



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

**TOWN OF ELLINGTON**

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029

[www.ellington-ct.gov](http://www.ellington-ct.gov)

TEL. (860) 870-3120

**TOWN PLANNER'S OFFICE**

FX (860) 870-3122

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING AGENDA  
MONDAY, FEBRUARY 28, 2022, 7:00 PM**

**IN-PERSON ATTENDANCE: TOWN HALL ANNEX, 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):** (Hearings may commence unless otherwise noted.)

1. Z202121 - Town of Ellington Planning & Zoning Commission, text amendment for a six (6) month moratorium for Section 6.3.7.B of the Ellington Zoning Regulations for detached electronic fuel price signs.
2. Z202201 - Town of Ellington Planning & Zoning Commission, text amendment for Section 3.1.3 Accessory Uses/Structures to allow a single storage shed as a permitted principal building/structure/use in the rural agricultural residential (RAR) and residential (R) zones.
3. Z202202 – Town of Ellington Planning & Zoning Commission, text amendment to extend existing moratorium for adult-use cannabis production and dispensary facilities, Z202116 set to expire March 31, 2022, through October 31, 2022, pursuant to Public Act 21-1 An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.

**IV. OLD BUSINESS:** (None)

**V. NEW BUSINESS:** (None at the time of print.)

**VI. ADMINISTRATIVE BUSINESS:**

1. Approval of Planning and Zoning Commission January 24, 2022 regular meeting minutes.
2. Election of Officers.
3. Correspondence/Discussion:
  - a. Discussion: Potential Zoning Text Amendment to Section 6.3.7.B – Detached Signs Permitted in C, PC, I, and IP zones for Electronic Fuel Price Signs.
  - b. Discussion: Section 6.3.7 Detached Signs Permitted in C, PC, I and IP Zones and Section 6.3.3(3) Directional Signs.

**VII. ADJOURNMENT:**

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Attendance available in person and remotely, details provided on the agenda and posted on the Town of Ellington webpage ([www.ellington-ct.gov](http://www.ellington-ct.gov)), Agenda & Minutes, Planning & Zoning Commission.

**Join Zoom Meeting via link:**

<https://us06web.zoom.us/j/85778115160>

Meeting ID: 857 7811 5160

Passcode: 094876

**Join Zoom Meeting by phone:**

1-646-558-8656 US (New York)

Meeting ID: 857 7811 5160

Passcode: 094876

Next Planning and Zoning Commission Regular Meeting is scheduled for March 28, 2022.

COMMISSIONERS: TO ASSIST IN ESTABLISHING QUORUMS REQUIRED TO CONDUCT MEETINGS, PLEASE CONTACT THE PLANNING DEPARTMENT IF YOU ARE UNABLE TO ATTEND A SCHEDULED MEETING.

# Town of Ellington Planning & Zoning Commission Application

<b>Type of Application:</b> <input type="checkbox"/> Zone Change <input checked="" type="checkbox"/> Amendment to Regulation <input type="checkbox"/> Site Plan Approval <input type="checkbox"/> Special Permit <input type="checkbox"/> Modification <input type="checkbox"/> CGS 8-24	Application # <div style="background-color: yellow; padding: 2px;">2202121</div> Date Received 12/29/2021
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Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

### Owner's Information

Name: Town of Ellington  
 Mailing Address: 57 Main Street  
Ellington, CT 06029  
 Email: \_\_\_\_\_

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

Primary Contact Phone #: 866-870-3120  
 Secondary Contact Phone #: \_\_\_\_\_

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 Commission 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 Commission or its staff.

Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

### Applicant's Information (if different than owner)

Name: Planning & Zoning Commission  
 Mailing Address: \_\_\_\_\_  
 Email: \_\_\_\_\_

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

Primary Contact Phone #: \_\_\_\_\_  
 Secondary Contact Phone #: \_\_\_\_\_

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 Commission have been submitted.

Street Address: Townwide

Assessor's Parcel Number (APN): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Existing Zone: C, PC, I & IP zones Proposed Zone: \_\_\_\_\_  
(If unaware of APN, please ask staff for assistance) (If none, insert "N/A")

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    *If yes, pursuant to state law application must be made to the Inland Wetlands Agency prior to or simultaneously with application to the Planning and Zoning Commission.*

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 (§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.*

### Description of Request (If more space is needed, please attach additional sheets)

See attached proposed text amendment to Section 6.3.7(B) Detached Electronic Fuel Price Signs in C, PC, I and IP zones - 6 month moratorium.


# Town of Ellington

## Planning Department

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

DATE: December 29, 2021

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner 

RE: Z202121 Proposed Text Amendment, Ellington Zoning Regulations - Section 6.3.7(B) Detached Electronic Fuel Price Signs in C, PC, I, and IP Zones

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Section 6.3.7(B) for detached electronic fuel price signs became effective March 15, 2020, and prior to adoption electronic fuel price signs were not permitted. At the December 2021 meeting you reviewed the regulation and the most recent application seeking approval for a detached electronic fuel price sign that was withdrawn after two public hearings. After review and discussion, you concluded regulation 6.3.7(B) needs reconsideration. Concurrently, you agreed to set a temporary moratorium disallowing applications for detached electronic fuel price signs while you contemplate existing regulations. The below text amendment, once adopted, establishes a six month moratorium for detached electronic fuel price signs.

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### PROPOSED TEXT AMENDMENT

Additions are bolded and underlined

**The Planning and Zoning Commission hereby adopts a six month moratorium for Section 6.3.7(B) detached electronic fuel price signs in C, PC, I, and IP zones of the Ellington Zoning Regulations. During this time, the commission shall not accept, review and/or decide on any application seeking to establish detached electronic fuel price signs for six (6) months following the effective date of this regulation.**

January 14, 2022

**TO: ELLINGTON PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2021-158: Proposed zoning amendment pertaining to a 6 month moratorium on detached electronic fuel price signs.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for 1/24/2022.

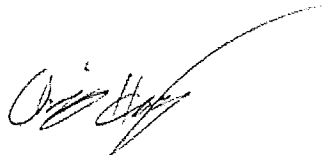
In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Christopher Henchey.

**DISTRIBUTION:** Planner: Somers, Enfield, East Windsor, South Windsor, Vernon, Tolland, Stafford, Willington

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman  
Regional Planning Commission

Brendan Malone, Vice Chairman  
Regional Planning Commission



Christopher Henchey  
Transportation Planner

# Town of Ellington Planning & Zoning Commission Application

<b>Type of Application:</b> <input type="checkbox"/> Zone Change <input checked="" type="checkbox"/> Amendment to Regulation <input type="checkbox"/> Site Plan Approval <input type="checkbox"/> Special Permit <input type="checkbox"/> Modification <input type="checkbox"/> CGS 8-24	Application # <u>2202201</u> <hr/> Date Received <u>1/24/2022</u>
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Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

**Owner's Information**

Name: Planning & Zoning Commission

Mailing Address: 57 Main St.  
Ellington, CT 06029

Email: \_\_\_\_\_

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

Primary Contact Phone #: 860-870-3120

Secondary Contact Phone #: \_\_\_\_\_

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 Commission 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 Commission or its staff.

Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

**Applicant's Information (if different than owner)**

Name: Town of Ellington

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

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

Primary Contact Phone #: \_\_\_\_\_

Secondary Contact Phone #: \_\_\_\_\_

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 Commission have been submitted.

Street Address: N/A - Townwide

Assessor's Parcel Number (APN): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Existing Zone: RAR<sup>2</sup> Proposed Zone: N/A  
(If unaware of APN, please ask staff for assistance) (If none, insert "N/A")

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    If yes, pursuant to state law application must be made to the Inland Wetlands Agency prior to or simultaneously with application to the Planning and Zoning Commission.

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 (§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.

**Description of Request** (If more space is needed, please attach additional sheets)

Proposed text amendment, Ellington Zoning Regulations - Section 3.1.3  
Accessory/Uses/structures to allow a single storage shed as a  
Permitted Principal Building/Structure/Use in the Rural Agricultural  
Residential and Residential Zones.

# Town of Ellington

## Planning Department

55 Main ST., PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120/Fax: 860-870-3122/lhoulihan@ellington-ct.gov

DATE: January 25, 2022

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner

SUBJECT: Z202201 Proposed Text Amendment, Ellington Zoning Regulations - Section 3.1.3 Accessory Uses/Structures to Allow a Single Storage Shed as a Permitted Principal Building/Structure/Use in the Rural Agricultural Residential and Residential Zones.

**Additions are bolded and underlined** / Otherwise text is as adopted

### ARTICLE 3 - RESIDENTIAL ZONES

#### Section 3.1 Permitted Uses

The following table establishes those uses allowed in the residential zoning districts.

P	Permitted Use	SP		
		Use Allowed by Special		
3.1.3	ACCESSORY USES / STRUCTURES	Rural Agricultural / Residential	Residential	Lake Residential
	<b><u>Storage Shed (1)</u></b>	<b>P</b>	<b>P</b>	

- (1) **A single storage shed is permitted without the presence of a principal building, structure, or use, when 1) the storage shed is located on property in the rural agricultural residential or residential zones, 2) the storage shed is located on a parcel that is 3 acres or more in size, 3) the storage shed is 300 square feet or less in size, 4) the storage shed has only one story, and 5) the storage shed lacks utility connections.**

February 17, 2022

**TO: ELLINGTON PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2022-12: Proposed zoning amendment pertaining to storage sheds as an accessory use in residential and rural agricultural/residential zones.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for 2/7/2022.

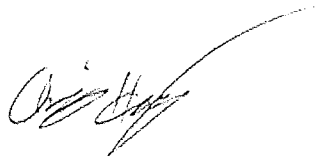
In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Christopher Henchey.

**DISTRIBUTION:** Planner: Somers, Enfield, East Windsor, South Windsor, Vernon, Tolland, Stafford, Willington

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman  
Regional Planning Commission

Brendan Malone, Vice Chairman  
Regional Planning Commission



Christopher Henchey  
Transportation Planner

**RECEIVED**

FEB 18 2022

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

# Town of Ellington Planning & Zoning Commission Application

<b>Type of Application:</b> <input type="checkbox"/> Zone Change <input checked="" type="checkbox"/> Amendment to Regulation <input type="checkbox"/> Site Plan Approval <input type="checkbox"/> Special Permit <input type="checkbox"/> Modification <input type="checkbox"/> CGS 8-24	Application # <div style="background-color: yellow; padding: 2px;">2202202</div> Date Received 1/24/2022
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Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

### Owner's Information

Name: Planning & Zoning Commission

Mailing Address: 57 Main Street  
Ellington, CT. 06029

Email: \_\_\_\_\_

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

Primary Contact Phone #: 860-876-3120

Secondary Contact Phone #: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

### Applicant's Information (if different than owner)

Name: Town of Ellington

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

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

Primary Contact Phone #: \_\_\_\_\_

Secondary Contact Phone #: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Street Address: N/A - Town wide

Assessor's Parcel Number (APN): \_\_\_\_\_ Existing Zone: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_  
(If unaware of APN, please ask staff for assistance) (If none, insert "N/A")

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    *If yes, pursuant to state law application must be made to the Inland Wetlands Agency prior to or simultaneously with application to the Planning and Zoning Commission.*

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 (§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.*

### Description of Request (If more space is needed, please attach additional sheets)

Section 7.16 - Cannabis Establishment Monatorium Extend thru October  
31, 2022.  
Article 10 Definitions & Interpretation



# Town of Ellington

## Planning Department

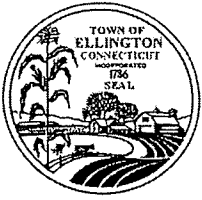
55 Main Street, PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120/lhoulihan@ellington-ct.gov

DATE: January 25, 2022  
TO: Planning and Zoning Commission  
FROM: Lisa M. Houlihan, AICP, Town Planner  
RE: Z202202 Proposed Text Amendment to Extend Existing Moratorium (Z202116) 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.

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**ADDITIONS are bolded and underlined**, Deletions are ~~strikethrough~~, Otherwise as adopted

Section 7.16 Cannabis Establishment Moratorium - Pursuant to Public Act 21-1 An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis, the Planning and Zoning Commission hereby adopts a **extends the temporary** moratorium effective October 1, 2021, **set to expire March 31, 2022, through October 31, 2022,** for cannabis establishments and shall not permit them in any zone until the Planning and Zoning Commission has had time to carefully consider such facilities and what regulations should govern them ~~for six (6) months following the effective date of this regulation.~~



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](http://www.ellington-ct.gov)

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

### 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 RADZIOW 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 Radziow 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 may 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,

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Barbra Galovich, Recording Clerk

## Election of Officers

### a. Chairman Position

MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO NOMINATE COMMISSIONER (\_\_\_\_) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

COMMISSIONER (\_\_\_\_) ACCEPTED THE NOMINATION.

*HEARING NO FURTHER NOMINATIONS*, MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO ELECT COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

### b. Vice-Chairman Position

MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO NOMINATE COMMISSIONER (\_\_\_\_) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

COMMISSIONER (\_\_\_\_) ACCEPTED THE NOMINATION.

*HEARING NO FURTHER NOMINATIONS*, MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO ELECT COMMISSIONER (\_\_\_\_) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

### c. Secretary Position

MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO NOMINATE COMMISSIONER (\_\_\_\_) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

COMMISSIONER (\_\_\_\_) ACCEPTED THE NOMINATION.

*HEARING NO FURTHER NOMINATIONS*, MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO ELECT COMMISSIONER (STROM) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.



# Town of Ellington

## Planning Department

55 Main Street, PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120 /Email: [lhoulihan@ellington-ct.gov](mailto:lhoulihan@ellington-ct.gov)

DATE: January 26, 2022

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner

RE: Discussion: Potential Zoning Text Amendment to Section 6.3.7.B - Detached Signs Permitted in C, PC, I, and IP Zones for Electronic Fuel Price Signs

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### DRAFT TEXT AMENDMENT

**ADDITIONS are bolded and underlined**, Deletions are ~~struck through~~, Otherwise as adopted

#### 6.3.7 Detached Signs Permitted in C, PC, I, and IP Zones

- B. In the case of a fuel filling station, one detached sign may be allowed by the commission with changeable electronic fuel price information as follows:
1. Only the fuel price copy may be electronic and changeable.
  2. The digital portion of the detached sign shall not exceed ~~50~~ **35%** of the total allowed sign area **as defined by Section 6.3.7.A.3.**
  3. **The digital portion of the detached sign shall be the smallest area that encompasses all of the electronic fuel price copy.**
  4. The sign shall incorporate photocell/light sensors with automatic dimming technology that appropriately adjusts to ambient light conditions.
  5. The sign shall not operate at brightness levels of more than ~~0.2~~ **0.15** foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distance to measure the foot-candles is calculated using the following formula:
    - a. Measurement distance equals the square root of the **smallest rectangular** area **that encompass only the electronic fuel price portion** of the sign times 100.
  6. The owner/operator of a fuel filling station with a detached electronic fuel price sign shall provide written certification in compliance with this section when requested by the commission or the Planning Department.
  7. The detached electronic fuel price sign shall be shut off at any time the fuel filling station is not open for business **and shall be accomplished by means of an interlock within the gas pumps.**
  8. The color of the price digits shall be accompanied with a black background.
  9. **The numbers of the electronic fuel price sign shall be no larger than 8" high and 4" wide by 5/8" thick.**
  10. **The electronic fuel price copy shall only have two rows.**
  11. **Conversion from a non-electronic fuel price sign to changeable electronic fuel price sign shall require the replacement of the entire sign in compliance with Section 6.3 - Signs.**

- 2. The maximum size of any one sign shall not exceed 200 square feet.
- C. Additional wall signage for large anchor businesses may be approved <sup>if all</sup> under the following conditions ~~are met~~ <sup>met</sup>:
  - 1. The lot shall be zoned C or PC;
  - 2. Business must be in excess of 50,000 square feet;
  - 3. Business must have building frontage in excess of 300 feet;
  - 4. Business front wall must be in excess of 500 feet from the street; and
  - 5. Business must have 2 main points of egress.

6.3.7 Detached Signs Permitted in C, PC, I, and IP Zones

A. General Requirements

- 1. Detached signs shall be limited to one sign per commercial or industrial lot, shopping center, business/office park or farm. [Amended: 12-15-2010]
- 2. Detached signs may be permitted only within the front yard. Signs must be set back at least 15 feet from all lot lines.
- 3. Height and area requirements of such signs shall be in accordance with the following:

\* Should we allow greater area if the number of businesses in a plaza exceeds 5? Or should we change area to some square feet per business?

- a. If located within 65 feet of the front lot line and less than eight feet in height such signs shall not exceed 32 square feet.
- b. If located within 65 feet of the front line and from eight feet to ten feet in height, such signs shall not exceed 20 square feet; and
- c. If located more than 65 feet from the front lot line yard signs shall not exceed 10 feet in height and shall not exceed 50 square feet.
- d. In no case shall any sign exceed 10 feet in height.

← how have we ended up with gas signs greater than 10'?

4. All detached signs shall be placed within a landscaped area. The extent and type of landscaping and location of the sign shall be shown on a site plan submitted to the Commission for approval or a site plan submitted to the Zoning Enforcement Officer to replace an existing sign. All signs shall be installed on a wood, stone or other base structure and the size of the landscaped area shall extend at least two feet beyond the overall dimensions of the sign.

increase??

B. In the case of a fuel filling station, one detached sign may be allowed by the commission with changeable electronic fuel price information as follows:

- 1. Only the fuel price copy may be electronic and changeable.
- 2. The digital portion of the detached sign shall not exceed <sup>35</sup> 50% of the total allowed sign area.
- 3. The sign shall incorporate photocell/light sensors with automatic dimmer technology that appropriately adjusts to ambient light conditions.

is this determined by 6.3.7.3??

The digital area shall be the area within the rectangle encompassing all of the LED numerals.

\* We should have a section somewhere that says if more than 75% or 50% of any existing sign is altered, the new sign MUST comply with these current regulations.

0.15

4. The sign shall not operate at brightness levels of more than ~~0.2~~ foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distance to measure the foot-candles is calculated using the following formula:

*of the digital portion*

- a. Measurement distance equals the square root of the area of the sign times 100.
- 5. The owner/operator of a fuel filling station with a detached electronic fuel price sign shall provide written certification in compliance with this section when requested by the commission or the Planning Department.

6. The detached electronic fuel price sign shall be shut off at any time the fuel filling station is not open for business. *This shall be accomplished by means of an interlock with the gas pumps.*

7. The color of the price digits shall be accompanied with a black background. *The numerals shall be no larger than 8" tall by 4" wide by 5/8" thickness and shall consist of only 2 rows of LED lights.*

6.3.8

Temporary Signs - All Zones

*8. Any conversion from non-LED signs to a changeable LED electronic fuel price copy shall require the replacement of the entire sign in compliance with all conditions of these regulations.*

A. Purpose:

- 1. To help promote local businesses and improve economic development in the Town of Ellington through the appropriate use of temporary signs.
- 2. To support agriculture and a farm friendly town.
- 3. To clarify regulations for temporary signs.
- 4. To allow the expanded use of temporary signs while maintaining a balance of aesthetics and safety for the good of the community.

*sign in compliance with all conditions of these regulations.*

B. Definitions:

- 1. A sign erected for a short period of time (see Section C.7 below for time limitations).
- 2. A sign announcing an event, activity, real estate sale or lease, trade work activity, business announcement or business promotion.
- 3. A sign typically erected on wooden posts or metal rods and readily installed and removed by hand tools or is portable.

C. General Requirements - Temporary Signs:

- 1. Are permitted in all zones and shall not require a Zoning Permit.
- 2. Shall not be located on telephone poles, highway traffic signs or placed on sidewalks.
- 3. Shall require the landowner's permission prior to installation.

### 6.3.7 Detached Signs Permitted in C, PC, I, and IP Zones

#### A. General Requirements

1. Detached signs shall be limited to one sign per commercial or industrial lot, shopping center, business/office park or farm. *[Amended: 12-15-2010]*
2. Detached signs may be permitted only within the front yard. Signs must be set back at least 15 feet from all lot lines.
3. Height and area requirements of such signs shall be in accordance with the following:
  - a. If located within 65 feet of the front lot line and less than eight feet in height such signs shall not exceed 32 square feet.
  - b. If located within 65 feet of the front line and from eight feet to ten feet in height, such signs shall not exceed 20 square feet; and
  - c. If located more than 65 feet from the front lot line yard signs shall not exceed 10 feet in height and shall not exceed 50 square feet.
  - d. In no case shall any sign exceed 10 feet in height.
4. All detached signs shall be placed within a landscaped area. The extent and type of landscaping and location of the sign shall be shown on a site plan submitted to the Commission for approval or a site plan submitted to the Zoning Enforcement Officer to replace an existing sign. All signs shall be installed on a wood, stone or other base structure and the size of the landscaped area shall extend at least two feet beyond the overall dimensions of the sign.

#### B. In the case of a fuel filling station, one detached sign may be allowed by the commission with changeable electronic fuel price information as follows:

1. Only the fuel price copy may be electronic and changeable.
2. The digital portion of the detached sign shall not exceed 50% of the total allowed sign area.
3. The sign shall incorporate photocell/light sensors with automatic dimmer technology that appropriately adjusts to ambient light conditions.
4. The sign shall not operate at brightness levels of more than 0.2 foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distance to measure the foot-candles is calculated using the following formula:
  - a. Measurement distance equals the square root of the area of the sign times 100.
5. The owner/operator of a fuel filling station with a detached electronic fuel price sign shall provide written certification in compliance with this section when requested by the commission or the Planning Department.
6. The detached electronic fuel price sign shall be shut off at any time the fuel filling station is not open for business.
7. The color of the price digits shall be accompanied with a black background.

### **6.3.3 Signs Which Are Exempt from These Regulations**

A. The following types of signs shall be exempt:

1. Government flags.
2. Signs erected or posted and maintained for public safety and welfare or pursuant to any government function, law, by-law, or other regulation.
3. Directional signs containing no advertising material and not exceeding three square feet in area or greater than four feet in height.
4. Roof shingles used to identify a farm as defined by the definition for Sign-Agricultural, limited to the roof of one agricultural building per individual property. [Added 11-22-2010, Effective 12-15-2010]