse, façade improvements, outside storage, additional parking and landscaping, and related site improvements for Agway of Ellington at 74 West Road, APN 028-002-0000 & 80 West Road, APN 028-003-0000, in a Commercial (C) zone.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR Z202120 – Seventy-four (74) West Road, LLC and KUP Enterprises, LLC, owners/ Seventy-four (74) West Road, LLC, applicant, request for modification to Site Plan and Special Permit approvals for a proposed greenhouse, façade improvements, outside storage, additional parking and landscaping, and related site improvements for Agway of Ellington at 74 West Road, APN 028-002-0000 & 80 West Road, APN 028-003-0000, in a Commercial (C) zone.

CONDITIONS OF APPROVAL:

1. **74 West Road and 80 West Road shall be combined prior to final certificate of zoning compliance.**
2. **Curb cut to be closed, as shown on sheet 2 of 6 dated December 10, 2021, revised January 24, 2022, shall be complete prior to issuance of final certificate of zoning compliance.**
3. **Landscaping and grassed landscaped islands shall be complete prior to final certificate of zoning compliance and maintained in perpetuity.**
4. **Proposed split rail fencing shall be consistent with existing split rail fencing.**
5. **Modifications to existing building and new greenhouse shall be consistent with 3d views - plan A0.0, overall floor plans - plan A1.0a, and building elevations - A2.1, dated November 18, 2021.**
6. **New handicap parking space shall be relocated to the north of the greenhouse as suggested by the town engineer January 14, 2022.**
7. **The maple tree proposed at the northeast corner of the site shall be replaced with a smaller species of tree.**
8. **Landscaping shall be installed around the interchangeable temporary sign in accordance with section 6.3.7.a.4 of the Ellington zoning regulations.**
9. **Signs to be replaced on the east side of the building shall be aligned to have a consistent horizontal plane along the bottom of all signs.**
10. **The grading to the north of the existing building shall be revised with a swale to maintain drainage on site.**
11. **Remove all temporary signs, not the permanent Agway sign, affixed on the north and south sides of the building.**

V. NEW BUSINESS:

1. S202103 – Brooks Crossing Developers, LLC owner/applicant, request for two consecutive 90-day extensions for filing of subdivision plans for approval granted October 25, 2021 for re-subdivision of 55.94 acres for ten (10) lots 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).

Ms. Houlihan referred to a copy of a letter distributed to commissioners, dated December 23, 2021, from the Department of Public Health denying the well permit exception for Highfield Estates IV and advising the developer to contact Connecticut Water Company to request water service.

BY CONSENSUS, GRANTED TWO CONSECUTIVE 90-DAY EXTENSIONS TO APRIL 23, 2022, FOR FILING OF SUBDIVISION PLANS FOR APPROVAL GRANTED OCTOBER 25, 2021 FOR S202103 Brooks Crossing Developers, LLC owner/applicant, for re-subdivision of 55.94 acres for ten (10) lots 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).

2. Z202121 – Town of Ellington Planning & Zoning Commission, request for a six (6) month moratorium for Section 6.3.7B of the Ellington Zoning Regulations for detached electronic fuel price signs.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED A PUBLIC HEARING FOR THE PLANNING AND ZONING COMMISSION MEETING ON FEBRUARY 28, 2022, 7:00 PM, AT THE TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT AND ZOOM VIDEO CONFERENCING FOR Z202121 – Town of Ellington Planning & Zoning Commission, request for a six (6) month moratorium for Section 6.3.7B of the Ellington Zoning Regulations for detached electronic fuel price signs.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission December 20, 2021 Regular Meeting Minutes.

MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 20, 2021 REGULAR MEETING MINUTES AS WRITTEN.

2. Election of Officers

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO TABLE ELECTION OF OFFICERS TO THE PLANNING & ZONING COMMISSION MEETING ON FEBRUARY 28, 2022.

3. Correspondence/Discussion:

- a. Discussion: Potential Zoning Regulation Amendment to Section 3.1.3 Accessory Uses/Structures to Allow Storage Sheds as Permitted Primary Uses/Structures in Single Family Residential Zones.

The commission held roundtable discussion about regulations to allow storage sheds on property without having a primary dwelling. Commissioner Hogan recommended the permissible size of shed be less than 300 s.f. Commissioner Francis and Swanson were ok with allowing 300 s.f. to allow storage of large equipment needed to maintain larger properties. Commissioner Moser stated there are many scenarios to consider and he doesn't want to limit size assuming storage sheds would be inappropriately used. Alternate Radziwon asked about battery operated solar, should anyone need electricity for any equipment that many be stored on site. Alternate Dearborn said she was ok with allowing up to 300 s.f. and solar as long as sheds are not connected to utilities.

- b. Discussion: Request to Extend Existing Moratorium for Adult-use Cannabis Production and Dispensary Facilities, Pursuant to Public Act 21-1 - An Act Concerning Responsible and Equitable Regulation of Adult-use Cannabis. (Expires March 31, 2022).

Upon a brief discussion, it was decided among the commission to move forward with the process of extending the moratorium to expire October 31, 2022.

Ms. Houlihan referred to a copy of the notices from the Town of Tolland for potential regulation amendments to create a minor farm brewery/cidery/distillery/winery as small accessory agriculture uses, amendments for recreational cannabis and medical marijuana, and accessory dwelling units.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:51PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk