PLANNING AND ZONING COMMISSION
REGULAR MEETING AGENDA
MONDAY, MARCH 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): None

IV. OLD BUSINESS: None

V. NEW BUSINESS:

  1. S202004 – Hastillo Properties, LLC, owner/ TYMAC Holdings, LLC, applicant, request to convert conditional approval granted January 25, 2021, to final approval for re-subdivision of 61.56 acres for eleven (11) lots on west side of Tripp Road, APN 023-001-0000, in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

  1. Approval of the February 28, 2022 Regular Meeting Minutes.

  2. Correspondence/Discussion:

     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:

Next Regular Meeting is scheduled for April 25, 2022

Instructions to attend remotely via Zoom Meeting listed below. The agenda is posted on the Town of Ellington webpage (www.ellington-ct.gov) under Agenda & Minutes, Planning & Zoning Commission.

Join Zoom Meeting via link:
https://us06web.zoom.us/j/86971549904
Meeting ID: 869 7154 9904
Passcode: 299466

Join Zoom Meeting by phone:
1-646-558-8656 US (New York)
Meeting ID: 869 7154 9904
Passcode: 299466

COMMISSIONERS: TO ASSIST IN ESTABLISHING QUORUMS REQUIRED TO CONDUCT MEETINGS, PLEASE CONTACT THE PLANNING DEPARTMENT IF YOU ARE UNABLE TO ATTEND A SCHEDULED MEETING.
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa,

I have reviewed the as-built by Gardner & Peterson Associates, LLC revised 3-9-22, and a bond estimate prepared by Mark Peterson. John and I also visited the site to observe construction progress. After reviewing all the provided information and discussions with the engineer, I recommend a bond amount of $198,091 to cover the remaining uncompleted public improvements associated with this subdivision. This represents 65% completion of the total estimated cost of $568,941. The attached form shows the full cost of public improvements as well as the % complete of each item for determining a remaining bond amount. I consulted with a local paver to determine a projected unit price for paving which would reflect recent increases in the cost of petroleum products, but otherwise this bond estimate does not account for unknown inflation increases in future years. If costs continue to rise, the Commission may need to reevaluate the bonds they hold for completion of public improvements from time to time. These inflation factors can also be taken into consideration when future bond reductions are requested.

Also, if the binder course of the roadway deteriorates without the protection of the top course of pavement, it may be necessary to reclaim and repave the binder course before installing the top course of pavement. Additional bonding may therefore be required at that time. Since the subdivision approval requires completion with 5 years unless an extension is granted, if the top course is not paved within that time, I will recommend additional bonding for this expense before extending the approval.

Let me know if you have any questions.

Dana P. Steele, P.E.
Ellington Town Engineer
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QTY.</th>
<th>UNIT PRICE</th>
<th>COST</th>
<th>% Comp.</th>
<th>Remaining Bond</th>
<th>Comments</th>
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<td>E&amp;S CONTROL</td>
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<td>Cut back slopes around cul-de-sac to 3:1</td>
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<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>F</td>
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<td><strong>PROJECT: RIDGE CROSSING</strong></td>
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<td>Rough graded but needs reshaping, dredging</td>
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<td>50%</td>
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March 9, 2022

Mr. Dana Steele
Town Engineer
Town of Ellington
55 Main Street
Ellington, CT 06029

Re: Ridge Crossing Oil Trap Hood

Dear Dana,

Ridge Crossing Subdivision was approved with an oil trap hood in catch basin #8 which is located at the north end of the cul-de-sac. Based on comments from the Director of Public Works, we would support eliminating the oil trap hood to allow for easier maintenance of this structure by the Town of Ellington. It is my opinion the downstream stormwater management system, which includes a sediment forebay and wet bottom basin with aquatic plantings, would provide the necessary stormwater pollutant renovation without the oil trap hood.

Please contact me if you have any questions.

Mark A. Peterson P.E.
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, FEBRUARY 28, 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: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN SEAN KELLY, SECRETARY ROBERT SANDBERG, JR. (REMOTE), REGULAR MEMBERS WILLIAM HOGAN, F. MICHAEL FRANCIS, JON MOSEP AND MICHAEL SWANSON, ALTERNATES KEN RADZIWON AND RACHEL DEARBORN

MEMBERS ABSENT: NONE
STAFF PRESENT: LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK

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

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

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


   Time: 7:01 pm
   Seated: Hoffman, Kelly, Sandberg, Hogan, Francis, Moser and Swanson

Ms. Houlihan said the commission established the regulation back in March 2020 and since then they have reviewed a couple of applications, and the most recent application was withdrawn after a couple of public hearings. She noted since the commission would like to re-evaluate the regulation, it was suggested to put a six month moratorium on the section until they decided how to move forward with the language. No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR 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.

Time: 7:03 pm
Seated: Hoffman, Kelly, Sandberg, Hogan, Francis, Moser and Swanson

Ms. Houlihan briefly outlined the proposed text amendment, which would allow a single storage shed without the presence of a principle building, structure or use in the rural agricultural residential and residential zones when certain standards met. The storage shed would be allowed on parcels 3 acres or more in size, to only have a single story, and lack utility connections.

Vice Chairman Kelly is flexible with the 300 square foot (sf) limitation and noted the proposed regulation does not address solar access like discussed at last month’s meeting. He liked the wording for the proposed regulation. Commissioner Hogan questioned the size of the storage shed and suggested the allowable size not exceed 250 sf. Ms. Houlihan explained the standard size for a single car garage is 12x24 (288 sf). Commissioner Swanson stated the size of the structure should be big enough to accommodate equipment needed to maintain larger properties and felt 300 sf or less was adequate. Commissioner Moser said a farmer may need solar power for a generator and a shed is a good way to protect equipment and tools. They discussed the utility connection portion of the regulation and made a determination to add the word “public” to emphasize the shed may not be connected to any public utilities.

Alternate Radziwjon stated 300 sf is appropriate for storage of a tractor or a log splitter. Alternate Dearborn was agreeable with the size and suggested to disallow private wells or septic system connections too. Secretary Sandberg said he was fine with the proposed size of shed, but would support a smaller size. Commissioner Francis finished the conversation about the possibility of utilizing a storage container on the site. No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR 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.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATION 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. EFFECTIVE DATE: MARCH 3, 2022.

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.

Time: 7:22 PM
Seated: Hoffman, Kelly, Sandberg, Hogan, Francis, Moser and Swanson

Vice-Chairman Kelly explained the existing moratorium is due to expire on March 31, 2022. Last month the commission decided to extend the moratorium until October 31, 2022, to allow more time to carefully consider such facilities. The Department of Consumer Protection has not released their procedures for processing applications. No one from the public spoke regarding the application.
MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR 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.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE 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. EFFECTIVE DATE: MARCH 3, 2022.

IV. OLD BUSINESS: None

V. NEW BUSINESS: None

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission January 24, 2022 Regular Meeting Minutes.
   
   MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 24, 2022 REGULAR MEETING MINUTES WITH ONE CORRECTION ON PAGE 3 OF 6, LAST PARAGRAPH, FIRST LINE CHANGE THE WORD AWAY TO AGWAY.

2. Election of Officers

   a. Chairman Position

   MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO NOMINATE COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

   COMMISSIONER (HOFFMAN) ACCEPTED THE NOMINATION.

   HEARING NO FURTHER NOMINATIONS, MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

   b. Vice-Chairman Position

   MOVED (SWANSON) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO NOMINATE COMMISSIONER (KELLY) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

   COMMISSIONER (KELLY) ACCEPTED THE NOMINATION.

   HEARING NO FURTHER NOMINATIONS, MOVED (SWANSON) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (KELLY) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

   c. Secretary Position

   MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO NOMINATE COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

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COMMISSIONER (SANDBERG) ACCEPTED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2022.

3. Correspondence/Discussion:


Ms. Houlihan reviewed the draft text changes suggested by Commissioner Hogan as noted in her memo dated January 26, 2022. She said any business that currently has a detached electronic fuel price sign would be considered grandfathered, but others would need to abide by current regulations. Commissioner Hogan explained he is in favor of only allowing two rows of electronic fuel price copy, noting the more rows the brighter the sign. The commission conducted roundtable discussion about eliminating detached LED fuel price signs or to revise the regulations. Six commission members supported not allowing the LED signs. It was mentioned that some gas stations are requesting to update their signs to LED by corporate leadership. Chairman Hoffman stated the commission is trying to be business friendly, as well as being aware of safety concerns with the brightness of the LEDs. He suggested since there is a moratorium on the section, the commission resume discussion next month.

Commissioners expressed safety concerns for bright exterior lights at Valero’s that directs light toward Route 83 and is not positioned downward. They also felt the lights recently installed at Juliano’s Pools are not what they said they would install nor what the commission approved. The lights shine out and not downward, are not shielded, and are not consistent with lighting at Great Country Garages across the street from Juliano’s.

b. Discussion: Section 6.3.7 Detached Signs Permitted in C, PC, I and IP Zones and Section 6.3.3(3) Directional Signs.

No discussion took place pertaining to Section 6.3.7 Detached Signs Permitted in C, PC, I and IP Zones and Section 6.3.3(3) Directional Signs.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 7:53 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk
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:


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]
MEMO

DATE: March 23, 2022
TO: Lisa Houlihan, AICP, Town Planner
    Cc: Planning & Zoning Commission
FROM: John Colonese, Assistant Town Planner/ZEO
SUBJECT: Potential Amendments to Lighting and Sign Regulations

You asked if I have any comments regarding the potential subject regulation amendments since the suggested language would create a new process for enforcement. Please see below my comments in bold in response to the potential amendments to Sections 4.3.2, 6.3.9 and 6.3.10 of the Ellington Zoning Regulations.

4.3.2 Lighting
   (new) D. Correlated color temperature of any outdoor light source shall not exceed 3500 Kelvin.

   In reviewing lighting information it seems that 3500 Kelvin is a ‘warm white’ light, 4000 Kelvin is a
   ‘natural/neutral white’ light, and 5000 Kelvin is a ‘cool white’ light. Many businesses in town have 4000
   and 5000 Kelvin lights. For example, the Commission recently approved Earthlight and Big Y Express
   with 4000 Kelvin lights and Bolles Motors with 5000 Kelvin. Businesses may want a ‘cool white’ light as
   opposed to a ‘warm white’ light. As a zoning regulation amendment, this amendment would not apply to
   existing lighting. Compliance to a Commission approved Kelvin amount can be confirmed by the type of
   light fixture installed or with a device that measures Kelvin.

6.3.9 (new) B. Any sign lighting source shall not exceed a color temperature of 3500 Kelvin.

   Businesses may want a ‘cool white’ light as opposed to a ‘warm white’ light to illuminate their signs. As
   a zoning regulation amendment, this amendment would not apply to existing sign lighting. Compliance
   to a Commission approved Kelvin amount can be confirmed by the type of light fixture installed or with
   a device that measures Kelvin.

   (new) C. All sign lighting shall be on timers that turn off when the business is closed (except for motion
   activated security lights that have a run time of up to 15 minutes).

The Commission may want to review this proposal with the Economic Development Commission and
businesses in town. They may also want to check with Emergency Services to see if they use lighted signs
to help locate/access sites at night. As a zoning regulation amendment, this amendment would not apply to
existing signs. Therefore, if approved, new sign lights would turn off while those that pre-date the
regulation could remain on. Enforcement would most likely require inspections outside of regular work
hours and outside of regular business hours.
6.3.10 Prohibited Signs

(new) 4. Light emitting diode (LED) illumination of signs, including exteriors of windows or within 3 feet of interior of windows, unless the LED illumination source is shielded so that no direct observation of the LED light source is possible.

This proposed regulation appears to prohibit all internal LED illumination of signs, as well as external illumination if “direct observation of the LED light source is possible”. Most lighting these days is LED as it saves on energy. If the proposal’s intention is to prohibit all internal illumination of signs, it seems it would be clearer to prohibit all types of internal sign lighting, and Section 6.3.9.B would have to be amended. Also, what constitutes “direct observation”? Section 6.3.9.A currently states, “Exterior lighting is permitted when confined or directed to the surface of the sign so that no direct rays or glare are visible beyond the property lines or create a danger to vehicular traffic.”

Thank you for the opportunity to comment. Please let me if you have any questions.
Potential Amendments to Lighting and Sign Regulations

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