



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
www.ellington-ct.gov

TEL. (860) 870-3120

TOWN PLANNER'S OFFICE

FAX (860) 870-3122

ZONING BOARD OF APPEALS REGULAR MEETING AGENDA MONDAY, APRIL 4, 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): *(Notice requirements met, hearings may commence unless otherwise noted)*

1. V202201 – Jeff McKnight, owner/ Ryan Orszulak, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.2-Lot Requirements: to reduce the lot area below the minimum lot size (40,000 Sq. Ft.) from 37,306 Sq. Ft. to 24,407 Sq. Ft. at 144 Muddy Brook Road, APN 088-020-0000 in a Rural Agricultural Residential (RAR) zone.
2. V202202 – Michael Stosonis & Nicole Boileau, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.7-Construction in Required Yards: to allow a solid fence 8ft in height in the front yard setback area at 25 Green Street, APN 129-027-0000 in a Lake Residential (LR) zone.
3. V202203 – Kathleen T. Waugh, owner/ Connecticut Department of Transportation, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.2-Lot Requirements: to reduce the lot area below the minimum lot size (40,000 Sq. Ft.) from 34,950 Sq. Ft. to 34,831 Sq. Ft. at 18 Strawberry Road, APN 182-008-0000 in a Rural Agricultural Residential (RAR) zone.
4. V202204 – Blaire E. Herter, owner/ Connecticut Department of Transportation, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.2-Lot Requirements: to reduce the lot area below the minimum lot size (40,000 Sq. Ft.) from 31,247 Sq. Ft. to 30,838 Sq. Ft. at 23 Strawberry Road, APN 182-037-0000 in a Rural Agricultural Residential (RAR) zone.
5. V202205 – Scott Black, owner/ Connecticut Department of Transportation, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.2-Lot Requirements: to reduce the lot area below the minimum lot size (40,000 Sq. Ft.) from 35,436 Sq. Ft. to 35,023 Sq. Ft. at 29 Blueberry Circle, APN 182-009-0000 in a Rural Agricultural Residential (RAR) zone.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the December 6, 2021 Regular Meeting Minutes.
2. Election of Officers.
3. Correspondence/Discussion:

V. ADJOURNMENT:

Next Regular Meeting Scheduled for Monday, May 2, 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, Zoning Board of Appeals.

Join Zoom Meeting via link:

<https://us06web.zoom.us/j/87122159909>

Meeting ID: 871 2215 9909

Passcode: 410013

Join Zoom Meeting by phone:

1 646 558 8656 US (New York)

Meeting ID: 871 2215 9909

Passcode: 410013

Town of Ellington Zoning Board of Appeals Application

Application #

V 202201

Date Received

3/10/2022

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

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

Owner's Information

Name: Jeff McKight

Mailing Address: 141 Muddy Brook Rd, 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) 966-9871

Secondary Contact Phone #: _____

Owner's Signature: *Jeff McKight* Date: 3-10-2022

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

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

Applicant's Information (if different than owner)

Name: Ryan Orszulak

Mailing Address: 34 Bridge St, Ellington, CT 06029

Email: orszulakllc@outlook.com

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

Primary Contact Phone #: (860) 817-1604

Secondary Contact Phone #: _____

Applicant's Signature: *Ryan Orszulak* Date: 3/10/22

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

RECEIVED

MAR 10 2022

**TOWN OF ELLINGTON
PLANNING DEPARTMENT**

Street Address: 144 Muddy Brook Rd (088-020-0000)

Assessor's Parcel Number (APN): 88 - 020 - 0000 Zone: RAR

Public Water: Yes No Public Sewer: Yes No

If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).

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

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

Is the project in a public water supply watershed area? Yes No

If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-3i(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.

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

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) Section 3.2.2

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
Please See Attached

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)
Please See Attached

April 4th, 2022

Zoning Board of Appeals – Town of Ellington, CT

144 Muddy Brook Rd & 103 Sadds Mill Rd

Lot Line Revision

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Description of Variance Request:

A lot line revision that impacts 144 Muddy Brook (088-020-000) as well as 103 Sadds Mill (088-21-0000) is requested to eliminate the party wall and splitting of the barn within the existing property line. The current property line runs along the face and through the large barn between these two properties as well as a retaining wall running parallel with Muddy Brook Rd. The requested new property line location was chosen to incorporate the entire barn, retaining wall, and adjacent concrete slabs. This new property line allows for the access to the side yard of 144 Muddy Brook, as well as the adjacent farmland (088-020-0001) owned by Jeff McKnight from Sadds Mill Rd through the means of an existing gravel driveway. Jeff McKnight is in agreement of the new property line location and supports the requested change.

Hardship:

The current configuration is not conducive to maintenance or repair of the barn or retaining wall and prevents the barn in its entirety to be procured by a single future property owner. The barn was originally incorporated with the house on 103 Sadds Mill Rd to make the original McKnight farmstead. Land surrounding 144 Muddy Brook is either a town road, or land that has been incorporated into the farm land preservation program which prevents making the lot line revision and also complying with section 3.2.2.

April 4th, 2022

Zoning Board of Appeals – Town of Ellington, CT

144 Muddy Brook Rd & 103 Sadds Mill Rd

Lot Line Revision

RECEIVED

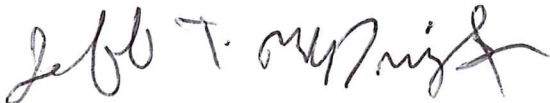
MAR 10 2022

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Dear Zoning Board of Appeals,

I, Jeff McKnight, fully support the requested lot line revision to incorporate the barn currently shared between 103 Sadds Mill Rd and 144 Muddy Brook Rd in its entirety into the 103 Sadds Mill Rd parcel. I'm in full agreement that the proposed lot line location is the best location possible with the given conditions. This allows access to 144 Mudd Brook Rd side yard as well as to the protected farmland (Parcel 088-020-0001) which I currently own. I will be unable to attend the Zoning Board of Appeals meeting on April 4th 2022 but would like to send my full support for this change and to allow Ryan Orszulak to propose this change to the board.

Sincerely,



Jeff T. McKnight



March 3, 2022

Ryan Orszulak
Jeff McNight
103 Sadds Mill Road & 144 Muddy Brook Road
Ellington, CT

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Re: Lot line revision 103 Sadds Mill Road & 144 Muddy Brook Road Ellington, Connecticut

Ryan/Jeff,

Per your request we have prepared a lot line revision survey and map of the referenced properties. The existing property line between the two properties is along and through an existing barn and with the desire to separate the properties you have asked that we prepare a lot line revision to put the existing barn all on the property at 103 Sadds Mill Road.

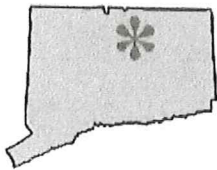
When the property line between the two properties is moved to the East to put the large barn all onto the property of 103 Sadds Mill Road and respecting the required side yard of the existing zone this will create a lot area of 24,407 sq. ft. for the property at 144 Muddy Brook Road. This area is less than the required 40,000 sq. ft. for property in this zone.

Both existing properties have multiple non-conforming existing conditions to the present zoning regulations for area, front yard, side yard and rear yard setbacks. See the chart on the plan prepared by this office.

I believe the lot line revision is a good way to enable the properties to separate the barn onto one property to enable ownership, maintenance and upkeep of the barns to be the responsibility of the one landowner.

Sincerely,

Brian Denno, L.S.



North Central District Health Department

- Enfield - 31 North Main Street - Enfield, CT 06082 - (860) 745-0383 Fax 745-3188
- Vernon - 375 Hattford Turnpike, Room 120 - Vernon-Rockville, CT 06066 - (860) 872-1501 Fax 872-1531
- Windham - Town Hall - 979 Main Street - Willimantic, CT 06226 - (860) 465-3033 Fax 465-3032
- Stafford - Town Hall, 1 Main Street - Stafford Springs, CT 06076 - (860) 684-5609 Fax 684-1768

Subsurface Sewage Disposal Investigation Results

144 \ muddy Brook Road Ellington

Lot # Street # St_name Town Subdivision

Jeff Mcnight 141 Muddy Brook Road Ellington Ct 06029

Owner Owner Address Town St Zip

21 Dec, 2021
Date

HOLE		HOLE		HOLE		HOLE	
Time	Reading	Time	Reading	Time	Reading	Time	Reading

Hole	Depth	Presoak	Perc Rate (Min/In)

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TOWN OF ELLINGTON
PLANNING DEPARTMENT

Soil Description Observation Pits

Pit 1	Pit 2	Pit	Pit	Pit															
0-52" reddish loamy sand fill 52" trace dark loam 52-64" light brown loam	0-48" red brown loamy sand fill 48-49" trace topsoil 49-68" brown sandy loam with roots original grade appears undisturbed. 68-78" gray brown very fine sandy loam with silt no seepage no ledge, mottling possible 68"																		
Pit	Pit	Pit	Pit	Pit															
			<table border="1"> <thead> <tr> <th>PIT</th> <th>DEPTH</th> <th>LEDGE</th> <th>GROUND WATER</th> <th>SOIL MOTTLING</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>64"</td> <td>None</td> <td>None</td> <td>Indistinct</td> </tr> <tr> <td>2</td> <td>78"</td> <td>None</td> <td>None</td> <td> </td> </tr> </tbody> </table>	PIT	DEPTH	LEDGE	GROUND WATER	SOIL MOTTLING	1	64"	None	None	Indistinct	2	78"	None	None		
PIT	DEPTH	LEDGE	GROUND WATER	SOIL MOTTLING															
1	64"	None	None	Indistinct															
2	78"	None	None																

RECEIVED

MAR 10 2022

TOWN OF ELLINGTON
PLANNING DEPARTMENT

Town of Ellington, CT

October 22, 2021

Proposed Reduction of 088-020-0000 Lot



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town of Ellington, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 7/23/2020
Data updated 7/23/2020

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

From: [John.Colonese](mailto:John.Colonese@ellington-ct.gov)
To: orszulakllc@outlook.com
Cc: [Barbra.Galovich](mailto:Barbra.Galovich@ellington-ct.gov)
Subject: V202201 - 144 Muddy Brook Road
Date: Monday, March 28, 2022 5:54:00 PM

Hello Ryan,

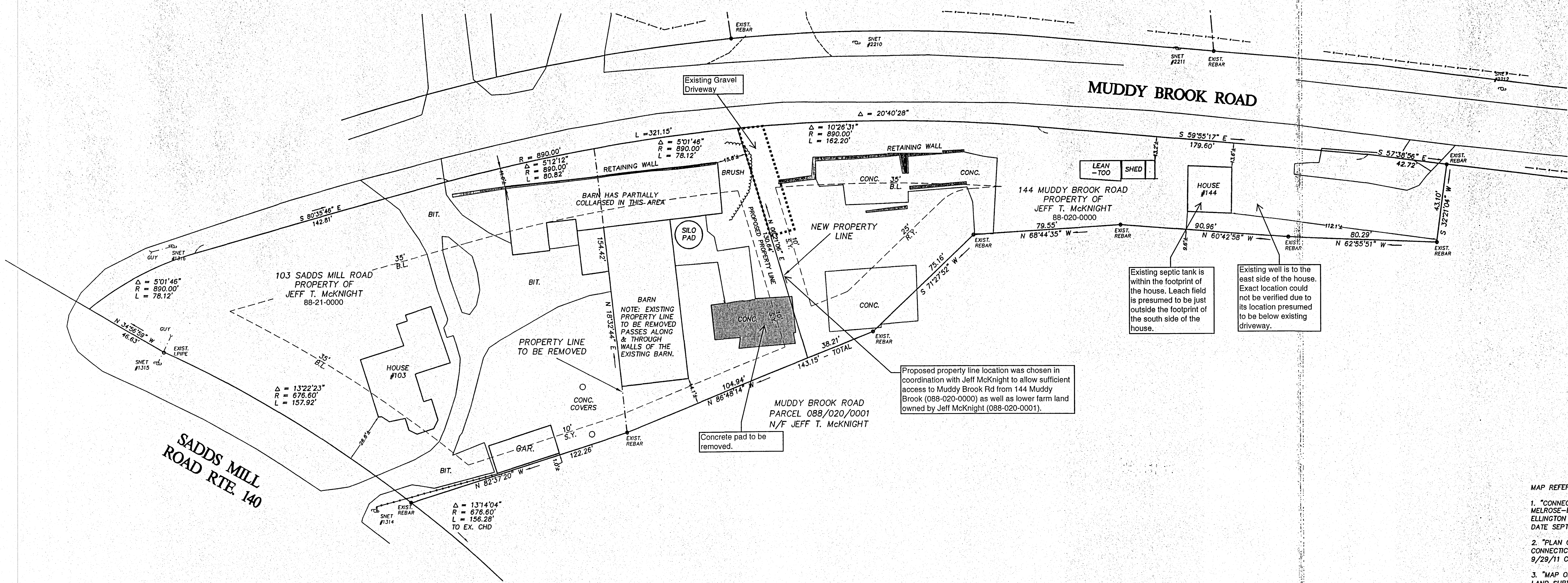
I reviewed the plan submitted with the Zoning Board of Appeals (ZBA) variance application V202201 known as "Lot Line Revision prepared for Jeff T. McKnight 103 Sadds Mill Road & 144 Muddy Brook Road Ellington, Connecticut Date 2/9/22" by Denno Land Surveying & Consulting, LLC and have the following preliminary comments:

- 1) Show the building setback lines ("B.L.") to the street property lines on Sadds Mill Road (60') and Muddy Brook Road (55').
- 2) Calculate and show the proposed lot coverage for each lot. Lot coverage must be a maximum of 25% or if the lot coverage is nonconforming to the regulations it cannot increase with the lot line revision.
- 3) Show a rear yard ("R.Y.") principal building setback line (25') and accessory building setback line (10') for 103 Sadds Mill Road.
- 4) Show a rear yard ("R.Y.") accessory building setback line (10') for 144 Muddy Brook Road.
- 5) Show the Assessor Parcel Numbers for each lot.

If the ZBA decides in favor of the variance request, these revisions will be required prior to filing a lot line revision plan on the Ellington land records. Please feel free to contact me with any questions.

Regards,

John D. Colonese, CZEO
Assistant Town Planner/Zoning & Wetlands Enforcement Officer
P.O. Box 187
57 Main Street
Ellington, CT 06029
Phone (860) 870-3120
jcolonese@ellington-ct.gov



LEGEND

---	PROPERTY LINE
---	CHAINLINK FENCE
---	TREE/VEGETATION LINE
---	BITUMINOUS PAVEMENT
---	BITUMINOUS/CONCRETE CURB
MH O YD	MANHOLE OR YARD DRAIN
□	CATCH BASIN
⊕	FIRE HYDRANT
⊕	WATER GATE
⊕	UTILITY POLE
⊕	UTILITY POLE
CONC.	CONCRETE
BIT.	BITUMINOUS
MON.	MONUMENT
FF	FINISH FLOOR
FL	FLOW LINE
TF	TOP OF FRAME
☆	LIGHT

- MAP REFERENCES:**
- "CONNECTICUT STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP TOWN OF ELLINGTON MELROSE-ELLINGTON ROAD FROM THE EAST WINDSOR TOWN LINE SOUTHEASTERLY TO THE ELLINGTON GREEN, ROUTE NO. 140. SCALE 1"=40' NUMBER 47-03 SHEET NOS. 2,3,4 & 5 OF 7. DATE SEPT. 29, 1939. WILLIAM J. COX. STATE HIGHWAY COMMISSIONER."
 - "PLAN OF GRADING EASEMENT PREPARED FOR TOWN OF ELLINGTON GREEN ROAD ELLINGTON, CONNECTICUT BUCK & BUCK, LLC ENGINEERS HARTFORD, CONNECTICUT SCALE 1"=100' DATE 9/29/11 COMM. NO. 6306-851 DRAWING NO. GE 1."
 - "MAP OF PROPERTY OF HENRY & ELIZABETH L. FORAND ELLINGTON, CONN. ALFRED E. SCHINDER LAND SURVEYOR ELLINGTON, CONNECTICUT SCALE 1"=20' DATE 9/14/79 JOB NO. 799-2."
 - "RESUBDIVISION PLAN BOUNDARY PLAN PREPARED FOR CRESTWOOD ESTATES IV A.P.M. 118-004-0003, 118-004-0004 & 188-004-0016 ELLSWORTH LANE ELLINGTON, CONNECTICUT TARBELL, HEINTZ & ASSOC., INC. EAST HARTFORD, CT JOB NO. 1149 DATE: 05-20-05 SCALE: AS SHOWN SHEET NO. 2 OF 4." REVISED THROUGH 6-15-05
 - "SUBDIVISION PLAN MOSLEYS PLAINS A RESIDENTIAL SUBDIVISION ELLINGTON, CONNECTICUT OWNER-DEVELOPER BOLF COMPANY NEWINGTON, CONNECTICUT PALMBERY & RUSSO BLOOMFIELD, CONNECTICUT SCALE 1"=40' DATE 9/17/85 SHEET NO. 8, 10, 11 & 15 OF 48." REVISED THROUGH 9-2-86
 - "SUBDIVISION PLAN PROPERTY OF STEPHEN L. STARR ELLINGTON, CONN. MEGSON & HYPPA GLASTONBURY, CONN. SCALE 1"=100' DATE 3-3-72 MAP NO. 86-71A." REVISED THROUGH 4-3-74.
 - "MAP OF PARCEL OF LAND OF EARL C. HATHEWAY LOCATED IN ELLINGTON, CONN. TO BE CONVEYED TO THE TOWN OF ELLINGTON SCALE: 1"=100' ALFRED E. SCHINDER ELLINGTON, CONN." 4-3-74.
 - "PROPERTY OF VICTOR M. & MARY S. DECARLI GREEN ROAD ELLINGTON - CONN. SCALE: 1"=100' APRIL 23, 1964 ARTHUR K. BRAMANIS, L.S."
 - "MONUMENTED PROPERTY SURVEY PLAN PREPARED FOR STATE OF CONNECTICUT DEPARTMENT OF AGRICULTURE FARMLAND PRESERVATION PROGRAM PROPERTY OF JEFF T. MCKNIGHT TOTAL ACRES OWNED = 135.563 ACRES TOTAL RESTRICTED FARMLAND ACRES = 121.625 ACRES 144 & 161 MUDDY BROOK ROAD ELLINGTON, CONNECTICUT DENNO LAND SURVEYING & CONSULTING, LLC SCALE 1" = 100' DATE 01/15/12." SHEET 1 & 2 OF 2, REVISED THROUGH 9/11/14.

SURVEY NOTES:

THIS SURVEY AND PLAN HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS WELL AS SPECIFIC REQUIREMENTS OF THE DEPARTMENT OF AGRICULTURE NOTED HEREIN.

THE TYPE OF SURVEY PERFORMED IS AN IMPROVEMENT LOCATION SURVEY.

BOUNDARY DETERMINATION CATEGORY-DEPENDENT PRESURVEY.

THIS PLAN CONFORMS TO HORIZONTAL ACCURACY CLASS A-2, WITH BEARINGS TIED INTO THE CONNECTICUT GRID SYSTEM COORDINATES.

COORDINATES AND BEARINGS BASED ON CONNECTICUT STATE GRID NAD 83.

DUE TO THE REDUCTION IN LOT SIZE FOR 144 MUDDY BROOK ROAD THE LAND OWNER HAS HAD SOILS TESTS DONE WITH THE HEALTH DEPARTMENT AND HAS DETERMINED THAT THE PROPERTY CONTAINS A SUFFICIENT AREA FOR A REVERSE SEPTIC SYSTEM THAT MEETS THE PRESENT HEALTH CODE.

144 MUDDY BROOK ROAD				
RAR ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
MINIMUM LOT AREA (SQ. FT.) :	40,000	37,306	24,407	15,593
MINIMUM LOT WIDTH (FT.) :	125	482.64	384.52	N/A
MINIMUM FRONT YARD (FT.) :	35	13.2	13.2	EXISTING NON-COMFORMANCE
MINIMUM SIDE YARD (FT.) :	10	0	112.1	N/A
MINIMUM REAR YARD (FT.) :	25	9.6	9.6	EXISTING NON-COMFORMANCE

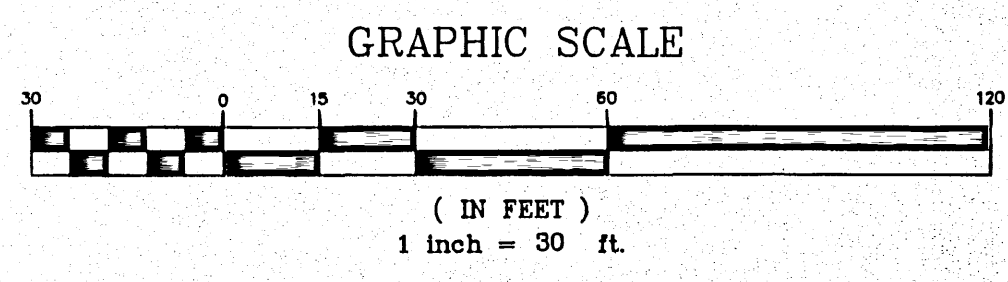
103 SADD'S MILL ROAD				
RAR ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
MINIMUM LOT AREA (SQ. FT.) :	40,000	32,506	45,406	N/A
MINIMUM LOT WIDTH (FT.) :	125	204.55	204.55	N/A
MINIMUM FRONT YARD (FT.) :	35	11.0	11.0	EXISTING NON-COMFORMANCE
MINIMUM SIDE YARD (FT.) :	10	0	1.0	EXISTING NON-COMFORMANCE
MINIMUM REAR YARD (FT.) :	25	N/A	N/A	N/A

ZONE: RAR

PROPERTY AREAS:	EXISTING	PROPOSED
144 MUDDY BROOK ROAD	37,306 SQ. FT. / 0.856 ACRES	24,407 SQ. FT. / 0.560 ACRES
103 SADD'S MILL ROAD	32,506 SQ. FT. / 0.746 ACRES	45,406 SQ. FT. / 1.042 ACRES

UTILITY STATEMENT

UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPS SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PARCEL TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO THIS SURVEYOR. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-922-4455.



REVISED
MAR 10 2022

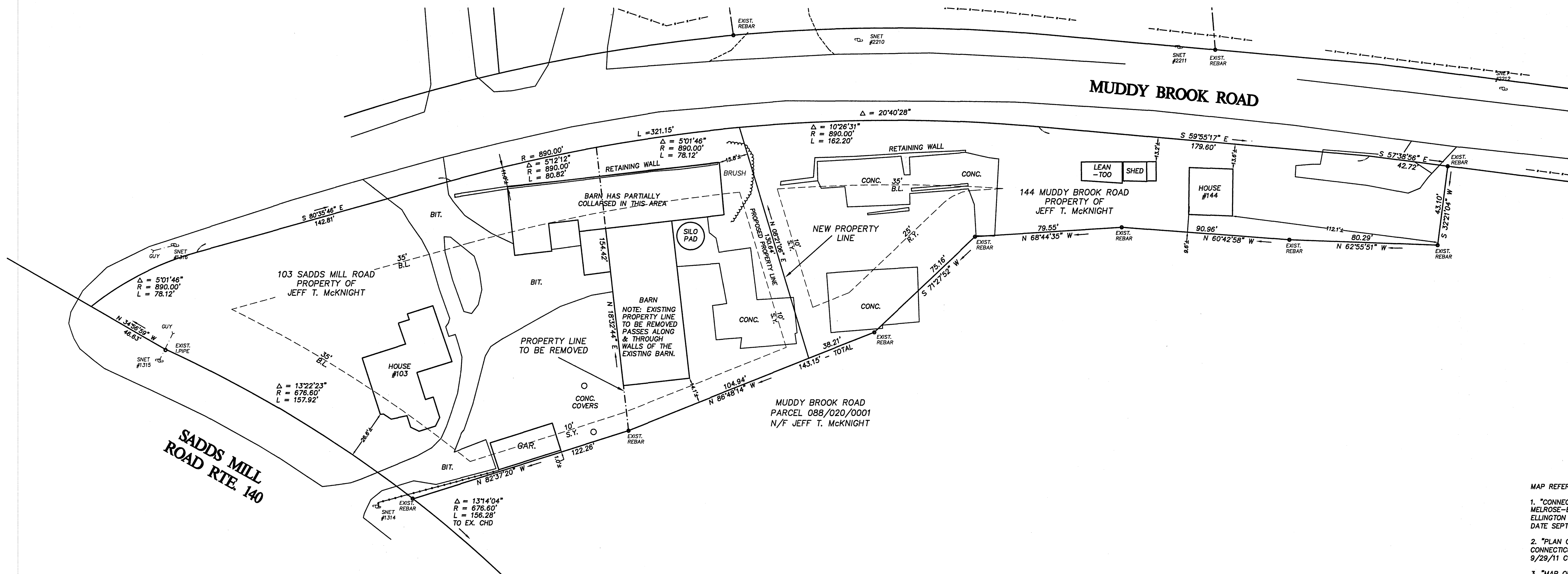
V202201

LOT LINE REVISION
PREPARED FOR
JEFF T. MCKNIGHT
103 SADD'S MILL ROAD & 144 MUDDY BROOK ROAD
ELLINGTON, CONNECTICUT

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

NOT VALID UNLESS LIVE SIGNATURE AND EMBOSSED SEAL IS AFFIXED
DENNO LAND SURVEYING & CONSULTING, LLC
2 TUNJIS RD STE. 214 TARIFFVILLE, CT 06081

SCALE 1"=30'	DATE 2/9/22	SHEET NO. 1 OF 1
-----------------	----------------	---------------------



LEGEND

---	PROPERTY LINE
----	CHAINLINK FENCE
	TREE/VEGETATION LINE
=====	BITUMINOUS PAVEMENT
=====	BITUMINOUS/CONCRETE CURB
MH O YD	MANHOLE OR YARD DRAIN
□	CATCH BASIN
⊕	FIRE HYDRANT
⊙	WATER GATE
—○—	UTILITY POLE
CONC.	CONCRETE
BIT.	BITUMINOUS
MON.	MONUMENT
FF	FINISH FLOOR
FL	FLOW LINE
TF	TOP OF FRAME
☆	LIGHT

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RAR ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
MINIMUM LOT AREA (SQ. FT.):	40,000	37,306	24,407	15,593
MINIMUM LOT WIDTH (FT.):	125	462.64	384.52	N/A
MINIMUM FRONT YARD (FT.):	35	13.2	13.2	EXISTING NON-COMFORMANCE
MINIMUM SIDE YARD (FT.):	10	0	112.1	N/A
MINIMUM REAR YARD (FT.):	25	9.6	9.6	EXISTING NON-COMFORMANCE

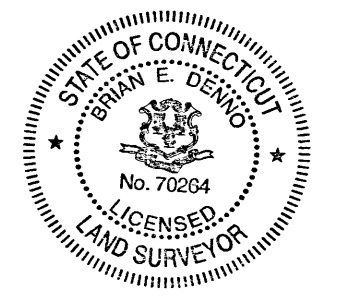
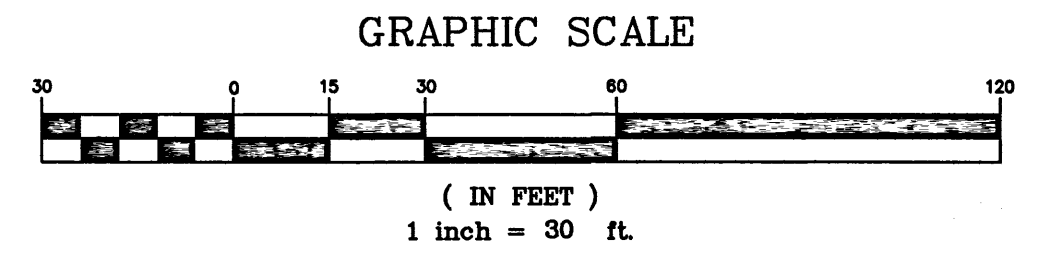
103 SADD'S MILL ROAD				
RAR ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
MINIMUM LOT AREA (SQ. FT.):	40,000	32,506	45,406	N/A
MINIMUM LOT WIDTH (FT.):	125	204.55	204.55	N/A
MINIMUM FRONT YARD (FT.):	35	11.0	11.0	EXISTING NON-COMFORMANCE
MINIMUM SIDE YARD (FT.):	10	0	1.0	EXISTING NON-COMFORMANCE
MINIMUM REAR YARD (FT.):	25	N/A	N/A	N/A

ZONE: RAR

PROPERTY AREAS:	EXISTING	PROPOSED
144 MUDDY BROOK ROAD	37,306 SQ. FT. / 0.856 ACRES	24,407 SQ. FT. / 0.560 ACRES
103 SADD'S MILL ROAD	32,506 SQ. FT. / 0.746 ACRES	45,406 SQ. FT. / 1.042 ACRES

UTILITY STATEMENT

UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROL TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO THIS SURVEYOR. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-922-4455.



REVISIONS:

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

[Signature]

NOT VALID UNLESS LIVE SIGNATURE AND EMBOSSED SEAL IS AFFIXED

DENNO LAND SURVEYING & CONSULTING, LLC
2 TUNXIS RD. STE. 214 TARIFFVILLE, CT 06081

V202201

DATE: 11/10/2022

TOWN OF ELLINGTON, CONNECTICUT

LOT LINE REVISION
PREPARED FOR
JEFF T. MCKNIGHT
103 SADD'S MILL ROAD & 144 MUDDY BROOK ROAD
ELLINGTON, CONNECTICUT

SCALE 1"=30'	DATE 2/9/22	SHEET NO. 1 OF 1
-----------------	----------------	---------------------

Town of Ellington Zoning Board of Appeals Application

Application #
V202202
Date Received
3/14/2022

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

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

Owner's Information

Name: Michael Stosonis & Nicole Boileau
Mailing Address: 25 Green St
Ellington, CT 06029
Email: connecticut@sbcglobal.net

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

Primary Contact Phone #: 860-930-2195
Secondary Contact Phone #: Same

Owner's Signature: [Signature] Date: 3-14-22

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

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

Applicant's Information (if different than owner)

Name: Same
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 #: _____

Applicant's 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 Board have been submitted.

Street Address: 25 Green St
Assessor's Parcel Number (APN): 129 - 027 - 0000 Zone: LR

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

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

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

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

Previous Variances related to this property? Yes No If yes, specify date 2-1-2010

RECEIVED
MAR 14 2022
TOWN OF ELLINGTON
PLANNING DEPARTMENT

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) Section 2.1.7 Construction in rear yard

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
Requestin 8' stockade Fence with in front yard area

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

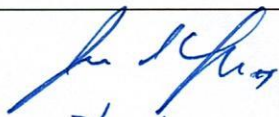
My Front Yard Fence East look at road (25 Green St), we use our East yard as our Backyard. The Front Yard to us is facing Crystal Lake. We would like some privacy from people driving up & walking when we are out enjoying the yard.

ELLINGTON PLANNING DEPARTMENT
STAFF REVIEW SHEET

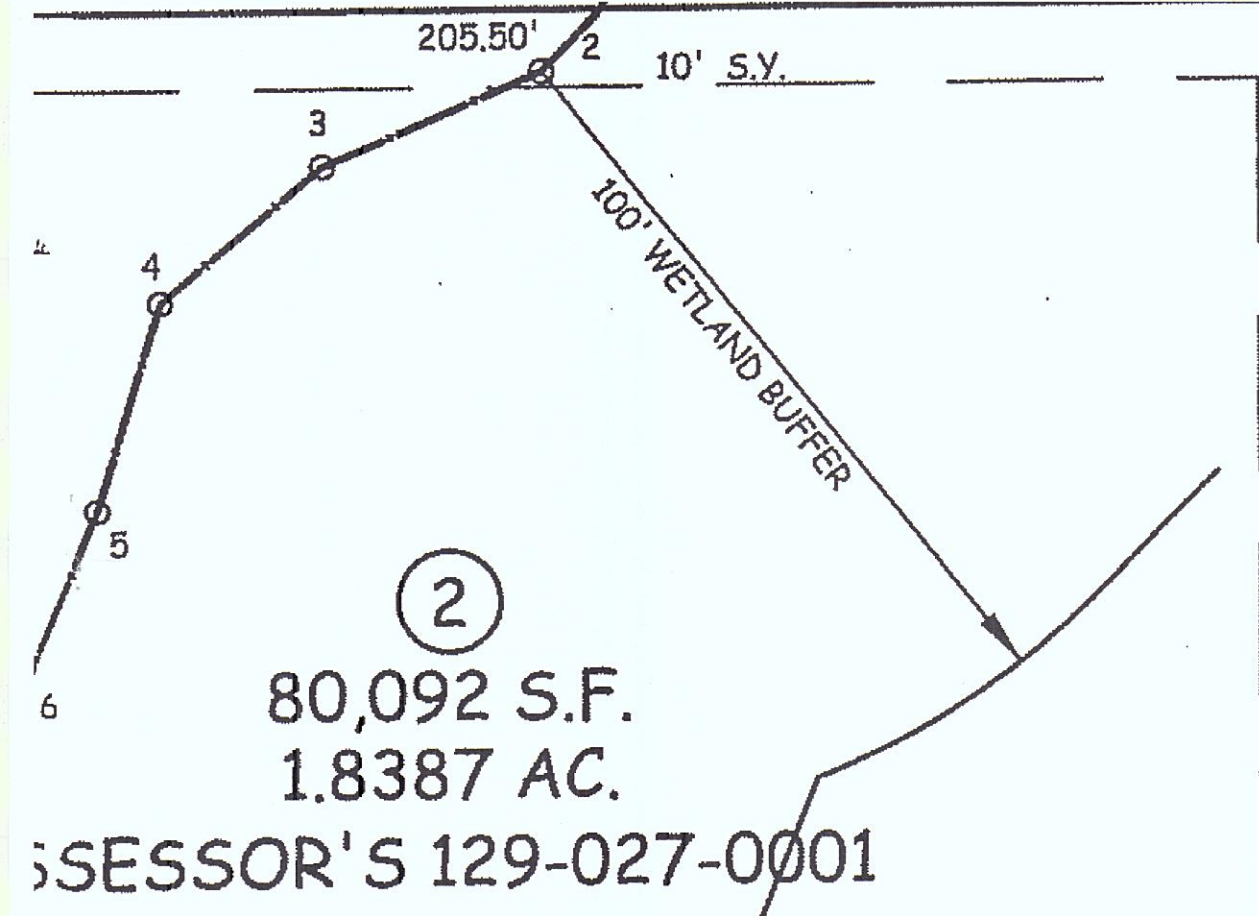
ZONING BOARD OF APPEALS

V202202 – Michael Stosonis & Nicole Boileau, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.7-Construction in Required Yards: to allow a solid fence 8ft in height in the front yard setback area at 25 Green Street, APN 129-027-0000 in a Lake Residential (LR) zone.

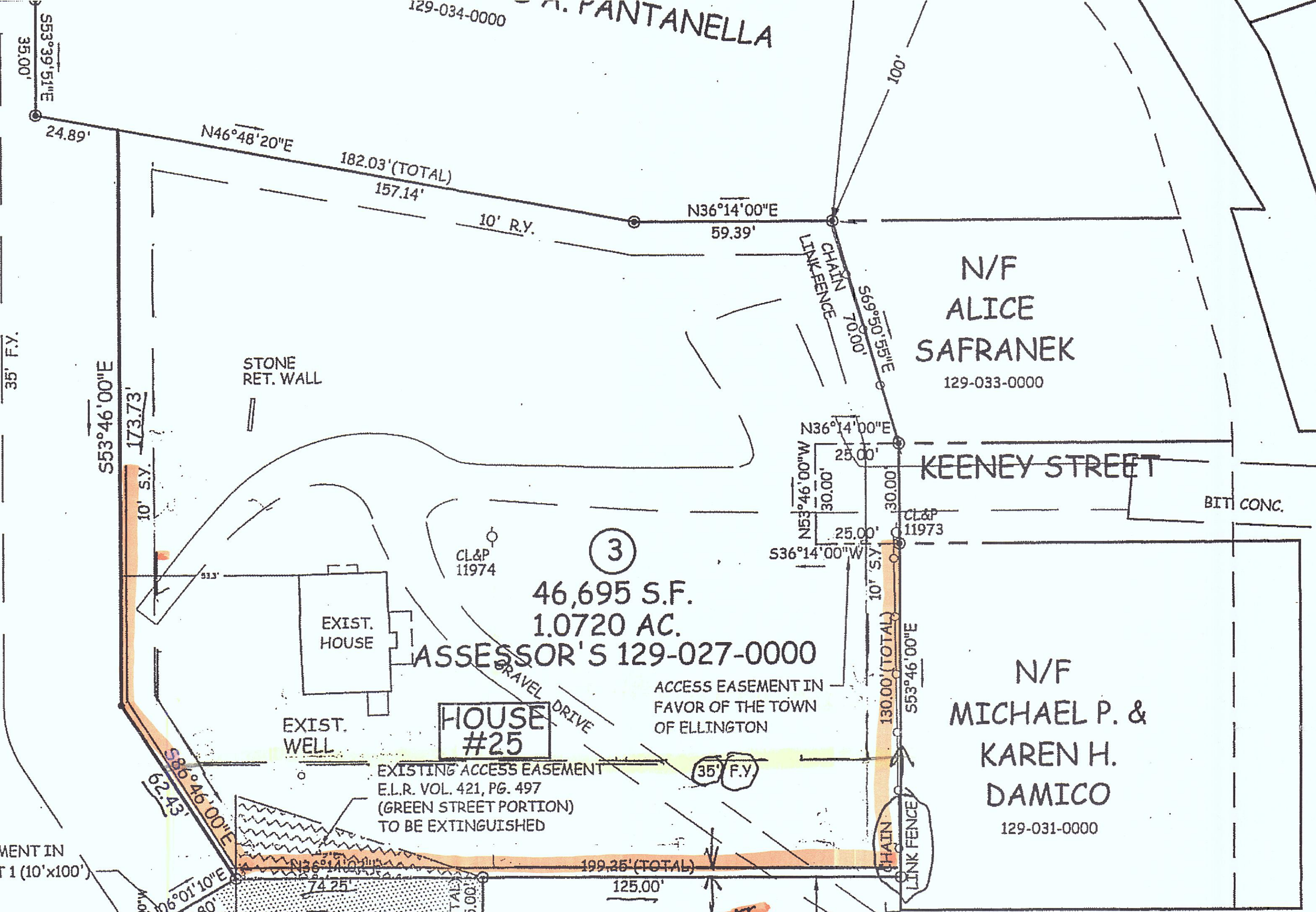
PUBLIC HEARING DATE: April 4, 2022
 STAFF REVIEW RETURN DATE: March 28, 2022

DEPARTMENT	COMMENTS AND/OR REQUIREMENTS
Town Engineer	<p>Fire Marshal Review:</p> <p>Consideration should be given to how this might affect emergency response to this address and if this fence would inhibit response. Possible considerations might be additional signage to direct responders to the Keeney St side. Also, the 911 Coordinator should be consulted if the fencing is approved to coordinate with the Tolland County Dispatch Center regarding proper directions to access this address.</p>
Building Official	
North Central District Health Department	
Fire Marshal  3/17/22	
Public Works Director/WPCA	
Assessor	
Traffic Authority	

& 129
MOVE
APPR
3 LOT
0000 8
CONDI
ASSE
BY TO
THE ST
THE DI
BLAST



80,092 S.F.
1.8387 AC.
ASSESSOR'S 129-027-0001



46,695 S.F.
1.0720 AC.
ASSESSOR'S 129-027-0000

N/F ALICE SAFRANEK
129-033-0000

N/F MICHAEL P. & KAREN H. DAMICO
129-031-0000

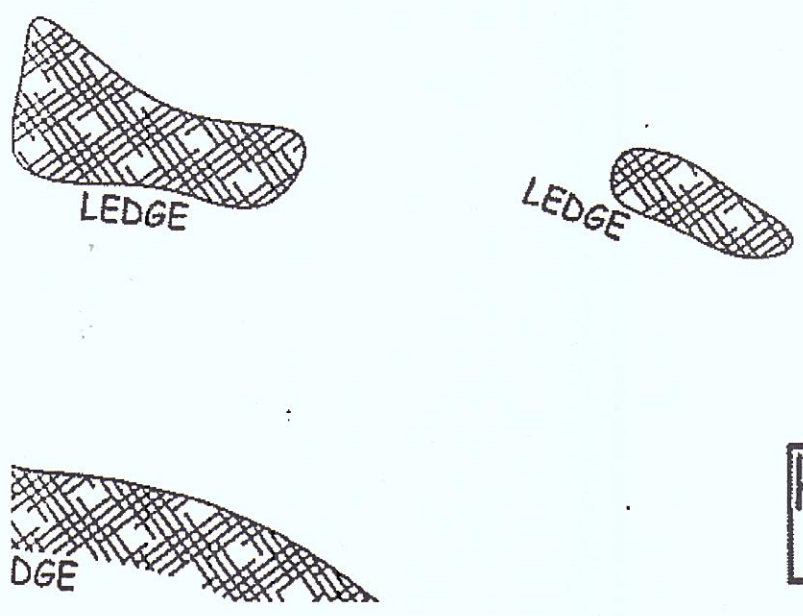
HOUSE #27

ACCESS EASEMENT IN FAVOR OF LOT 1 (10'x100')

ACCESS EASEMENT IN FAVOR OF LOT 2 (10'x100')

REVISED ACCESS EASEMENT IN FAVOR OF THE TOWN OF ELLINGTON (SHADED AREA) AREA=8,051 S.F.

80,978 S.F.
1.8590 AC.
ASSESSOR'S 129-022-0000



HOUSE #28

N/F EDWARD C. PRENTISS & ESTATE OF LORRAINE PRENTISS
129-021-0000

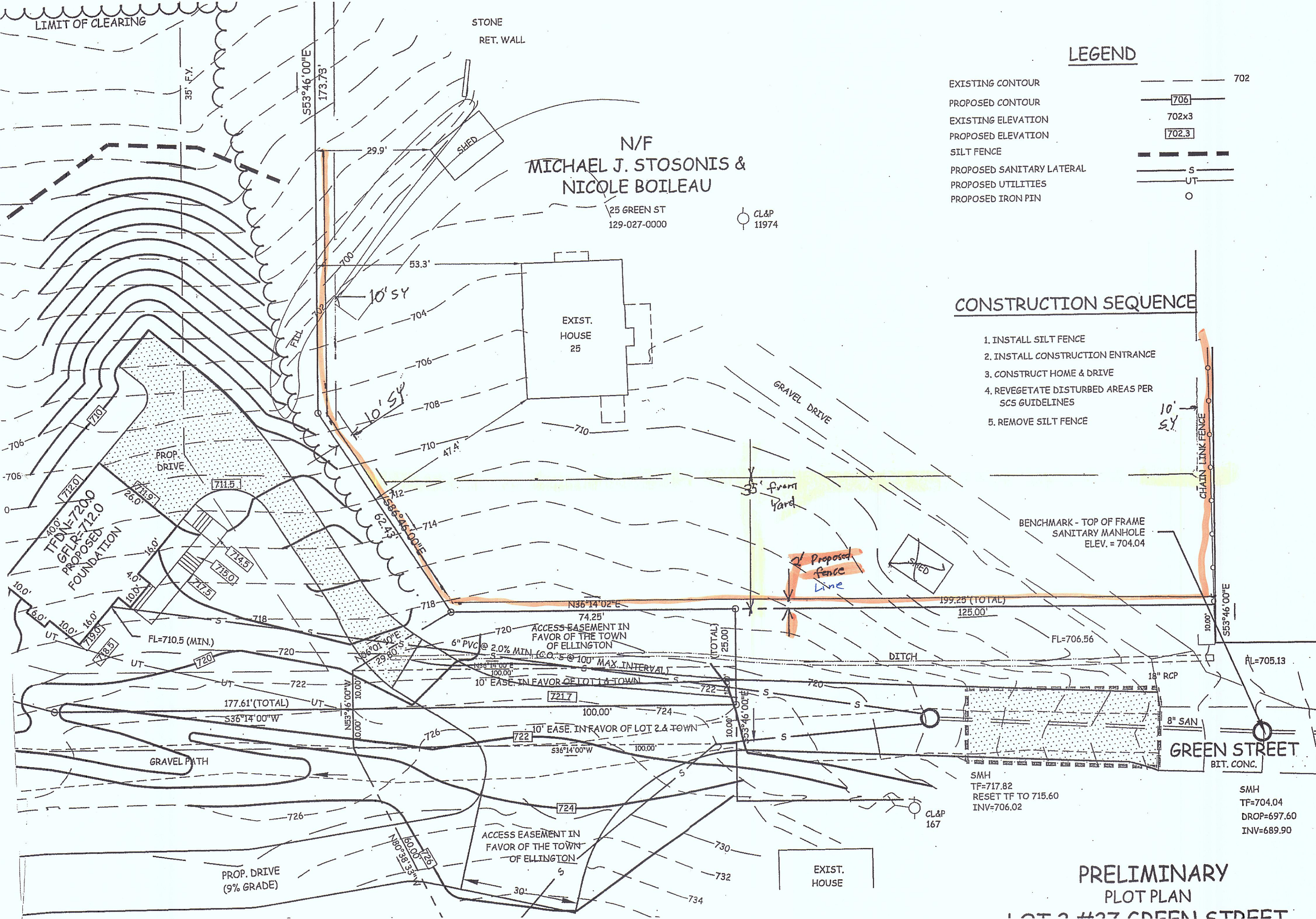
N/F TOWN OF ELLINGTON
129-020-0000

TOWN OF ELLINGTON
129-017-0000

N/F MATTHEW SHEA
129-019-0000

RECEIVED
MAR 14 2022
TOWN OF ELLINGTON
PLANNING DEPARTMENT

V202202



LEGEND

- EXISTING CONTOUR 702
- PROPOSED CONTOUR 706
- EXISTING ELEVATION 702x3
- PROPOSED ELEVATION 702.3
- SILT FENCE ---
- PROPOSED SANITARY LATERAL S
- PROPOSED UTILITIES UT
- PROPOSED IRON PIN O

CONSTRUCTION SEQUENCE

1. INSTALL SILT FENCE
2. INSTALL CONSTRUCTION ENTRANCE
3. CONSTRUCT HOME & DRIVE
4. REVEGETATE DISTURBED AREAS PER SCS GUIDELINES
5. REMOVE SILT FENCE

N/F
MICHAEL J. STOSONIS &
NICOLE BOILEAU

25 GREEN ST
129-027-0000

CL&P
11974

BENCHMARK - TOP OF FRAME
SANITARY MANHOLE
ELEV. = 704.04

GREEN STREET
BIT. CONC.

SMH
TF=717.82
RESET TF TO 715.60
INV=706.02

SMH
TF=704.04
DROP=697.60
INV=689.90

**PRELIMINARY
PLOT PLAN**

LOT 2 427 GREEN STREET

Town of Ellington Zoning Board of Appeals Application

Application #
V202203
Date Received
3/16/2022

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

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

Owner's Information

Name: Kathleen T. Waugh

Mailing Address: 18 Strawberry Road
Ellington, CT 06029

Email: N/A

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

Primary Contact Phone #: N/A

Secondary Contact Phone #: N/A

Owner's Signature: See Exhibits A & B 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 Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

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

Applicant's Information (if different than owner)

Name: Connecticut Department of Transportation

Mailing Address: 2800 Berlin Turnpike
Newington, CT 06111

Email: Dennis.McDonald@CT.gov

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

Primary Contact Phone #: 860-594-2475

Secondary Contact Phone #: 860-594-2393

Applicant's Signature: [Signature] Date: 3/15/2022

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

Street Address: 18 Strawberry Rd

Assessor's Parcel Number (APN): 182 - 008 - 0000 Zone: **RAR**

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

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

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

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

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

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.2 Lot Requirements

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
See attached Sheet

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)
See attached Sheet

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License:

In connection with project 47-120 – Replacement of Bridge No. 06141 Strawberry Road Over Abbey Brook, the Connecticut Department of Transportation (Department) proposes to acquire 119± Sq. Ft. of land from the subject property. The subject property is located in the Rural Agricultural Residential Zone (RAR) which requires a minimum lot area of 40,000 Sq. Ft. This property is currently non-conforming with a lot area of 34,950 Sq. Ft. and as a result of the proposed acquisition will be further reduced to 34,831 Sq. Ft. In this regard, the Department is seeking a variance of Section 3.2.2 to allow the reduction of a non-conforming lot from the existing 34,950 Sq. Ft. to 34,831 Sq. Ft. in lieu of the required 40,000 Sq. Ft.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

As a result of the Departments proposed acquisition, the remaining property will not conform to the area requirements of the RAR zone. Per Connecticut General Statutes Section 48-24, failure to obtain a lot area variance may result in the total acquisition of the subject property, thus denying the property owner full use and occupancy of their remaining property through no fault of their own.

EXHIBIT A

PINNEY, PAYNE, VAN LENTEN, BURRELL, WOLFE & DILLMAN, P.C.

ATTORNEYS AT LAW

26 WEST STREET

POST OFFICE BOX 630

DANBURY, CONNECTICUT 06810

(203) 743-2721

NEW MILFORD OFFICE
40 MAIN STREET
NEW MILFORD, CONNECTICUT 06776
(203) 333-1181

RIDGEFIELD OFFICE
401 MAIN STREET
RIDGEFIELD, CONNECTICUT 06777
(203) 438-3726

COUNSEL
THOMAS L. GRACEY

DEALING PINNEY
RBY D. PAYNE
OMAS W. VAN LENTEN
CH A. BURRELL
BERT J. WOLFE
H H. DILLMAN
ELIAM S. STEELE, JR.
FRYCY R. SIENKIEWICZ
D. D. ZACKER**

MES H. MALONEY
CHAE L. S. HENKINA
FRED P. FORINO
ncy R. Sienkiewicz

**ALSO ADMITTED IN VA
**ALSO ADMITTED IN D.C. AND NY

January 24, 1986

PLEASE REPLY TO: New Milford

George R. Sullivan, Jr., Chairman
Zoning Board of Appeals
Town of New Milford
24 Church Street
New Milford, Ct. 06776

RE: Notification of Property Owners of
Variable Application by DOT

Dear Mr. Sullivan:

I have researched the issue of whether property owners whose land is to be condemned by a state agency must consent to the agency's application for a variance. The answer is clearly, no. Section 48-24 of the General Statutes gives the condemning authority the power to obtain a variance for the portion of property which will remain after the taking. In Smith v. Zoning Board of Appeals, 174 Conn. 323 (1978), where the plaintiff property owners were neither notified of nor consented to the application for a variance, the Connecticut Supreme Court stated:

The remaining issue in this appeal is the plaintiff's claim that the granting of a variance without their consent violates their constitutional right to just compensation by forcing them to assume the financial risk of structural alteration or sale of property subject to a variance. We disagree. The plaintiffs' claims for consequential damages to the remaining land resulting from the partial taking could be considered by a trier of fact under General Statutes Section 13a-76. Damages would be calculated by subtracting the

George R. Sullivan, Jr.

January 23, 1986

market value of the remainder after the taking from the market value of the property just prior to the taking. Laurel, Inc. v. State, 169 Conn. 195, 205, 362 A.2d. 1383; Meriden v. Highway Commissioner, 169 Conn. 655, 660, 363 A.2d. 1094.

Mr. Douglas Hummel of the Department of Transportation plans to notify the record owners of the property to be condemned for the Lower Grove Street connection of the variance applications by certified mail. This method of notification is obviously sufficient. The Board should consider the variance applications submitted by the Department of Transportation under these circumstances.

Sincerely,
Jeffrey B. Sienkiewicz
New Milford Town Counsel

By _____
Nancy R. Sienkiewicz

NRS/lc
cc: Douglas Hummel

EXHIBIT "B"

State of Connecticut



JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

Office of The Attorney General
90 BRAINARD ROAD
HARTFORD, CT 06114

Telephone: 566-2257

February 28, 1986

Douglas M. Hummel
Assistant Property Agent
Office of Rights of Way
Department of Transportation
24 Wolcott Hill Road
Wethersfield, CT 06109

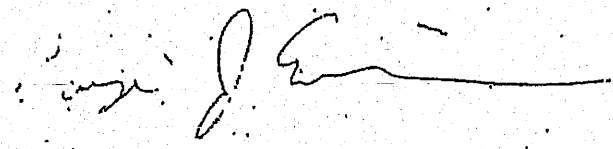
Dear Mr. Hummel:

With reference to our conversation concerning Conn. Gen. Stat. § 48-24 as of this date I have examined an opinion letter dated January 24, 1986 by the law firm of Pinney, Payne, Van Lenten, Burrell, Wolfe & Dillman, P.C. addressed to the chairman of the New Milford Zoning Board of Appeals.

Please be informed that I am completely in agreement with said opinion.

Very truly yours,

JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

BY: 

Paige Everin
Assistant Attorney General

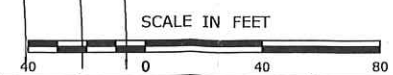
PE:rw



RECEIVED
 MAR 16 2022
 TOWN OF ELLINGTON
 PLANNING DEPARTMENT

COMPILED PLAN/RIGHT OF WAY SURVEY
 TOWN OF
 MAP SHOWING LAND/EASEMENT RELEASED TO/ACQUIRED FROM

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

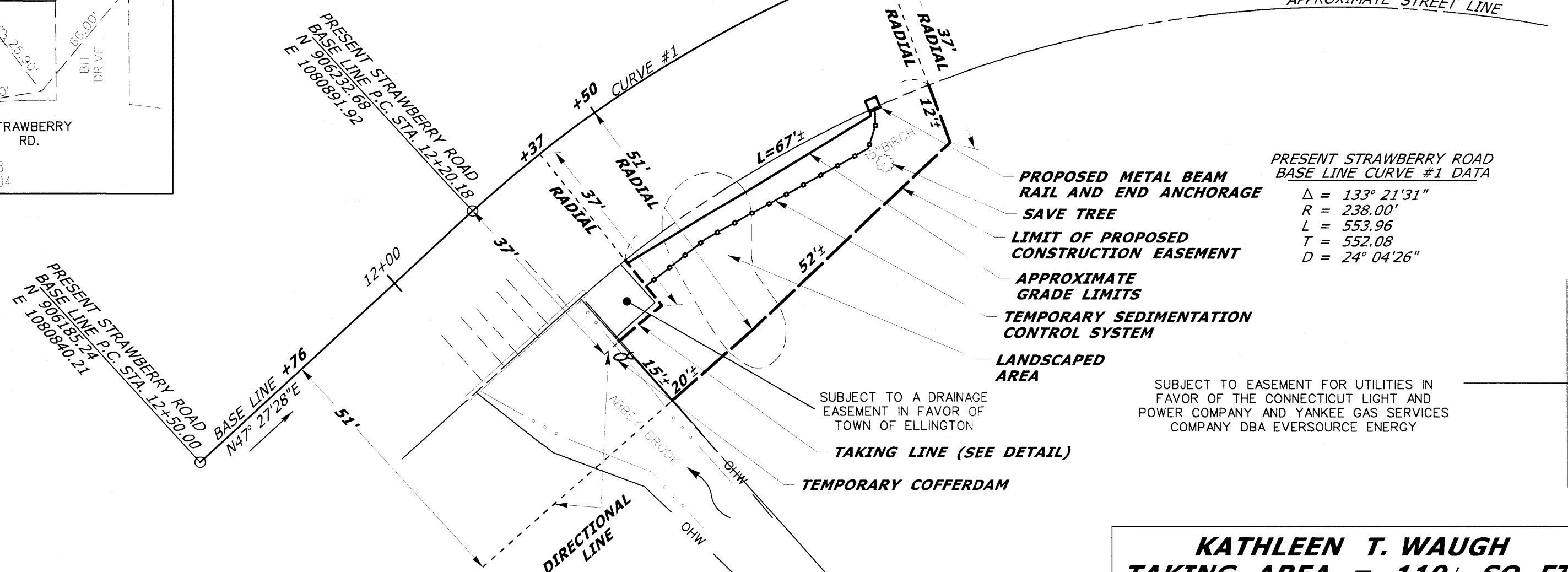
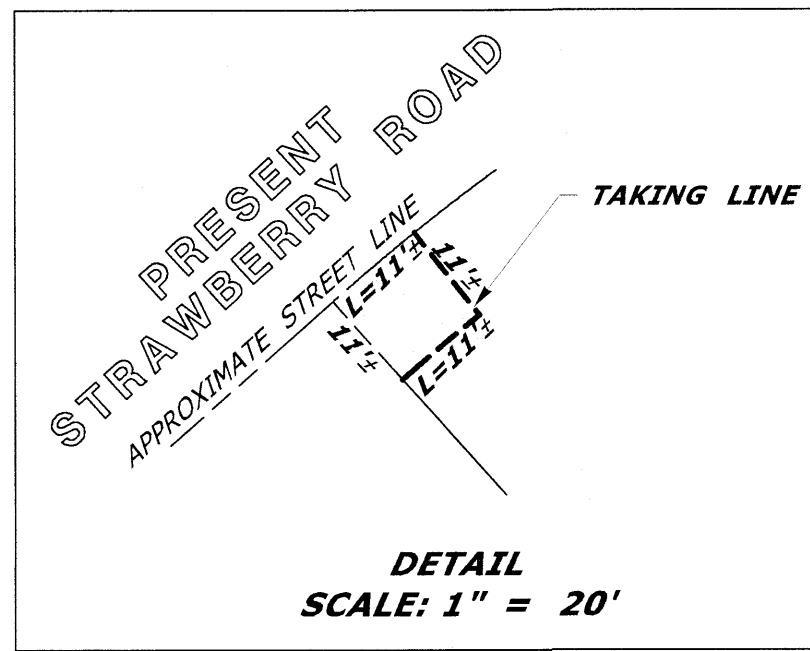
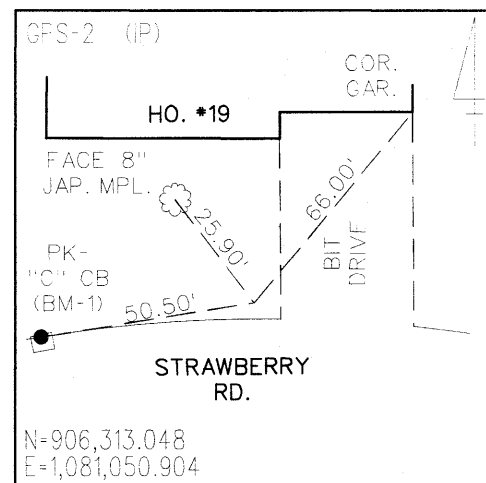
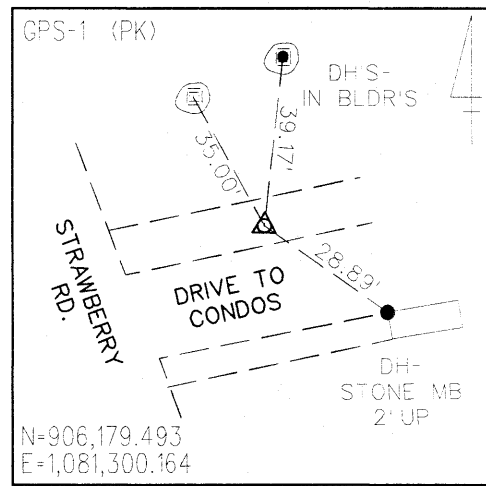


DATE	REVISION	REQ. BY

VOID WITHOUT LIVE SIGNATURE AND EMBOSSED SEAL
 PLS #18823
 TOWN NO. _____
 PROJECT NO. _____
 SERIAL NO. _____ TITLE MANAGER - SURVEY OPERATIONS
 SHEET 1 OF 1 DATE _____

DRAWN BY _____
 DATE _____
 CHECKED BY _____
 DATE _____

BY
 THE STATE OF CONNECTICUT
 DEPARTMENT OF TRANSPORTATION
 PROJECT TITLE
 SCALE 1" = 40'
 SCOTT A. HILL, P.E.
 CHIEF ENGINEER - BUREAU OF ENGINEERING AND CONSTRUCTION
 MONTH 2021



PRESENT STRAWBERRY ROAD
BASE LINE CURVE #1 DATA
 $\Delta = 133^\circ 21'31''$
 $R = 238.00'$
 $L = 553.96$
 $T = 552.08$
 $D = 24^\circ 04'26''$

- PROPOSED METAL BEAM RAIL AND END ANCHORAGE
- SAVE TREE
- LIMIT OF PROPOSED CONSTRUCTION EASEMENT
- APPROXIMATE GRADE LIMITS
- TEMPORARY SEDIMENTATION CONTROL SYSTEM
- LANDSCAPED AREA

SUBJECT TO EASEMENT FOR UTILITIES IN FAVOR OF THE CONNECTICUT LIGHT AND POWER COMPANY AND YANKEE GAS SERVICES COMPANY DBA EVERSOURCE ENERGY

KATHLEEN T. WAUGH
TAKING AREA = 119± SQ. FT.

CONSTRUCTION EASEMENT FOR THE PURPOSE OF CONSTRUCTION ACCESS, INSTALLATION OF TEMPORARY SEDIMENTATION CONTROL SYSTEM, GRADING, AND INSTALLATION OF TEMPORARY COFFERDAM DURING THE REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK ACQUIRED. CONSTRUCTION EASEMENT TAKEN UNDER THIS PARAGRAPH WILL BE RESTORED BY REMOVAL OF ALL TEMPORARY APPURTENANCES AND GRADING/SEEDING ANY DISTURBED AREAS. SAID EASEMENT WILL BE EXTINGUISHED UPON COMPLETION OF THE PROJECT, UNLESS SOONER EXTINGUISHED BY THE STATE.
EASEMENT AREA = 1465± SQ. FT.

EASEMENT TO INSTALL, CONSTRUCT AND MAINTAIN METAL BEAM RAIL AND END ANCHORAGE ACQUIRED.
EASEMENT = 5± L.F.

- REFERENCES:
- GENERAL LOCATION SURVEY PROVIDED BY CONDOT DISTRICT 1. PROJECT NO. 47-120
CADD FILE: SV_D1_047_0120_ELLINGTON_BRIDGE_06141.DGN
 - CONDOT CONSTRUCTION PROJECT NO. 47-120, ENTITLED: "REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK"
 - VOL. 109, PG. 565 (WARR.)
 - VOL. 128, PG. 584 (NAME CHANGE)
 - VOL. 441, PG. 399 (WARR.)
 - VOL. 86, PG. 208 (EASE.)
 - VOL. 170, PG. 233 (Q.C.)
 - MAP ENTITLED: "SUBDIVISION PLAN WOODSIDE ACRES EAST PROPERTY OF WEDECO, INC. ELLINGTON, CONN." SCALE 1" = 100' DATED: 1-22-70, AS REVISED 3-2-70 (MAP NO. 5-282 E.L.R.)
 - MAP ENTITLED: "EASEMENT MAP PREPARED FOR TOWN OF ELLINGTON STRAWBERRY ROAD ELLINGTON, CONNECTICUT" SCALE: 1" = 10' DATED: 8/15/2012 (MAP NO. H-1135 E.L.R.)

- NOTES:
- THIS SURVEY AND MAP HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THROUGH 20-300B-20, THE "MINIMUM STANDARDS OF ACCURACY, CONTENT & CERTIFICATION FOR SURVEYS AND MAPS," AS AMENDED OCTOBER 26, 2018. IT IS A RIGHT OF WAY SURVEY AND IS INTENDED TO DEPICT THE LIMITS OF THE PROPERTY TRANSACTION FOR THE PROJECT REFERENCED HEREON. THE BASE LINE FROM WHICH THIS PROPERTY TRANSACTION IS REFERENCED CONFORMS TO CLASS A-2 HORIZONTAL ACCURACY.
 - THE FEATURES DEPICTED ARE THE RESULT OF THE GENERAL LOCATION SURVEY FOR THE PROJECT OR AS REFERENCED HEREON.
 - THE PROPERTY AND STREET LINES DEPICTED CONFORM TO CLASS D ACCURACY. THEY HAVE BEEN COMPILED FROM VARIOUS SOURCES AND ARE NOT TO BE CONSTRUED AS NECESSARILY BEING THE RESULT OF A FIELD SURVEY, NOR DO THEY REPRESENT A PROPERTY/BOUNDARY OPINION.
 - THE CONSTRUCTION EASEMENT DEPICTED HEREON WILL BE FORMALLY EXTINGUISHED BY AN AFFIDAVIT WHICH WILL BE FILED IN THE PUBLIC LAND RECORDS.

DRAWN BY DMG
DATE 10/14/21
CHECKED BY SAE
DATE 10/29/21

SCALE IN FEET

DATE	REVISION	REQ. BY

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

PLS #18823

VOID WITHOUT LIVE SIGNATURE AND EMBOSSED SEAL

TOWN NO. 47

PROJECT NO. 47-120 CHRISTINE E. AUBREY, P.L.S.

SERIAL NO. 4 TITLE MANAGER - SURVEY OPERATIONS

SHEET 1 OF 1 DATE _____

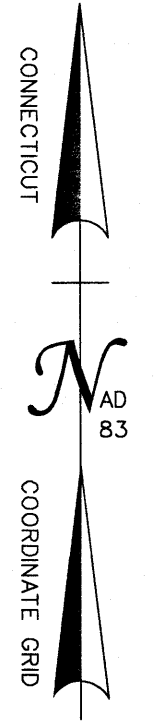
RIGHT OF WAY SURVEY

TOWN OF ELLINGTON
MAP SHOWING LAND ACQUIRED FROM
KATHLEEN T. WAUGH

BY
THE STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
REPLACEMENT OF BRIDGE NO. 06141
STRAWBERRY ROAD OVER ABBEY BROOK

SCALE 1" = 20' OCTOBER 2021

SCOTT A. HILL, P.E.
CHIEF ENGINEER - BUREAU OF ENGINEERING AND CONSTRUCTION



N 906200

Town of Ellington Zoning Board of Appeals Application

Application #
V202204
Date Received
3/16/2022

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

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

Owner's Information

Name: Blaire E. Herter
Mailing Address: 23 Strawberry Road
Ellington, CT 06029
Email: N/A

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

Primary Contact Phone #: N/A
Secondary Contact Phone #: N/A

Owner's Signature: See Exhibits A & B 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 Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

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

Applicant's Information (if different than owner)

Name: Connecticut Department of Transportation
Mailing Address: 2800 Berlin Turnpike
Newington, CT 06111
Email: Dennis.McDonald@CT.gov

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

Primary Contact Phone #: 860-594-2475
Secondary Contact Phone #: 860-594-2393

Applicant's Signature: [Signature] for CTDOT Date: 3/15/2022

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

Street Address: 23 Strawberry Road

Assessor's Parcel Number (APN): 182 - 037 - 0000 Zone: **RAR**

Public Water: Yes No Public Sewer: Yes No

If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).

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

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

Is the project in a public water supply watershed area? Yes No

If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-3i(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.

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

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.2 Lot Requirements

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
See attached Sheet

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)
See attached Sheet

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License:

In connection with project 47-120 – Replacement of Bridge No. 06141 Strawberry Road Over Abbey Brook, the Connecticut Department of Transportation (Department) proposes to acquire 409± Sq. Ft. of land from the subject property. The subject property is located in the Rural Agricultural Residential Zone (RAR) which requires a minimum lot area of 40,000 Sq. Ft. This property is currently non-conforming with a lot area of 31,247 Sq. Ft. and as a result of the proposed acquisition will be further reduced to 30,838 Sq. Ft. In this regard, the Department is seeking a variance of Section 3.2.2 to allow the reduction of a non-conforming lot from the existing 31,247 Sq. Ft. to 30,838 Sq. Ft. in lieu of the required 40,000 Sq. Ft.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

As a result of the Departments proposed acquisition, the remaining property will not conform to the area requirements of the RAR zone. Per Connecticut General Statutes Section 48-24, failure to obtain a lot area variance may result in the total acquisition of the subject property, thus denying the property owner full use and occupancy of their remaining property through no fault of their own.

EXHIBIT A

PINNEY, PAYNE, VAN LENTEN, BURRELL, WOLFE & DILLMAN, P.C.

ATTORNEYS AT LAW

26 WEST STREET

POST OFFICE BOX 630

DANBURY, CONNECTICUT 06810

(203) 743-2721

NEW MILFORD OFFICE
46 MAIN STREET
NEW MILFORD, CONNECTICUT 06776
(203) 333-1181

RIDGECFIELD OFFICE
401 MAIN STREET
RIDGECFIELD, CONNECTICUT 06877
(203) 438-3726

COUNSEL
THOMAS L. CHENEY

SEANLE PINNEY
RAY D. PAYNE
OMAS W. VAN LENTEN
CH. A. BURRELL
BERT J. WOLFE
H. H. DILLMAN
ELIAS S. STEELE, JR.
FRANCY B. SIENKIEWICZ
J. D. BACKER**

MRS. H. MALONEY
CHARL. S. MCKENNA
FRED F. FORINO

ancy R. Sienkiewicz

January 24, 1986

PLEASE REPLY TO: New Milford

**ALSO ADMITTED IN VA
**ALSO ADMITTED IN D.C. AND NY

George R. Sullivan, Jr., Chairman
Zoning Board of Appeals
Town of New Milford
24 Church Street
New Milford, Ct. 06776

RE: Notification of Property Owners of
Variable Application by DOT

Dear Mr. Sullivan:

I have researched the issue of whether property owners whose land is to be condemned by a state agency must consent to the agency's application for a variance. The answer is clearly, no. Section 48-24 of the General Statutes gives the condemning authority the power to obtain a variance for the portion of property which will remain after the taking. In Smith v. Zoning Board of Appeals, 174 Conn. 323 (1978), where the plaintiff property owners were neither notified of nor consented to the application for a variance, the Connecticut Supreme Court stated:

The remaining issue in this appeal is the plaintiff's claim that the granting of a variance without their consent violates their constitutional right to just compensation by forcing them to assume the financial risk of structural alteration or sale of property subject to a variance. We disagree. The plaintiffs' claims for consequential damages to the remaining land resulting from the partial taking could be considered by a trier of fact under General Statutes Section 13a-76. Damages would be calculated by subtracting the

George R. Sullivan, Jr.

-2-

January 23, 1986

market value of the remainder after the taking from the market value of the property just prior to the taking. Laurel, Inc. v. State, 169 Conn. 195, 205, 362 A.2d. 1383; Meriden v. Highway Commissioner, 169 Conn. 655, 660, 363 A.2d. 1094.

Mr. Douglas Hummel of the Department of Transportation plans to notify the record owners of the property to be condemned for the Lower Grove Street connection of the variance applications by certified mail. This method of notification is obviously sufficient. The Board should consider the variance applications submitted by the Department of Transportation under these circumstances.

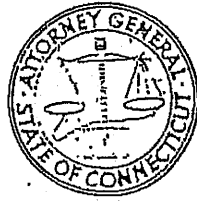
Sincerely,
Jeffrey B. Sienkiewicz
New Milford Town Counsel

By _____
Nancy R. Sienkiewicz.

NRS/lc
cc: Douglas Hummel

EXHIBIT "B"

State of Connecticut



JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

Office of The Attorney General
80 BRAINARD ROAD
HARTFORD, CT, 06114

Telephone: 566-2257

February 28, 1986

Douglas M. Hummel
Assistant Property Agent
Office of Rights of Way
Department of Transportation
24 Wolcott Hill Road
Wethersfield, CT 06109

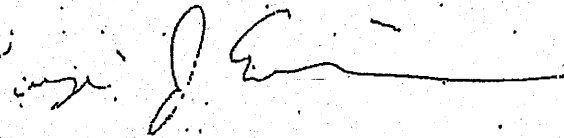
Dear Mr. Hummel:

With reference to our conversation concerning Conn. Gen. Stat. § 48-24 as of this date I have examined an opinion letter dated January 24, 1986 by the law firm of Pinney, Payne, Van Lenten, Burrell, Wolfe & Dillman, P.C. addressed to the chairman of the New Milford Zoning Board of Appeals.

Please be informed that I am completely in agreement with said opinion.

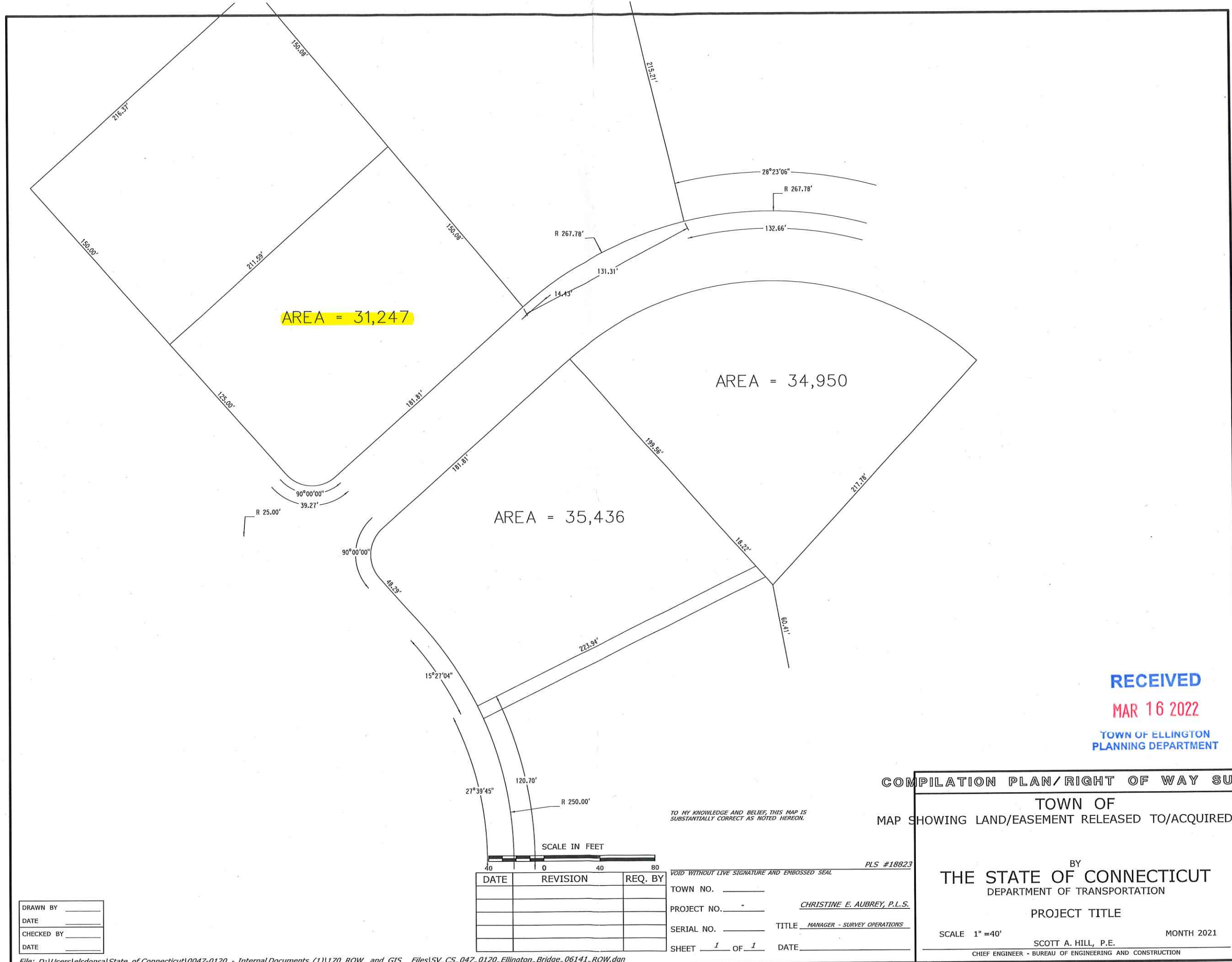
Very truly yours,

JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

BY: 

Paige Everin
Assistant Attorney General

PE:rw



AREA = 31,247

AREA = 34,950

AREA = 35,436

RECEIVED
 MAR 16 2022
 TOWN OF ELLINGTON
 PLANNING DEPARTMENT

COMPILATION PLAN/RIGHT OF WAY SURVEY

TOWN OF
 MAP SHOWING LAND/EASEMENT RELEASED TO/ACQUIRED FROM

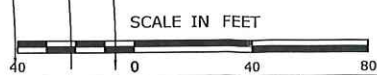
BY
 THE STATE OF CONNECTICUT
 DEPARTMENT OF TRANSPORTATION

PROJECT TITLE

SCALE 1" = 40' MONTH 2021

SCOTT A. HILL, P.E.
 CHIEF ENGINEER - BUREAU OF ENGINEERING AND CONSTRUCTION

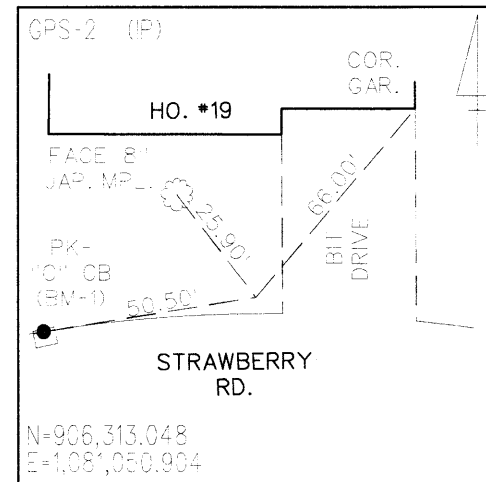
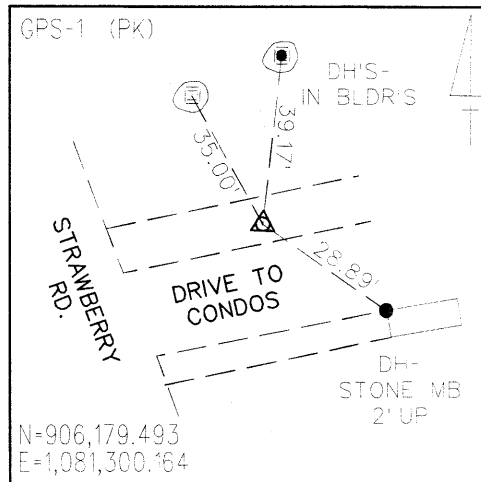
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
 SUBSTANTIALLY CORRECT AS NOTED HEREON.



DATE	REVISION	REQ. BY

VOID WITHOUT LIVE SIGNATURE AND EMBOSSED SEAL PLS #18823
 TOWN NO. _____
 PROJECT NO. _____ CHRISTINE E. AUBREY, P.L.S.
 SERIAL NO. _____ TITLE MANAGER - SURVEY OPERATIONS
 SHEET 1 OF 1 DATE _____

DRAWN BY _____
 DATE _____
 CHECKED BY _____
 DATE _____



**BLAIRE E. HERTER
TAKING AREA = 409± SQ. FT.**

CONSTRUCTION EASEMENT FOR THE PURPOSE OF CONSTRUCTION ACCESS, GRADING, INSTALLATION OF SEDIMENTATION CONTROL SYSTEMS, INSTALLATION OF TEMPORARY COFFERDAM, AND INSTALLATION OF TEMPORARY UTILITIES DURING THE REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK ACQUIRED. CONSTRUCTION EASEMENT TAKEN UNDER THIS PARAGRAPH WILL BE RESTORED BY REMOVAL OF ALL TEMPORARY APPURTENANCES AND GRADING/SEEDING ANY DISTURBED AREAS. SAID EASEMENT WILL BE EXTINGUISHED UPON COMPLETION OF THE PROJECT, UNLESS SOONER EXTINGUISHED BY THE STATE. EASEMENT AREA = 1712± SQ. FT.

EASEMENT TO INSTALL, CONSTRUCT AND MAINTAIN METAL BEAM RAIL AND END ANCHORAGE ACQUIRED. EASEMENT = 10± L.F.

REFERENCES:

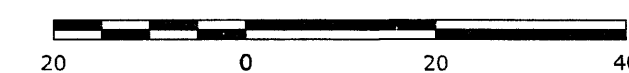
- GENERAL LOCATION SURVEY PROVIDED BY CONNDOT DISTRICT 1. PROJECT NO. 47-120
CADD FILE: SV-D1-047-0120-ELLINGTON-BRIDGE-06141.DGN
- CONNDOT CONSTRUCTION PROJECT NO. 47-120, ENTITLED: "REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK"
- VOL. 510, PG. 592 (WARR.)
- VOL. 440, PG. 695 (WARR.)
- VOL. 86, PG. 208 (EASE.)
- VOL. 170, PG. 233 (Q.C.)
- MAP ENTITLED: "SUBDIVISION PLAN WOODSIDE ACRES EAST PROPERTY OF WEDECO, INC. ELLINGTON, CONN." SCALE 1" = 100' DATED: 1-22-70, AS REVISED 3-2-70 (MAP NO. 5-282 E.L.R.)
- MAP ENTITLED: "EASEMENT MAP PREPARED FOR TOWN OF ELLINGTON STRAWBERRY ROAD ELLINGTON, CONNECTICUT" SCALE: 1" = 10' DATED: 8/15/2012 (MAP NO. H-1135 E.L.R.)

NOTES:

- THIS SURVEY AND MAP HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THROUGH 20-300B-20, THE "MINIMUM STANDARDS OF ACCURACY, CONTENT & CERTIFICATION FOR SURVEYS AND MAPS," AS AMENDED OCTOBER 26, 2018. IT IS A RIGHT OF WAY SURVEY AND IS INTENDED TO DEPICT THE LIMITS OF THE PROPERTY TRANSACTION FOR THE PROJECT REFERENCED HEREON. THE BASE LINE FROM WHICH THIS PROPERTY TRANSACTION IS REFERENCED CONFORMS TO CLASS A-2 HORIZONTAL ACCURACY.
- THE FEATURES DEPICTED ARE THE RESULT OF THE GENERAL LOCATION SURVEY FOR THE PROJECT OR AS REFERENCED HEREON.
- THE PROPERTY AND STREET LINES DEPICTED CONFORM TO CLASS D ACCURACY. THEY HAVE BEEN COMPILED FROM VARIOUS SOURCES AND ARE NOT TO BE CONSTRUED AS NECESSARILY BEING THE RESULT OF A FIELD SURVEY, NOR DO THEY REPRESENT A PROPERTY/BOUNDARY OPINION.
- THE CONSTRUCTION EASEMENT DEPICTED HEREON WILL BE FORMALLY EXTINGUISHED BY AN AFFIDAVIT WHICH WILL BE FILED IN THE PUBLIC LAND RECORDS.

DRAWN BY DMG
DATE 10/14/21
CHECKED BY SAE
DATE 10/29/21

SCALE IN FEET

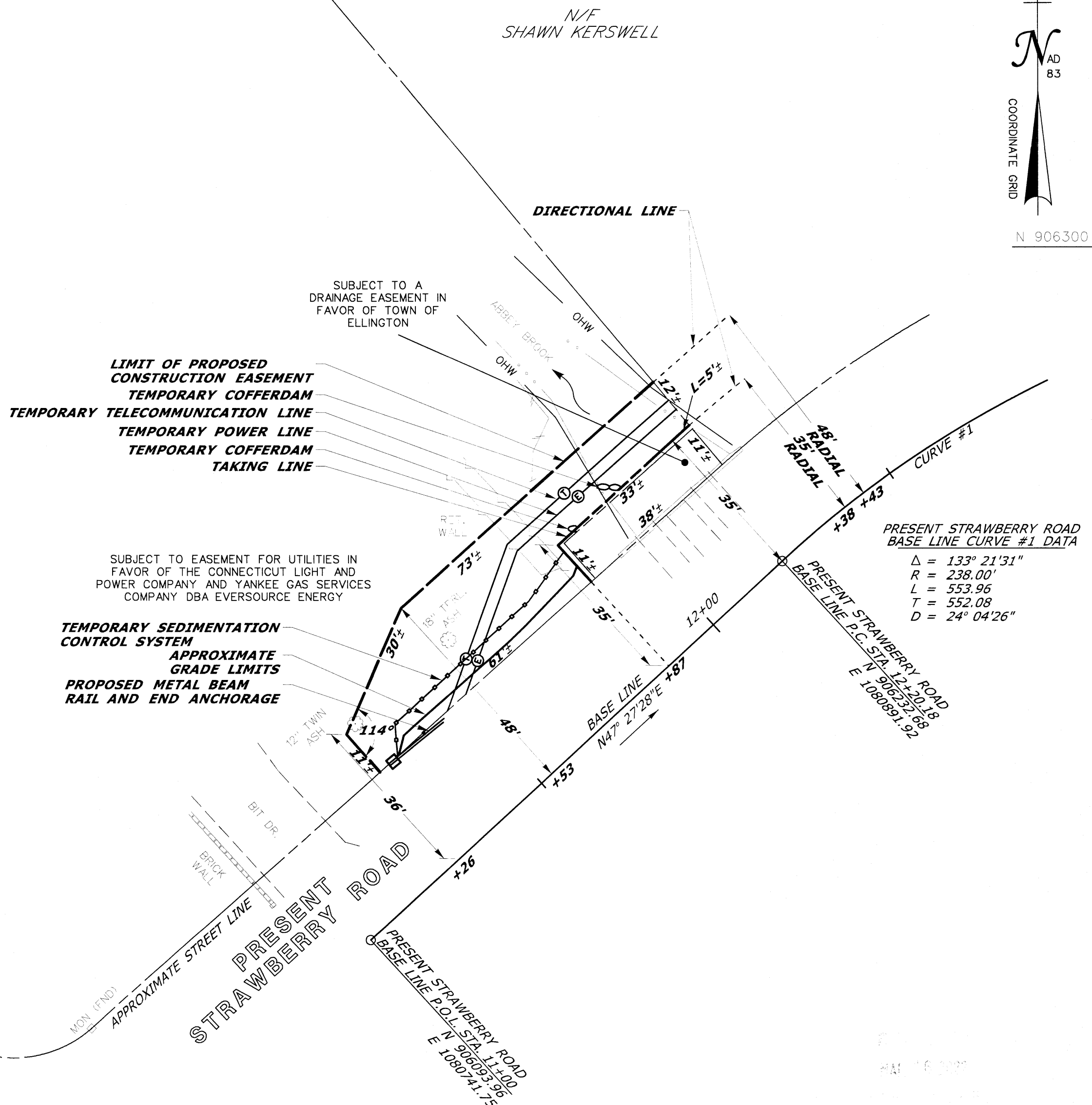


DATE	REVISION	REQ. BY

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

PLS #18823

VOID WITHOUT LIVE SIGNATURE AND EMBOSSED SEAL
TOWN NO. 47
PROJECT NO. 47-120 CHRISTINE E. AUBREY, P.L.S.
SERIAL NO. 1 TITLE MANAGER - SURVEY OPERATIONS
SHEET 1 OF 1 DATE _____



PRESENT STRAWBERRY ROAD
BASE LINE CURVE #1 DATA
Δ = 133° 21' 31"
R = 238.00'
L = 553.96'
T = 552.08'
D = 24° 04' 26"

RIGHT OF WAY SURVEY

TOWN OF ELLINGTON
MAP SHOWING LAND ACQUIRED FROM
BLAIRE E. HERTER

BY
THE STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
REPLACEMENT OF BRIDGE NO. 06141
STRAWBERRY ROAD OVER ABBEY BROOK

SCALE 1" = 20' JANUARY 2022

SCOTT A. HILL, P.E.
CHIEF ENGINEER - BUREAU OF ENGINEERING AND CONSTRUCTION

Town of Ellington Zoning Board of Appeals Application

Application # V202205
Date Received 3/16/2022

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

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

Owner's Information

Name: Scott Black

Mailing Address: 29 Blueberry Circle
Ellington, CT 06029

Email: N/A

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

Primary Contact Phone #: N/A

Secondary Contact Phone #: N/A

Owner's Signature: See Exhibits A & B 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 Board have been submitted. Moreover, by signing above, I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

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

Applicant's Information (if different than owner)

Name: Connecticut Department of Transportation

Mailing Address: 2800 Berlin Turnpike
Newington, CT 06111

Email: Dennis.McDonald@CT.gov

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

Primary Contact Phone #: 860-594-2475

Secondary Contact Phone #: 860-594-2393

Applicant's Signature: [Signature] for CTDOT Date: 3/15/2022

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

Street Address: 29 Blueberry Circle

Assessor's Parcel Number (APN): 182 - 009 - 0000 Zone: **RAR**

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

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

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

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

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

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.2 Lot Requirements

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)
See attached Sheet

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)
See attached Sheet

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License:

In connection with project 47-120 – Replacement of Bridge No. 06141 Strawberry Road Over Abbey Brook, the Connecticut Department of Transportation (Department) proposes to acquire 413± Sq. Ft. of land from the subject property. The subject property is located in the Rural Agricultural Residential Zone (RAR) which requires a minimum lot area of 40,000 Sq. Ft. This property is currently non-conforming with a lot area of 35,436 Sq. Ft. and as a result of the proposed acquisition will be further reduced to 35,023 Sq. Ft. In this regard, the Department is seeking a variance of Section 3.2.2 to allow the reduction of a non-conforming lot from the existing 35,436 Sq. Ft. to 35,023 Sq. Ft. in lieu of the required 40,000 Sq. Ft.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

As a result of the Departments proposed acquisition, the remaining property will not conform to the area requirements of the RAR zone. Per Connecticut General Statutes Section 48-24, failure to obtain a lot area variance may result in the total acquisition of the subject property, thus denying the property owner full use and occupancy of their remaining property through no fault of their own.

EXHIBIT A

PINNEY, PAYNE, VAN LENTEN, BURRELL, WOLFE & DILLMAN, P.C.

ATTORNEYS AT LAW

26 WEST STREET

POST OFFICE BOX 630

DANBURY, CONNECTICUT 06810

(203) 743-2721

NEW MILFORD OFFICE
46 MAIN STREET
NEW MILFORD, CONNECTICUT 06776
(203) 333-1181

RIDGEFIELD OFFICE
401 MAIN STREET
RIDGEFIELD, CONNECTICUT 06477
(203) 438-3776

COUNSEL
THOMAS L. CHENEY

CHARLES PINNEY
REY D. PAYNE
OMAS W. VAN LENTEN
GH A. BURRELL
BERT J. WOLFE
IH H. DILLMAN
LIAM S. STICKLE, JR.
FRYCE N. SIENKIEWICZ
D. D. ZACKER**

MRS H. MALONEY
CHACL S. HOKENNA
FRED F. FORINO

ncy R. Sienkiewicz

January 24, 1986

PLEASE REPLY TO: New Milford

**ALSO ADMITTED IN VA
**ALSO ADMITTED IN D.C. AND NY

George R. Sullivan, Jr., Chairman
Zoning Board of Appeals
Town of New Milford
24 Church Street
New Milford, Ct. 06776

RE: Notification of Property Owners of
Variable Application by DOT

Dear Mr. Sullivan:

I have researched the issue of whether property owners whose land is to be condemned by a state agency must consent to the agency's application for a variance. The answer is clearly, no. Section 48-24 of the General Statutes gives the condemning authority the power to obtain a variance for the portion of property which will remain after the taking. In Smith v. Zoning Board of Appeals, 174 Conn. 323 (1978), where the plaintiff property owners were neither notified of nor consented to the application for a variance, the Connecticut Supreme Court stated:

The remaining issue in this appeal is the plaintiff's claim that the granting of a variance without their consent violates their constitutional right to just compensation by forcing them to assume the financial risk of structural alteration or sale of property subject to a variance. We disagree. The plaintiffs' claims for consequential damages to the remaining land resulting from the partial taking could be considered by a trier of fact under General Statutes Section 13a-76. Damages would be calculated by subtracting the

George R. Sullivan, Jr.

-2-

January 23, 1986

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Mr. Douglas Hummel of the Department of Transportation plans to notify the record owners of the property to be condemned for the Lower Grove Street connection of the variance applications by certified mail. This method of notification is obviously sufficient. The Board should consider the variance applications submitted by the Department of Transportation under these circumstances.

Sincerely,
Jeffrey B. Sienkiewicz
New Milford Town Counsel

By _____
Nancy R. Sienkiewicz

NRS/lc
cc: Douglas Hummel

EXHIBIT "B"

State of Connecticut



JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

Office of The Attorney General
80 BRAINARD ROAD
HARTFORD, CT 06114

Telephone: 566-2257

February 28, 1986

Douglas M. Hummel
Assistant Property Agent
Office of Rights of Way
Department of Transportation
24 Wolcott Hill Road
Wethersfield, CT 06109

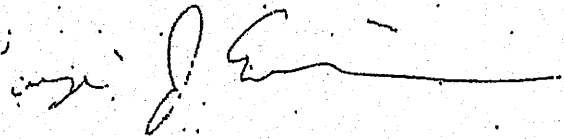
Dear Mr. Hummel:

With reference to our conversation concerning Conn. Gen. Stat. § 48-24 as of this date I have examined an opinion letter dated January 24, 1986 by the law firm of Pinney, Payne, Van Lenten, Burrell, Wolfe & Dillman, P.C. addressed to the chairman of the New Milford Zoning Board of Appeals.

Please be informed that I am completely in agreement with said opinion.

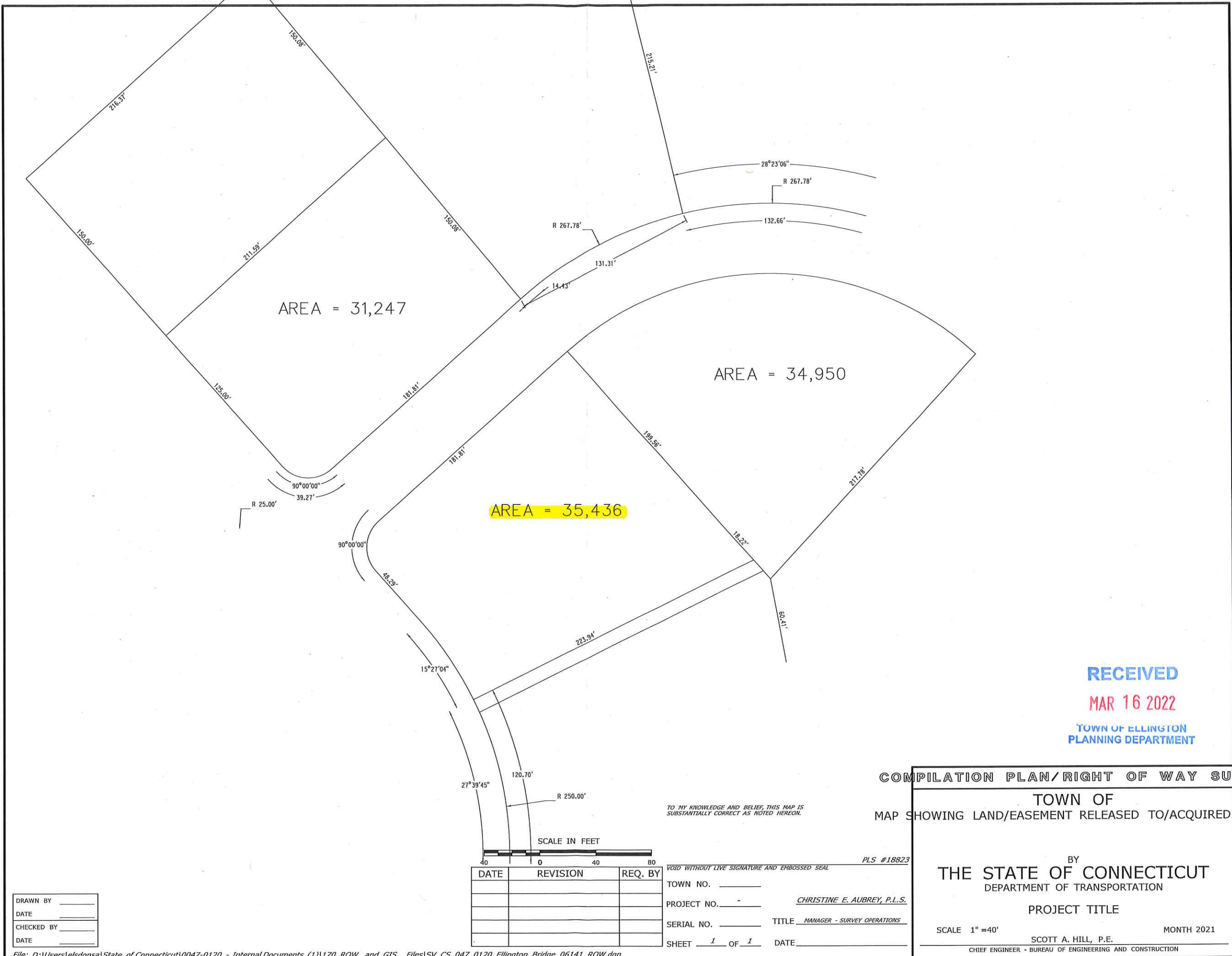
Very truly yours,

JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

BY: 

Paige Everin
Assistant Attorney General

PE:rw



AREA = 31,247

AREA = 34,950

AREA = 35,436

RECEIVED
 MAR 16 2022
 TOWN OF ELLINGTON
 PLANNING DEPARTMENT

COMPILATION PLAN/RIGHT OF WAY SURVEY
 TOWN OF
 MAP SHOWING LAND/EASEMENT RELEASED TO/ACQUIRED FROM

BY
 THE STATE OF CONNECTICUT
 DEPARTMENT OF TRANSPORTATION

PROJECT TITLE

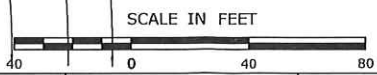
SCALE 1" = 40'

SCOTT A. HILL, P.E.

MONTH 2021

CHIEF ENGINEER - BUREAU OF ENGINEERING AND CONSTRUCTION

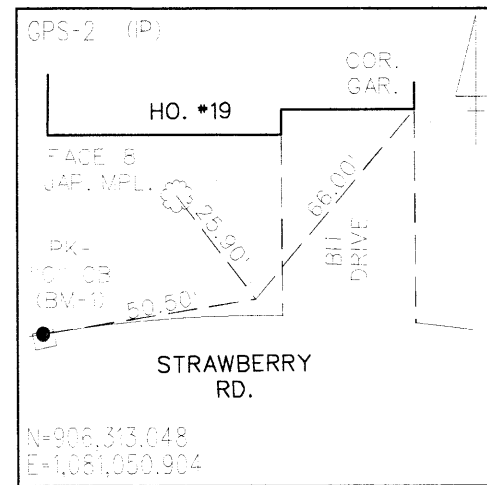
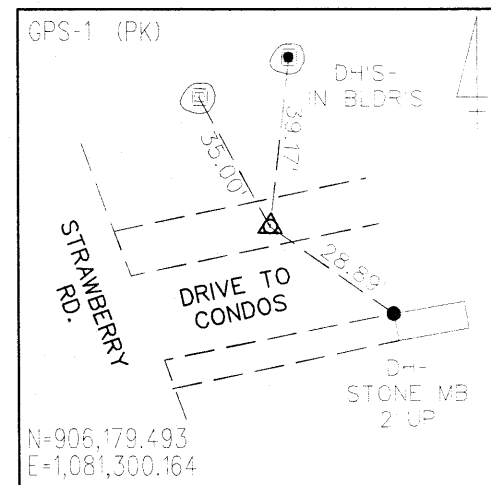
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
 SUBSTANTIALLY CORRECT AS NOTED HEREON.



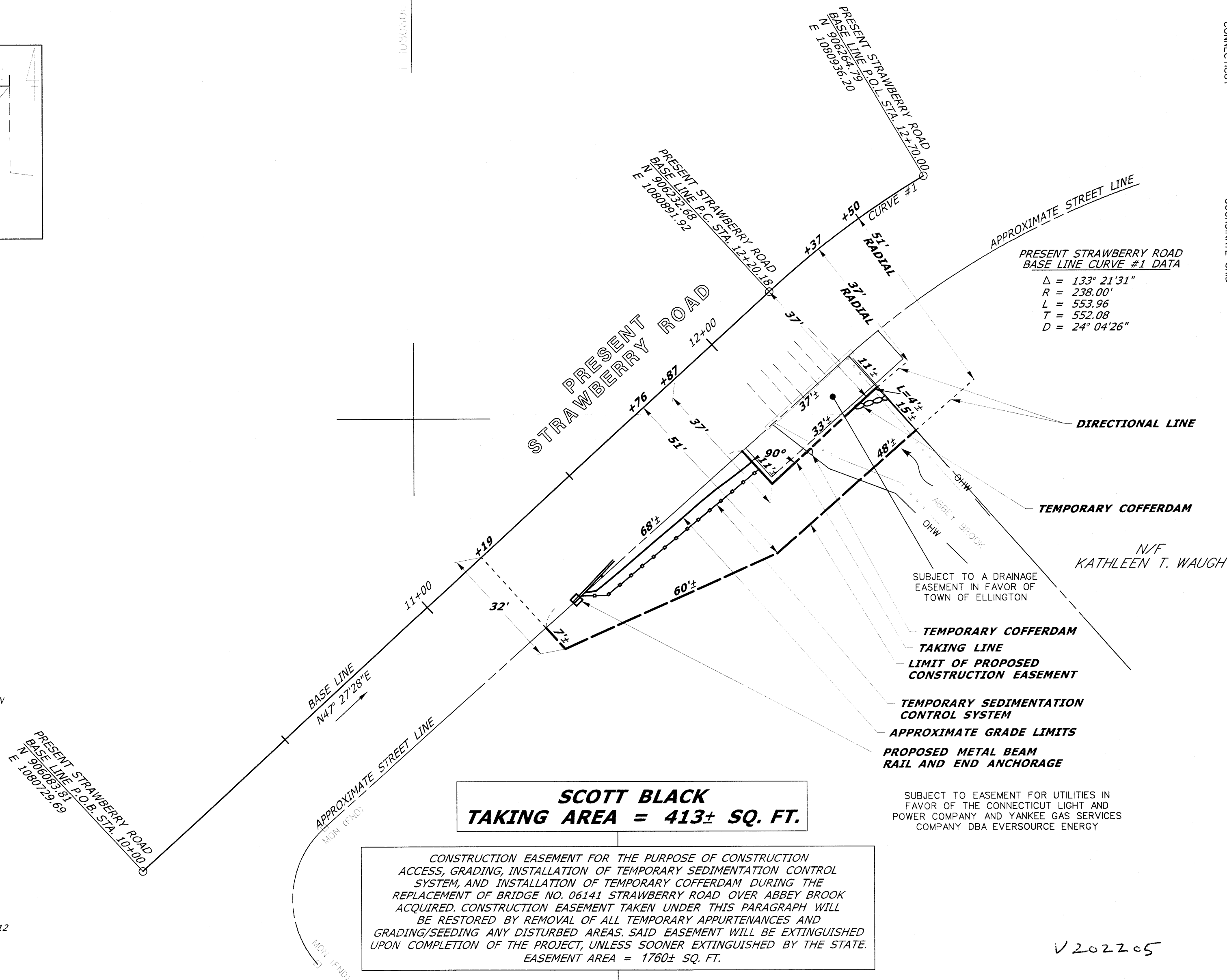
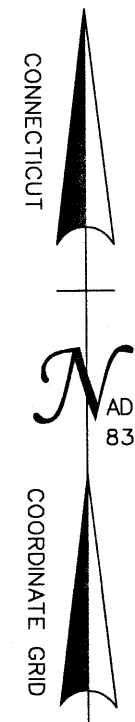
DATE	REVISION	REQ. BY

VOID WITHOUT LIVE SIGNATURE AND EMBOSSED SEAL
 TOWN NO. _____
 PROJECT NO. _____
 SERIAL NO. _____
 SHEET 1 OF 1
 TITLE MANAGER - SURVEY OPERATIONS
 DATE _____

DRAWN BY _____
 DATE _____
 CHECKED BY _____
 DATE _____



N 906200



- REFERENCES:
- GENERAL LOCATION SURVEY PROVIDED BY CONNDOT DISTRICT 1. PROJECT NO. 47-120 CADD FILE: SV.D1_047_0120_ELLINGTON_BRIDGE_06141.DGN
 - CONNDOT CONSTRUCTION PROJECT NO. 47-120, ENTITLED: "REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK"
 - VOL. 481, PG. 1166 (Q.C.)
 - VOL. 443, PG. 673 (WARR.)
 - VOL. 86, PG. 208 (EASE.)
 - VOL. 170, PG. 233 (Q.C.)
 - MAP ENTITLED: "SUBDIVISION PLAN WOODSIDE ACRES EAST PROPERTY OF WEDECO, INC. ELLINGTON, CONN." SCALE 1" = 100' DATED: 1-22-70, AS REVISED 3-2-70 (MAP NO. 5-282 E.L.R.)
 - MAP ENTITLED: "EASEMENT MAP PREPARED FOR TOWN OF ELLINGTON STRAWBERRY ROAD ELLINGTON, CONNECTICUT" SCALE: 1" = 10' DATED: 8/15/2012 (MAP NO. H-1135 E.L.R.)

- NOTES:
- THIS SURVEY AND MAP HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THROUGH 20-300B-20, THE "MINIMUM STANDARDS OF ACCURACY, CONTENT & CERTIFICATION FOR SURVEYS AND MAPS," AS AMENDED OCTOBER 26, 2018. IT IS A RIGHT OF WAY SURVEY AND IS INTENDED TO DEPICT THE LIMITS OF THE PROPERTY TRANSACTION FOR THE PROJECT REFERENCED HEREON. THE BASE LINE FROM WHICH THIS PROPERTY TRANSACTION IS REFERENCED CONFORMS TO CLASS A-2 HORIZONTAL ACCURACY.
 - THE FEATURES DEPICTED ARE THE RESULT OF THE GENERAL LOCATION SURVEY FOR THE PROJECT OR AS REFERENCED HEREON.
 - THE PROPERTY AND STREET LINES DEPICTED CONFORM TO CLASS D ACCURACY. THEY HAVE BEEN COMPILED FROM VARIOUS SOURCES AND ARE NOT TO BE CONSTRUED AS NECESSARILY BEING THE RESULT OF A FIELD SURVEY, NOR DO THEY REPRESENT A PROPERTY/BOUNDARY OPINION.
 - THE CONSTRUCTION EASEMENT DEPICTED HEREON WILL BE FORMALLY EXTINGUISHED BY AN AFFIDAVIT WHICH WILL BE FILED IN THE PUBLIC LAND RECORDS.

SCOTT BLACK
TAKING AREA = 413± SQ. FT.

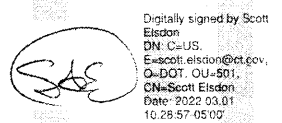
CONSTRUCTION EASEMENT FOR THE PURPOSE OF CONSTRUCTION ACCESS, GRADING, INSTALLATION OF TEMPORARY SEDIMENTATION CONTROL SYSTEM, AND INSTALLATION OF TEMPORARY COFFERDAM DURING THE REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK ACQUIRED. CONSTRUCTION EASEMENT TAKEN UNDER THIS PARAGRAPH WILL BE RESTORED BY REMOVAL OF ALL TEMPORARY APPURTENANCES AND GRADING/SEEDING ANY DISTURBED AREAS. SAID EASEMENT WILL BE EXTINGUISHED UPON COMPLETION OF THE PROJECT, UNLESS SOONER EXTINGUISHED BY THE STATE. EASEMENT AREA = 1760± SQ. FT.

EASEMENT TO INSTALL, CONSTRUCT AND MAINTAIN METAL BEAM RAIL AND END ANCHORAGE ACQUIRED. EASEMENT = 10± L.F.

SUBJECT TO EASEMENT FOR UTILITIES IN FAVOR OF THE CONNECTICUT LIGHT AND POWER COMPANY AND YANKEE GAS SERVICES COMPANY DBA EVERSOURCE ENERGY

SUBJECT TO A DRAINAGE EASEMENT IN FAVOR OF TOWN OF ELLINGTON

N/F KATHLEEN T. WAUGH



DRAWN BY DMG
DATE 10/14/21
CHECKED BY SAE
DATE 10/29/21

SCALE IN FEET

DATE	REVISION	REQ. BY

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

VOID WITHOUT LIVE SIGNATURE AND EMBOSSED SEAL

TOWN NO. 47
PROJECT NO. 47-120
SERIAL NO. 3
SHEET 1 OF 1

PLS #18823
CHRISTINE E. AUBREY, P.L.S.
TITLE MANAGER - SURVEY OPERATIONS
DATE _____

RIGHT OF WAY SURVEY

TOWN OF ELLINGTON

MAP SHOWING LAND ACQUIRED FROM

SCOTT BLACK

BY

THE STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

REPLACEMENT OF BRIDGE NO. 06141 STRAWBERRY ROAD OVER ABBEY BROOK

SCALE 1" = 20

SCOTT A. HILL, P.E.
CHIEF ENGINEER - BUREAU OF ENGINEERING AND CONSTRUCTION

JANUARY 2022



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
www.ellington-ct.gov

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

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, DECEMBER 6, 2021, 7:00 PM

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

PRESENT: Chairman Art Aube, Vice Chairman Sulakshana Thanvanthri (remote), Regular members Ken Braga and Katherine Heminway, and Alternate Rodger Hosig

ABSENT: Alternates Ron Brown and Ron Stomberg

STAFF

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

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 pm at the Ellington Town Annex Meeting Room, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARINGS:

1. V202113 – 74 West Road LLC & KUP Enterprises LLC, owner/applicant, request for variances of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback from 100ft to 64ft for gable dormers on an existing building and from 100ft to 75ft for a proposed greenhouse; Section 6.2.5 (A & B)-Location of Parking Facilities: to reduce parking to a commercial building from 20ft to 5ft and to a side property line from 15ft to 3ft at 74 West Road, APN 028-002-0000 & 80 West Road, APN 028-003-0000 in a Commercial (C) zone.

Time: 7:01 pm

Seated: Aube, Thanvanthri, Braga, Heminway and Hosig

Eric Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT, Jim Bell, Moser Pilon Nelson, Architects, LLC, 30 Jordan Lane, Wethersfield, CT, and Cory Kupferschmid, 74 West Road, Ellington were present to represent the application.

Mr. Peterson stated the site is the Ellington Agway which is located on the corner of West Road (Route 83) and Lower Butcher Road and Bolles Motors is located to the north of the site. The subject properties are in the commercial zone. The building is an existing non-

conforming structure based on current setback requirements. The owner is proposing to construct a greenhouse 30 feet north of the existing building. Mr. Peterson noted they lined up the existing building porch overhang with the proposed greenhouse and are looking to extend the parking in the front along the same line. Parking is important to the client and they would like to add as many parking spaces as possible. Mr. Peterson reviewed the proposed additional parking on the site plan. He said they are looking to add two gable dormers to the front of the building protruding 2.8 feet from the existing porch, which would reduce the front yard setback from 100ft to 64ft. The proposed greenhouse would reduce the front yard setback from 100ft to 75ft. They are also looking to reduce parking to a commercial building to 5ft and reduce parking to a side property line to 3ft. Mr. Peterson submitted a 1977 plot plan for 80 West Road showing parking spaces up to the side property line.

Mr. Bell reviewed the architectural plans and said they are proposing two dormers on the front of the existing building with timber accents and the greenhouse which will be a glass structure. They will be able to meet the required fire code separation distance between the existing building and the greenhouse. Mr. Peterson stated the hardship is the non-conforming site.

Vice Chairman Thanvanthri asked if additional pavement will be added to the site. Mr. Peterson stated there will be no additional pavement however they will repave the existing pavement. She asked if there are any more exits proposed. Mr. Peterson explained that the existing exits will be better utilized after construction of the greenhouse. Alternate Hosig inquired about the ingress and egress stating it can be difficult maneuvering around the site. Mr. Peterson reviewed the existing curb cuts on West Road and Lower Butcher Road and stated they intend to keep the curb cuts for truck traffic entering and exiting the site. He added that parking spaces near Route 83 will be relocated for easier traffic flow.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202113.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE V202113 – 74 West Road LLC & KUP Enterprises LLC, owner/applicant, request for variances of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback from 100ft to 64ft for gable dormers on an existing building and from 100ft to 75ft for a proposed greenhouse; Section 6.2.5 (A & B)-Location of Parking Facilities: to reduce parking to a commercial building from 20ft to 5ft and to a side property line from 15ft to 3ft at 74 West Road, APN 028-002-0000 & 80 West Road, APN 028-003-0000 in a Commercial (C) zone.

Hardship: Existing non-conforming building and parking.

2. V202114 – Kelly Boucher, owner/Jamie Boucher, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 4ft for a shed at 94 Hopkins Road, APN 092-036-0000 in a Rural Agricultural Residential (RAR) zone.

Time: 7:20 PM

Seated: Aube, Thanvanthri, Braga, Heminway and Hosig

Jamie Boucher, 319 Somers Road, was present to represent the application.

Mr. Boucher stated they are currently in the process of completing a lot line revision between 319 Somers Road and 94 Hopkins Road, which was started by JR Russo & Associates in 2016. The house at 94 Hopkins was recently removed and replaced, and the front door to the new house now faces Hopkins Road and therefore has a Hopkins Road address. Mr. Boucher hired Gardner & Peterson to complete the lot line adjustment process. A shed was previously installed by way of permit at 94 Hopkins Road however with the proposed lot line revision the shed will be 4.8 feet from the new property line.

Mr. Boucher explained there is a drainage issue at 319 Somers Road and 94 Hopkins Road created by water coming from the property above. He noted the parcels are at the bottom of a hill and the shed is on a stone pad that has been elevated to deal with the water issue. They also installed a trench drain along the driveway at 319 Somers Road to help with drainage. Mr. Boucher explained the hardship is the drainage issue, and that other locations on 94 Hopkins Road are problematic as they are wet.

Commissioner Braga asked about the future plans for 319 Somers Road. Mr. Boucher noted that they would like to construct a detached two car garage and the lot line revision would allow for the area to complete the project in compliance with the regulations. Vice Chairman Thanvanthri asked what the owners would have to do if they did not get a variance for the shed. Mr. Colonese stated they could adjust the proposed property line or move the shed. Vice Chairman Thanvanthri asked if it is the same owner for both properties. Mr. Boucher confirmed that it is the same owner for both properties.

Michael Swanson, 27 Standish Road, noted he is an abutter to Mr. Boucher's property. He stated the sites are very wet and there is a drainage issue from the farm behind the property. He has no issue with the current location of the shed and is supportive of the proposal.

MOVED AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202114.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE V202114 – Kelly Boucher, owner/Jamie Boucher, applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 4ft for a shed at 94 Hopkins Road, APN 092-036-0000 in a Rural Agricultural Residential (RAR) zone.

Hardship: Existing drainage issues; configuration of lot.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the September 13, 2021 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 13, 2021 MEETING AS WRITTEN.

2. Correspondence/Discussion:

- a. Approval of 2022 Meeting Schedule.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE ZBA 2022 MEETING SCHEDULE.

b. Municipal Citation – 97 West Shore Road, Re: Violation of the Zoning Regulations.

Mr. Colonese said the ZBA previously upheld the Cease and Desist Order and gave the owners until end of August to cease short term rentals. The owners continued short term rentals through to October when a Municipal Citation was issued. The owner received the citation and sent the Planning Department a letter with check opting to pay one day's fine and cease the violations. In general, the Board was unhappy with the time it took the owner to comply with their decision and thought they should pay more in fines. Mr. Colonese reviewed a portion of the town ordinance regarding payment of fines and stated the ultimate goal is to attain compliance which appears to have been achieved.

V. ADJOURNMENT:

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:40 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk