



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
[www.ellington-ct.gov](http://www.ellington-ct.gov)

TEL. (860) 870-3120

**TOWN PLANNER'S OFFICE**

FAX (860) 870-3122

## **ZONING BOARD OF APPEALS REGULAR MEETING AGENDA MONDAY, MAY 2, 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. V202206 – Nora & David Belanger, owner/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 3ft and the front yard setback to the private roadway from 35ft to 1ft to replace an existing garage with a larger garage at 3 Private Grounds 2, APN 148-060-0000 in a Lake Residential (LR) zone.
2. V202207 – SJM Properties LLC, owner/ Seth Carson, 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 along Berr Avenue at 162 Maple Street, APN 072-028-0000 in a Planned Commercial (PC) zone.
3. V202208 – Jeff McKnight, owner/ Ryan Orszulak, applicant, request for a variance of the Ellington Zoning Regulations Section 7.5.1E-Earth Excavation Minimum Setbacks: to reduce the setback for stockpiling of materials to the front property line on Muddy Brook Road and all side property lines from 100ft to 15ft, and reduce the setback for stockpiling of materials to the front property line on Sadds Mill Road from 100ft to 35ft at 103 Sadds Mill Road, APN 088-021-0000 in a Rural Agricultural Residential (RAR) zone.

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

1. Approval of the April 4, 2022 Regular Meeting Minutes.
2. Correspondence/Discussion:

### **V. ADJOURNMENT:**

Next Regular Meeting Scheduled for Monday, June 6, 2022

Instructions to attend remotely via Zoom Meeting listed below. The agenda is posted on the Town of Ellington webpage ([www.ellington-ct.gov](http://www.ellington-ct.gov)) under Agenda & Minutes, Zoning Board of Appeals.

#### **Join Zoom Meeting via link:**

<https://us06web.zoom.us/j/83100681288>

**Meeting ID: 831 0068 1288**

**Passcode: 637532**

#### **Join Zoom Meeting by phone:**

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

**Meeting ID: 831 0068 1288**

**Passcode: 637532**

# Town of Ellington Zoning Board of Appeals Application

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

Application #  
V202206  
Date Received  
4/11/2022

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

**Owner's Information**

Name: Nora & David Belanger  
Mailing Address: 20 Royce Brook Road  
Hillsborough, NJ 08844  
Email: MMBELANGER@YAHOO.COM

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?  Yes  No  
Primary Contact Phone #: (908) 354-7345  
Secondary Contact Phone #: (908) 938-5234

Owner's Signature: D S Date: 4/7/22

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: \_\_\_\_\_  
Mailing Address: same as owner  
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.  
\*Landmark Surveys LLC\*

Street Address: 3 Private Grounds2

Assessor's Parcel Number (APN): 148 - 060 - 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 Conn. Gen. Stat. §8-31(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 1998

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.3 Minimum Yard Setback

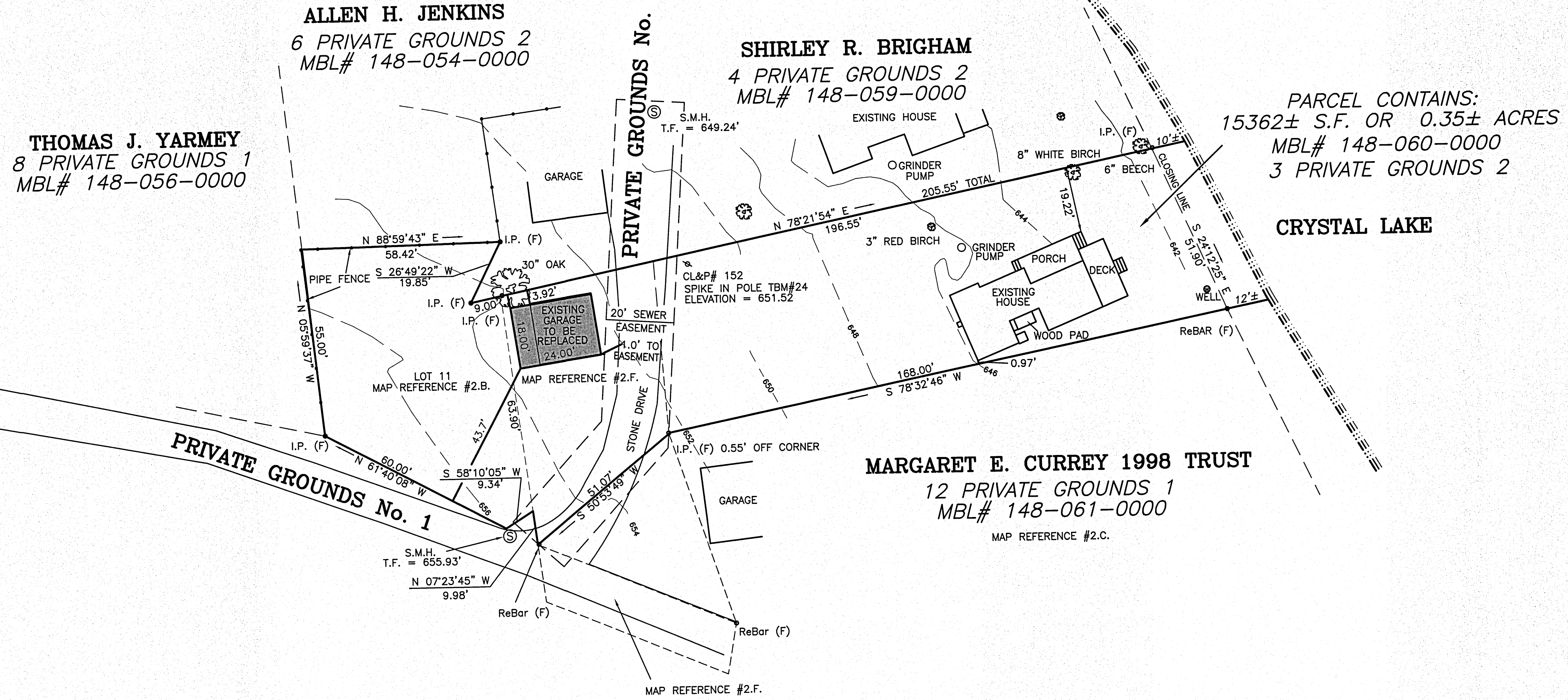
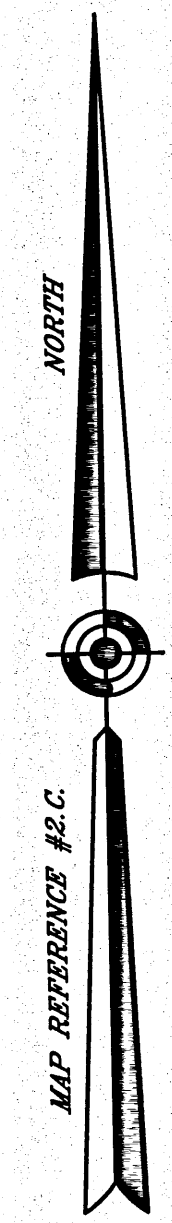
Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)  
Reduce side yard setback for a proposed 18 x 24 shed from 10' to 3.00' to match the existing side yard setback to the existing shed of 3.92'. Reduce setback to the traveled way and existing sewer easement to 1' to match the existing setback from the existing shed.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)  
Lot size, lot configuration, the traveled way being private and along an existing sewer easement keeping the same setbacks as the existing shed

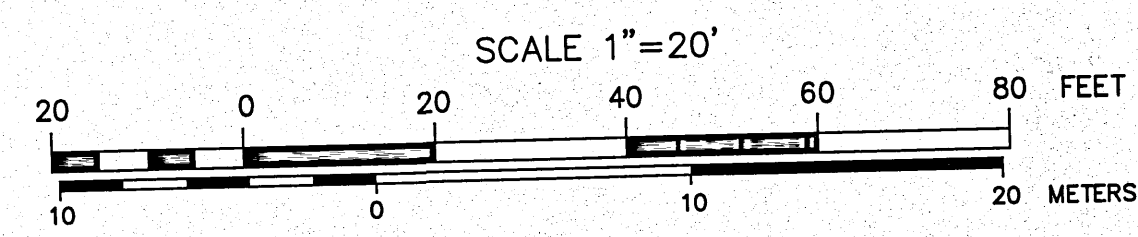
**RECEIVED**  
**APR 11 2022**  
TOWN OF ELLINGTON  
PLANNING DEPARTMENT



- LEGEND:**
- IRON PIPE FOUND
  - REINFORCING BAR FOUND
  - REINFORCING BAR SET
  - CONCRETE MONUMENT FOUND
  - IRON BAR
  - UTILITY POLE
  - TOP OF FRAME
  - MANHOLE
  - FIRST FLOOR
  - EXISTING CONTOUR
  - EXISTING ELEVATION
- I.P. (F)
  - ReBAR (F)
  - ReBAR (S)
  - C.H.D. MON. (F)
  - I.B.
  - ⊗ SNET 2164
  - ⊙ T.F.
  - ⊙ M.H.
  - F.F.
  - 260
  - + 263.4



- NOTES:**
- THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT". IT IS AN IMPROVEMENT LOCATION SURVEY BASED UPON A SURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.
  - BOUNDARY INFORMATION SHOWN HEREON IS BASED IN PART ON THE FOLLOWING SURVEYS:
    - "LANDS AT CRYSTAL LAKE SURVEYED AUG. 26, 1932 SCALE: -20FT - 1 INCH. C.H. BANCROFT SURVEYOR."
    - "PRIVATE GROUND TRACT FORMERLY SULLIVAN TRACT ELLINGTON CRYSTAL LAKE, CONN. SCALE 1"=30' APRIL 1950 BY SMITH & WALLEN ENGR'S 602 WHITE ST. SPRINGFIELD, MASS LICENCE 5394 MASS."
    - "PERMIT PLAN PREPARED FOR WAYNE W. KUHNLY 12 PRIVATE GROUNDS ROAD ELLINGTON, CONNECTICUT GARDNER & PETERSON ASSOCIATES SCALE 1"=20' DATE 5-20-92 SHEET NO 1 OF 1."
    - "MAP NO ES 208 SANITARY SEWER EASEMENT CRYSTAL LAKE SEWER PROJECT HOTEL LAKE ROAD, HOTEL ROAD, SULLIVAN ROAD, PRIVATE GROUNDS #2 ELLINGTON, CONNECTICUT SCALE 1"=40' DATE 10/22/1987 KIELTYKA, WOODIS & PIKE LAND SURVEYORS KILLINGLY CONNECTICUT SHEET 1 OF 1"
    - "TOWN OF ELLINGTON, CONN. CRYSTAL LAKE SANITARY SEWER SYSTEM CONTRACT NO. 3 HOTEL, LAKE, SULLIVAN & PRIVATE GROUNDS NO. 2 BY CONSULTING ENVIRONMENTAL ENGINEERS, INC HARTFORD, CONNECTICUT DATE 8/89 SCALE AS NOTED SHEET NO. 9 OF 14"
    - "MAP OF LAND DEEDED TO JOHN KUHNLY, SR. BY HARRIETTE L. SULLIVAN CRYSTAL LAKE ELLINGTON, CONNECTICUT BY R.H. BOUTELLE & CO ENGINEERS AND SURVEYORS STAFFORD SPRINGS, CONN. JULY 23, 1928 SCALE 1"=20'."
  - PARCEL IS ZONED LAKE RESIDENCE LR.
  - VERTICAL DATUM IS BASED ON TBM#24 SPIKE IN POLE CL&P 152 = 651.52 AS PER MAP REFERENCE #2.E.
  - NO RIGHT OF WAY EASEMENT FOUND RECORDED IN THE LAND RECORDS. POSSIBLE RIGHT OF WAY EASEMENT MAY EXIST BY USE.



RECEIVED  
APR 11 2022  
OWN OF ELLINGTON  
PLANNING DEPARTMENT

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

*Rachel Dearborn* 4/11/22 L.S. 70295  
RACHEL L. DEARBORN, LICENSED LAND SURVEYOR DATE LICENSE NO.

**PROPOSED SHED**

REVISIONS	<b>IMPROVEMENT LOCATION SURVEY PREPARED FOR NORA &amp; DAVID BELANGER 3 PRIVATE GROUNDS No. 2 ELLINGTON, CONNECTICUT</b>		
	<b>LANDMARK SURVEYS, LLC</b> 62 LOWER BUTCHER RD ~ 860-875-8204 ELLINGTON, CONNECTICUT		
DRAWN BY R.L.D.	SCALE 1"=20'	DATE 4/11/2022	JOB NO. 20803-3R1

V202206



# Town of Ellington Zoning Board of Appeals Application

Application # V202207  
Date Received 4/12/2022

**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: Stanley Matczak / SJM Properties LLC

Mailing Address: 164 Maple St, Ellington CT 06029

Email: seth@sealsit.com

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

Primary Contact Phone #: 860-979-0060

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

Owner's Signature: S. Matczak Date: 4/12/22

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: Seth Carlson

Mailing Address: 162 Maple St, Ellington CT 06029

Email: seth@sealsit.com

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

Primary Contact Phone #: 413-205-7207

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

Applicant's Signature: Seth Carlson Date: 4/12/22

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**  
**APR 12 2022**  
TOWN OF ELLINGTON  
PLANNING DEPARTMENT

Street Address: 162 Maple St, Ellington CT 06029

Assessor's Parcel Number (APN): 072 - 028 - 0000 Zone: PC

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 May 6, 2002

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) Section 2.17 Construction in Required Yards

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)  
Requesting a variance to section 2.17 with intent to construct a 8ft security fence around proposed mini storage facility.

**Hardship:** Describe hardship and indicate why other options are unacceptable. (For Variance Application only)  
Granting of this variance will provide better security for the business & residents.



**SURVEY NOTES:**

- 1.) THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES' MINIMUM STANDARDS OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS INC. ON AUGUST 29, 2019. IT IS A LIMITED PROPERTY/BOUNDARY IMPROVEMENT LOCATION SURVEY MAP BASED ON A RESURVEY CONFORMING TO HORIZONTAL SURVEY ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS T-2. THE INTENT OF THIS MAP IS TO DEPICT THE LOCATION OF THE PROPOSED OR EXISTING IMPROVEMENTS SHOWN WITH RESPECT TO THE APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.
- 2.) PROPERTY IS LOCATED IN A PC-PLANNED COMMERCIAL ZONE.
- 3.) THE PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE A PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 090158 0015C EFFECTIVE FEBRUARY 5, 1997.
- 4.) TOPOGRAPHY DEPICTED WAS FIELD DERIVED BY BUSHNELL ASSOCIATES LLC. BASED ON NGVD 88 DATUM.
- 5.) THE PROPERTY IS SUBJECT TO A VARIANCE GRANTED BY THE ELLINGTON ZONING BOARD OF APPEALS ON MAY 6, 2002 TO ALLOW A 40FT. REAR YARD
- 6.) UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND WERE TAKEN FROM MAP REFERENCE 1

**MAP REFERENCES:**

- 1.) IMPROVEMENT LOCATION SURVEY (RECORD) PREPARED FOR STAN MATCZAK ELLINGTON, CONNECTICUT LANDMARK SURVEYS, LLC LAND BOUNDARY CONSULTANTS ELLINGTON, CONNECTICUT DRAWN BY A.E.S. SCALE 1"=40' DATE: 7/09/2003 JOB NO. 2110-7AB REVISED TO 7/5/12

N/F  
CNA CORPORATION  
26 TOMOKA AVE.  
MAIL:  
P.O. BOX 1011  
WILBRAHAM, MA.  
01095-1011

TEST PITS  
OCTOBER 6, 2021  
OBSERVED BY: ANDREW BUSHNELL PELS.  
RICHARD ZULICK SOIL SCIENTIST

TEST PITS  
MARCH 21 2022  
OBSERVED BY: ANDREW BUSHNELL PELS.

**TEST PIT 1**  
0-2" TOPSOIL  
2-38" GRAVELLY SAND FILL  
38-100" RED BROWN TIGHT SANDY GRAVEL WITH SILT  
STONEY GRAVEL COBBLES TO 9"  
SEEPAGE @ 84"

**TEST PIT 6**  
0-16" TOPSOIL  
16-58" RED BROWN FINE SAND WITH SILT  
58-108" RED BROWN FINE TO MEDIUM SAND TRACE SILT  
108-132" RED BROWN FINE TO MEDIUM SAND TRACE SILT  
W/ SOME ROCKS  
NO SEEPAGE  
NO LEDGE  
NO MOTTLING  
SAMPLE TAKEN @ 36"

**TEST PIT 2**  
0-15" TOPSOIL/FILL  
15-33" LOOSE MEDIUM BROWN SAND  
33-88" TIGHT SILTY RED BROWN SANDY GRAVEL  
STONEY WOODS TO 9"  
NO SEEPAGE

**TEST PIT 7**  
0-8" TOPSOIL  
8-18" RED BROWN FINE TO MEDIUM SAND SOME SILT  
18-120" TIGHT SILTY RED BROWN FINE TO MEDIUM SAND  
VERY ROCKEY SOME SILT  
NO SEEPAGE  
NO LEDGE  
NO MOTTLING

**TEST PIT 3**  
0-10" TOPSOIL  
10-80" RED BROWN LOOSE MEDIUM SAND  
STRATIFIED WITH LENS OF PEA STONE  
80-104" RED BROWN GRAVELLY MEDIUM TO COARSE SAND  
COBBLES TO 3"  
NO SEEPAGE  
NO MOTTLING  
PERMEABILITY SAMPLE TAKEN AT 55"  
PERMEABILITY RATE=61.84 FEET/DAY

**TEST PIT 8**  
0-48" FILL MATERIAL RED BROWN COMPACT  
SILTY FINE SAND WITH LARGE ROCKS  
48" RED BROWN SILTY FINE SAND (NATURAL)  
NO SEEPAGE  
NO LEDGE  
NO MOTTLING

**TEST PIT 4**  
0-10" TOPSOIL  
10-80" LOOSE RED BROWN MEDIUM SAND  
90-102" TIGHT RED BROWN MEDIUM SAND  
102-108" TIGHT RED BROWN SILTY SAND MOIST  
PROBABLE WATER TABLE

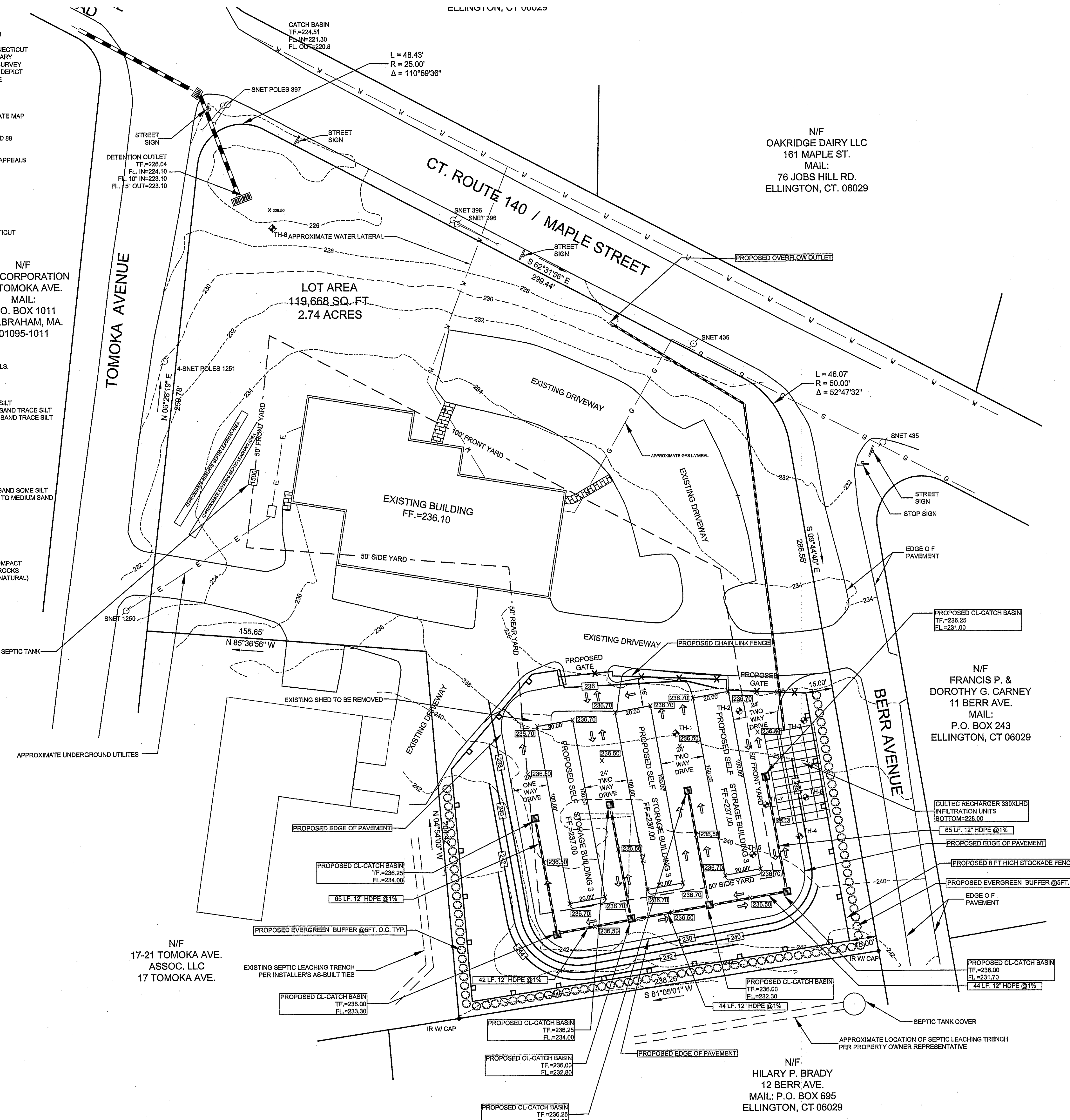
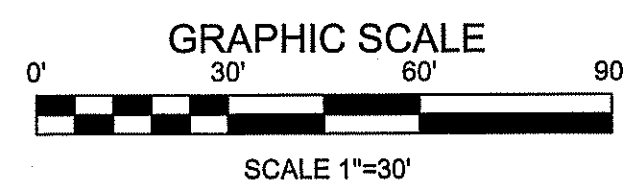
**TEST PIT 5**  
0-27" TIGHT RED BROWN GRAVELLY SAND  
27-68" TIGHT RED BROWN SANDY GRAVEL  
STONEY COBBLES TO 10"  
NO SEEPAGE  
NO MOTTLING

**LOT COVERAGE:**

EXISTING: 29.95%  
PROPOSED: 46.79%

**LEGEND**

- EXISTING MERESTONE
- IRON ROD TO BE SET
- EXISTING IRON ROD
- PROPOSED SILT FENCE/ LIMIT OF DISTURBANCE
- LIMIT OF DISTURBANCE
- EXISTING UTILITY POLE
- PROPOSED SPOT GRADE
- EXISTING SPOT GRADE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- TEST HOLE
- BUILDING LINE



N/F  
OAKRIDGE DAIRY LLC  
161 MAPLE ST.  
MAIL:  
76 JOBS HILL RD.  
ELLINGTON, CT. 06029

N/F  
FRANCIS P. &  
DOROTHY G. CARNEY  
11 BERR AVE.  
MAIL:  
P.O. BOX 243  
ELLINGTON, CT 06029

N/F  
17-21 TOMOKA AVE.  
ASSOC. LLC  
17 TOMOKA AVE.

N/F  
HILARY P. BRADY  
12 BERR AVE.  
MAIL: P.O. BOX 695  
ELLINGTON, CT 06029

- CONSTRUCTION NOTES:**
- 1.) OWNER OR CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
  - 2.) OWNER OR CONTRACTOR TO VERIFY ALL DIMENSIONS AND INFORMATION CONTAINED ON THIS PLAN PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION.
  - 3.) PRESERVE ANY EXISTING STONE WALLS WHEREVER POSSIBLE.
  - 4.) ANY TREES TO BE REMOVED IN THE TOWN RIGHT OF WAY SHALL BE POSTED BY THE TREE WARDEN PRIOR TO REMOVAL.
  - 5.) ALL PROPOSED UTILITIES LOCATIONS SHALL BE APPROVED BY THE LOCAL UTILITY COMPANIES PRIOR TO THE START OF CONSTRUCTION.

UTILITIES SHOWN ON THIS MAP WERE DERIVED FROM FIELD LOCATIONS AND EXISTING MAPPING CONTRACTOR TO VERIFY LOCATIONS AND DEPTH IN THE FIELD PRIOR TO THE START OF ANY CONSTRUCTION. \*CALL BEFORE YOU DIG (1-800-922-4455)\*

PLAN PREPARED FOR			
SEALS - IT			
162 MAPLE STREET		ELLINGTON, CT.	
PRELIMINARY SITE PLAN			
SCALE: 1"=30'	DATE: 1/20/2022	FILE NO. 2021-112	SHEET: 1 OF 1
<b>BUSHNELL ASSOCIATES LLC.</b>			
CIVIL ENGINEERING AND LAND SURVEYING			
563 WOODBRIDGE STREET		MANCHESTER, CT. 06042	
860-643-7875			
REVISIONS: 3/21/2022 TEST PITS ADDED, 4/8/2022			

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

ANDREW P. BUSHNELL, P.E., L.S. 24591  
THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.



# Town of Ellington Zoning Board of Appeals Application

Application #  
V202208  
Date Received  
4/12/2022

**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 McKnight  
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:  Date: 4/12/2022

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:  Date: 4/12/22

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**  
**'APR 12 2022**  
**TOWN OF ELLINGTON**  
**PLANNING DEPARTMENT**

Street Address: 103 Sadds Mill

Assessor's Parcel Number (APN): 88 - 021 - 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. §8-31(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 7.5.1E

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



May 2<sup>nd</sup>, 2022

**Zoning Board of Appeals – Town of Ellington, CT**

**103 Sadds Mill Rd**

**Earth Excavation Stockpile Setback Variance Request (7.5.1E)**

Description of Variance Request:

Double M Yard Supply LLC of Ellington which is currently located on Rt.83, Ellington is looking to relocate to 103 Sadds Mill Rd, Ellington. Double M Yard Supply previously known as Greenbelt Acres is a small business that has been in operation for over 30 years and over the course of those years has provided high quality farm soil for use in many home farming and gardening applications. We take great pride in the products we sell which have and continue to allow Ellington and surrounding residents to take upon themselves the staple that Ellington was originally founded on, farming. We seek to continue our service in this new location to allow future generations the privilege and luxury of self-sustained farming and gardening.

Double M Yard Supply LLC is committed to cleaning up the existing deteriorating and unsafe conditions of the structures on 103 Sadds Mill Rd. Upon investigation on the viability of relocation, it has been determined in coordination with the Planning and Zoning Commission as well as the Town Planner that the best course of action to remain in compliance with the current zoning regulations is such that the applicant apply for an Earth Excavation Permit. Section 7.5.1E of the Town of Ellington zoning regulations requires stockpiles be further than 100' from a property line, public street, road, highway, and right of way. 103 Sadds Mill Rd does not allow for compliance with this regulation due to lot orientation, width, and overall layout. The requested variance is to allow the stockpile setback from a property line to be 15' and stockpile setback from a public street, road, or highway to be 25' for this Earth Excavation Permit. Stockpiles will be located on the upgradient side of the property as well as being protected from Muddy Brook Rd with an 8' tall existing retaining wall as shown on the plan. A detailed site plan has been provided to show estimated stockpile locations as well as estimated loading and parking areas of the site. Shrubs/Vegetation has been shown on the plan to provide visual and audible screening from the roadways adjacent to the property.

Hardship:

Lot orientation, width, and overall layout prohibit the arrangement of stockpiles to be 100' from a property line, public street, road, highway, and right of way as the regulation is written. The total width of the property in the largest dimension is 158' which based on the current regulations does not allow for any stockpile to remain on site. The property is abutted by protected farmland as well as town and state roads which prohibit expanding the lot to allow for an earth excavation permit with stockpiles that are in compliance with the regulation 7.5.1E.

**PZC – Town of Ellington, CT**

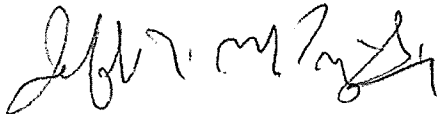
**103 Sadds Mill Rd**

**Earth Excavation Permit**

Dear PZC,

I, Jeff McKnight, fully support the proposal of Double M Yard Supply LLC to relocate operations from Rt. 83 to 103 Sadds Mill Rd, Ellington. As an abutter to this property I believe the plan submitted with the application for the Earth Excavation Permit adequately address any issues that I feel might arise from the proposed operation. I have spoken to the owner and operator of Double M Yard Supply LLC (Ryan Orszulak) and feel the intended operations would be a great fit for the location.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff T. McKnight". The signature is written in a cursive style with some loops and flourishes.

Jeff T. McKnight



**ZBA & PZC – Town of Ellington, CT**

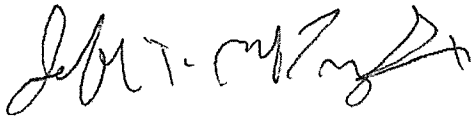
**103 Sadds Mill Rd**

**Stockpile Setback Variance & Earth Excavation Permit**

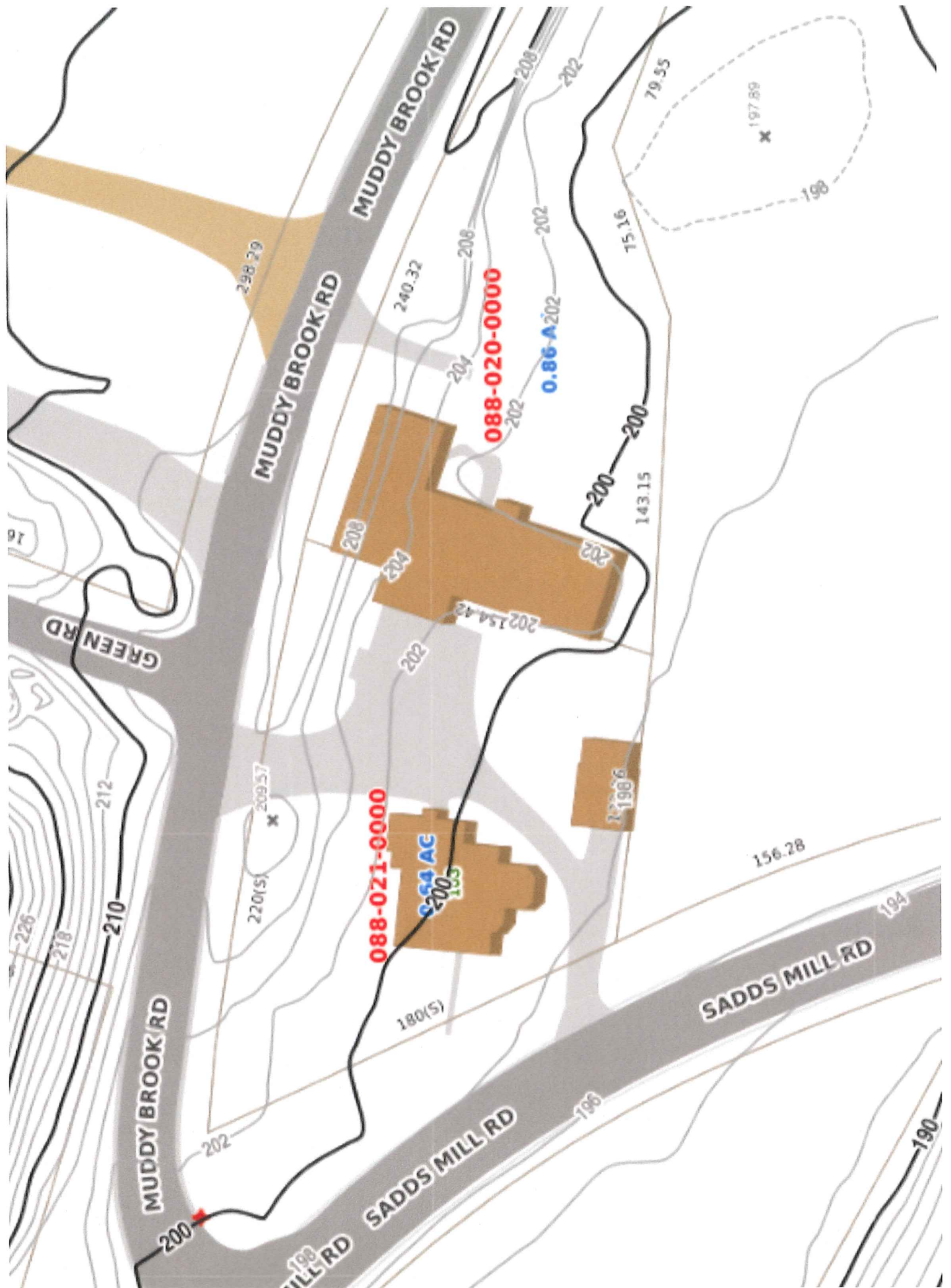
Dear ZBA & PZC,

I, Jeff McKnight, fully support the requested stockpile setback variance from 100ft to 15ft as shown in the site plan provided & presented. I also support the requested Earth Excavation Permit. I will be unable to attend the ZBA & PZC meetings regarding this matter but would like to send my full support for this change and to allow Ryan Orszulak to propose the plan to the board and commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff T. McKnight". The signature is written in a cursive style with a large, stylized initial "J".

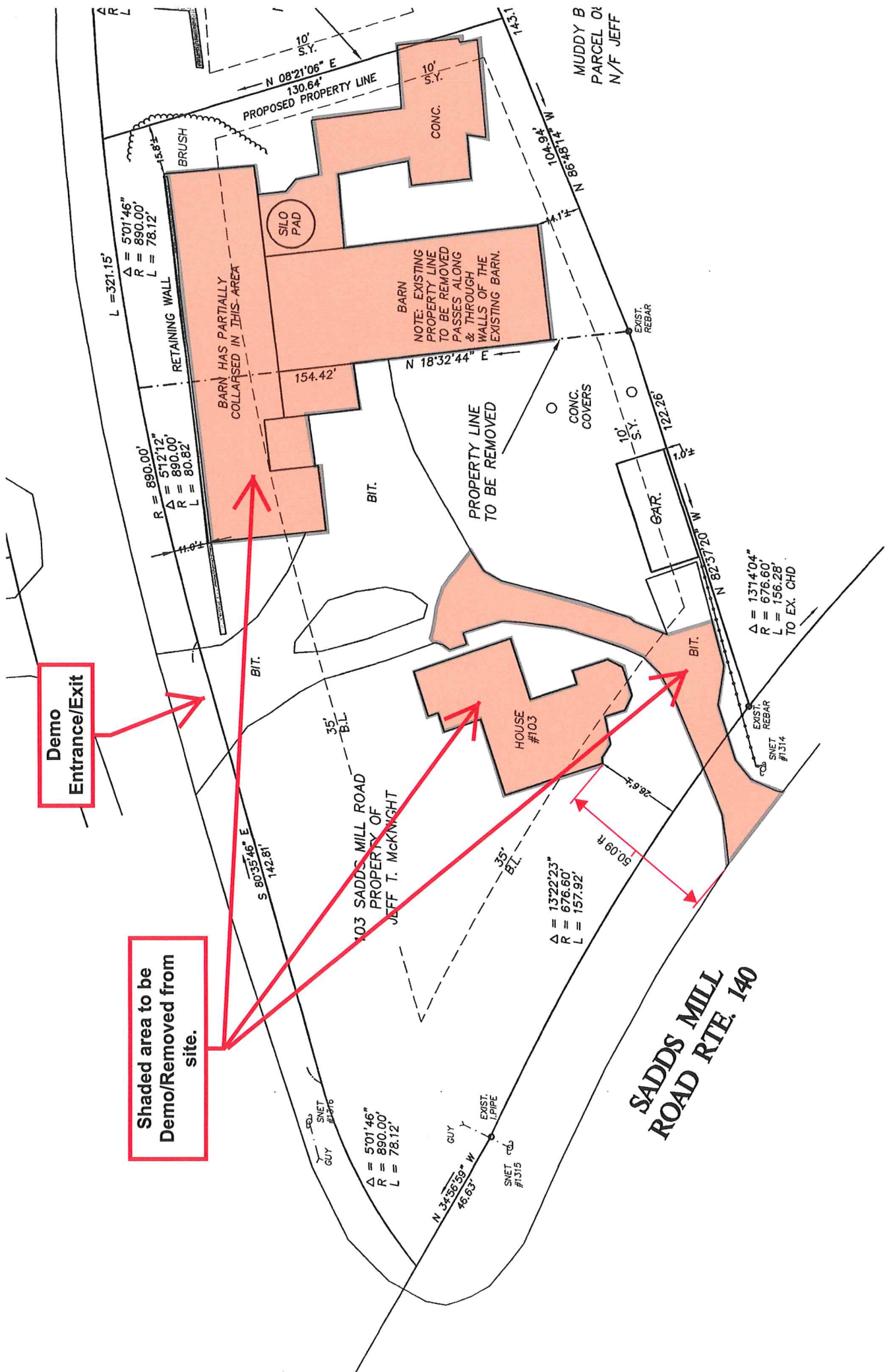
Jeff T. McKnight





Demo Entrance/Exit

Shaded area to be Demo/Removed from site.



SADDS MILL ROAD RTE. 140

MUDDY B PARCEL OF N/F JEFF

103 SADDS MILL ROAD PROPERTY OF JEFF T. MCKNIGHT

NOTE: EXISTING PROPERTY LINE TO BE REMOVED TO BE REMOVED PASSES ALONG & THROUGH WALLS OF THE EXISTING BARN.

BARN HAS PARTIALLY COLLAPSED IN THIS AREA

PROPERTY LINE TO BE REMOVED

RETAINING WALL

SILO PAD

BARN

HOUSE #103

GAR.

CONC. COVERS

BIT.

BIT.

BIT.

$\Delta = 501'46"$   
 $R = 890.00'$   
 $L = 78.12'$

$\Delta = 1322'23"$   
 $R = 676.60'$   
 $L = 157.92'$

$\Delta = 1374'04"$   
 $R = 676.60'$   
 $L = 156.28'$   
TO EX. CHD

$\Delta = 344'56'59"$   
 $R = 45.83'$

$L = 321.15'$   
 $\Delta = 501'46"$   
 $R = 890.00'$   
 $L = 78.12'$

$R = 890.00'$   
 $\Delta = 512'12"$   
 $R = 890.00'$   
 $L = 80.82'$

$\Delta = 10' S.Y.$   
 $L = 122.26'$

$N 82'37'20" W$   
 $L = 7.04'$

$N 104'59'41" W$   
 $L = 151.94'$

$N 18'32'44" E$

$S 80'35'46" E$   
 $L = 142.81'$

$35' B.L.$

$35' B.L.$

$N 34'56'59" W$   
 $L = 45.83'$

SNET #1315

SNET #316

SNET REBAR #1314

EXIST. REBAR

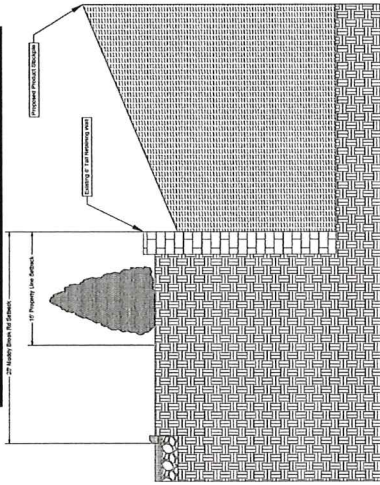
EXIST. REBAR

GUY

GUY

EXIST. LIPIPE

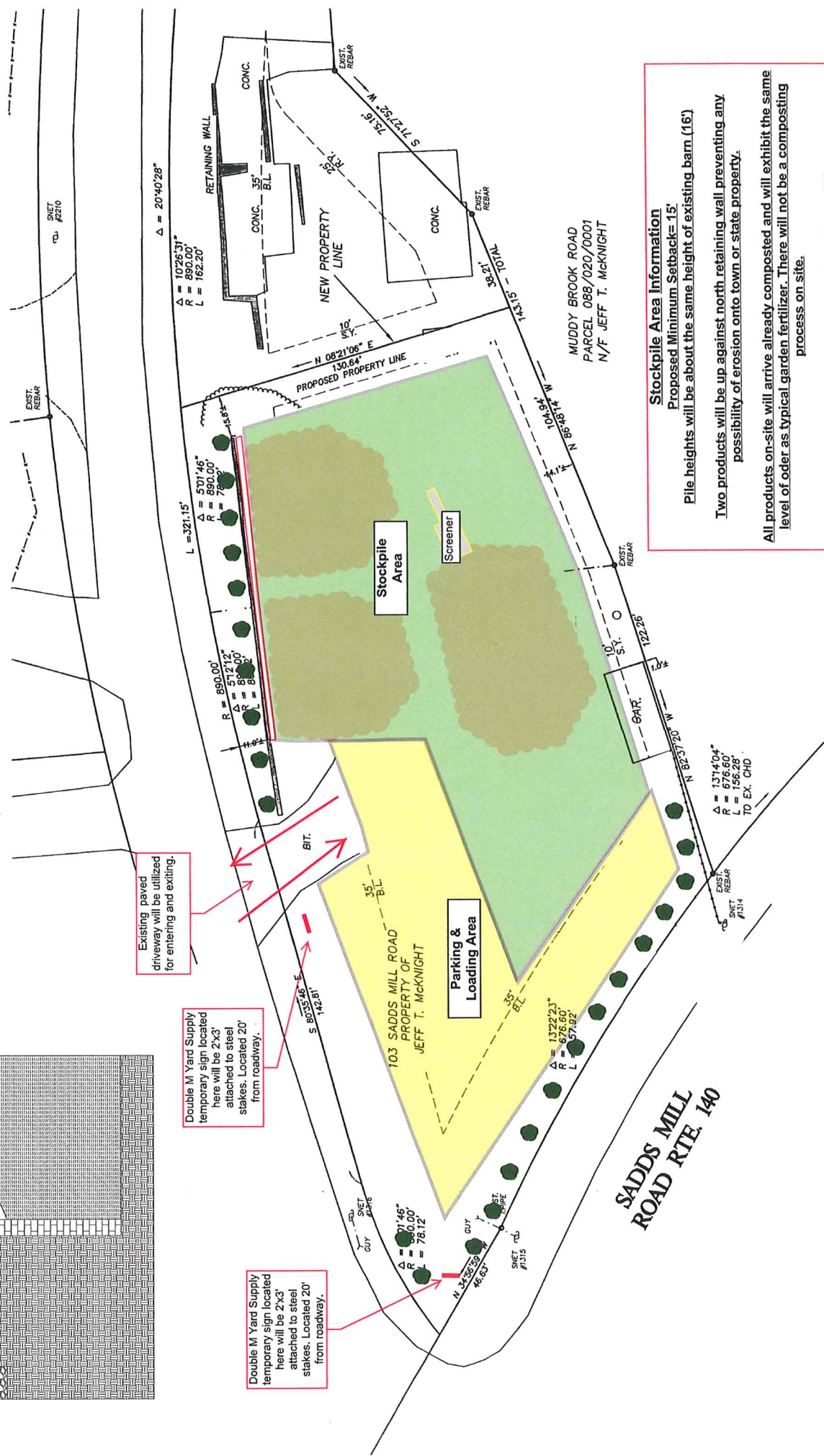
**Existing Retaining Wall Section at Minimum Setback Area**



# DOUBLE M

YARD SUPPLY 

**Double M Yard Supply LLC - Sales Yard -Site Plan**  
 Ryan Orszulak (860) 817-1604 - Applicant



**Stockpile Area Information**  
 Proposed Minimum Setback= 15'

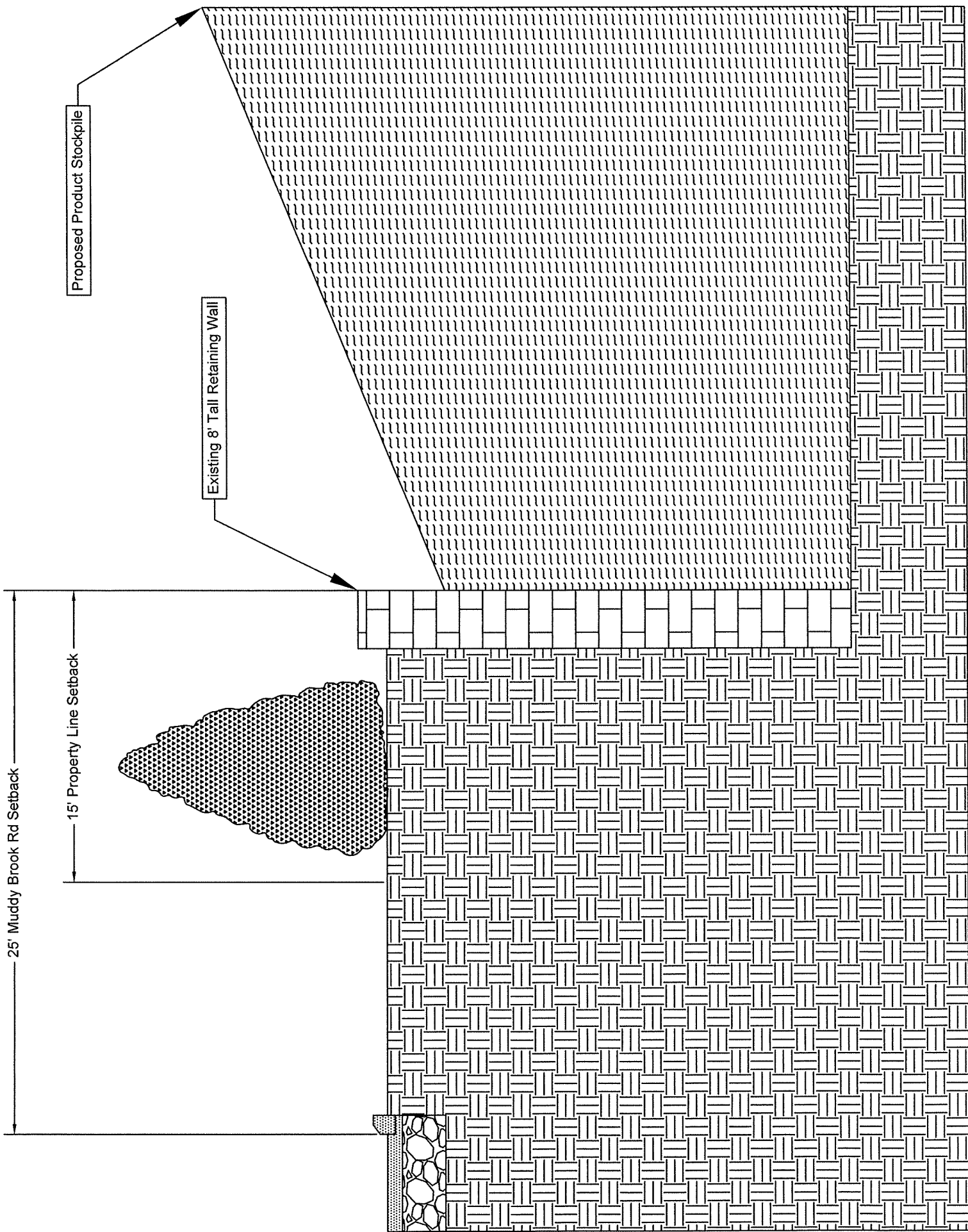
Pile heights will be about the same height of existing barn (16)

Two products will be up against north retaining wall preventing any possibility of erosion onto town or state property.

All products on-site will arrive already composted and will exhibit the same level of odor as typical garden fertilizer. There will not be a composting process on site.

A fixed screener will not be used on site, only a mobile screener.







May 2022

Planning & Zoning Commission – Town of Ellington, CT

103 Sadds Mill Rd

Earth Excavation Permit Request (7.5)

**Supplemental Permit Information**

04/25/2022

The information included within this addendum has been prepared based on the Town of Ellington Zoning regulations “Section 7.5 Earth Excavation”. This addendum is to serve as additional information for the Earth Excavation Permit Application pertaining to 103 Sadds Mill Rd, Ellington, CT that was submitted by Ryan Orszulak on 4/12/2022.

**7.5.1B Erosion Control.**

Exposed earth within the proposed product yard would encompass the immediate surroundings of the stockpiles as well as the stockpiles themselves. During the course of business in the current location of Double M Yard Supply over the 20+ years of operation from previous owners, erosion of product stockpiles exceeding the immediate surroundings of the piles has never been an issue. Existing grades at current location and grades at proposed location are very similar with regard to overall site pitch as well as grade layout. Any additional erosion control measures are not expected to be necessary but in the event that proves not to be the case we are prepared to take necessary actions to install satisfactory BMP devices.

**7.5.1C Wind Erosion and Dust Control.**

Proper measures shall be taken to minimize the nuisance from dust and wind erosion at storage areas, yards, access roads, service roads, or other untreated open area within the lot.

**7.5.1C Working Slopes.**

Site will not contain any excavation or removal of materials. Site is intended to provide location for sale of imported materials only.

**7.5.1E Minimum Setbacks.**

Regulations require a 100’ setback from any property line, public street, road, highway, or right of way. A ZBA Variance has been requested to reduce this requirement for this application and address to 15’ from Muddy Brook Rd and 35’ from Sadds Mill Rd. An existing retaining wall which runs parallel to Muddy Brook Rd will be utilized to protect the road and town right of way from the potential of erosion of products. Existing grade on this site pitching away from both Sadds Mill Rd and Muddy Brook Rd. No fixed machinery shall be erected or maintained within



200 feet of the property or street line. Fixed machinery is not going to be used in this operation. A mobile screener will be used and will not be fixed in any certain location.

**7.5.1F Topsoil Preservation.**

Site topsoil will remain in native location and will not be stripped from its current location for the purpose of excavating materials below. Site is intended to provide location for sale of imported materials only.

**7.5.1G Buffering.**

Stockpiles along Muddy Brook Rd will be set back and behind the existing 8' tall retaining wall which will with the help of the added landscaping ensure a limited view of the stockpiles from the roadway. Stockpiles are not expected to exceed the height of a standard two story house or about the height of the existing roof of the barn on the property.

Visual screening will be accomplished with vegetation/shrubs that will be installed along the Sadds Mill and Muddy Brook Rd property line which will also provide buffering for noise and provide an aesthetically pleasing appearance to the traveling public. Landscaping locations have been chosen to ensure sightline at the intersection of Sadds Mill Rd and Muddy Brook Rd is not impeded.

**7.5.1H Landscaping.**

Existing landscaping will remain as is. Additional landscaping will be added to produce buffering/screening from Sadds Mill Rd as well as Muddy Brook Rd as shown on the Earth Excavation plan that was submitted on 4/12/22.

**7.5.1J Hours of Operation.**

Double M Yard Supply proposes to continue to operate under the same hours of operation that it has for the 20+ years it has been in business. Typically, two or three days out of the week are chosen to complete deliveries to customers in which trucks will be entering and existing the site during that timeframe. Typically the timing of that portion of operations is between 8:00am and 5:00pm. Another day of the week is chosen to accommodate customers which decide to pick up their products directly from the site. Similar timing will be accommodated for this aspect of operations as well. Screening operations could take place within any of these timeframes as screening is typically completed while waiting for trucks/customers to arrive on site. Double M Yard Supply has never and does not have any intention to open or operate on Sundays.

**7.5.1L Sound Pressure Level.**

The sound pressure level of any machinery used in conjunction with an earth removal operation shall not exceed the decibel level stated below. Sound pressure level shall be measured with a standard "A Scale Sound Level Meter" (slow response) manufactured according to the United States of America Standards Institute (USASI) standards S 1.4 - 1961, as revised which has been calibrated in accordance with USASI standards. The microphone used to measure the loudness of



a noise shall be placed at any point on the property line, but no closer than five feet from any wall not less than three feet from the ground.

Allowable noise levels shall be as follows:

1. For a lot, or an approved phase of operation contained within a lot, which does not abut a Residential zoning district or lot containing an existing residence - 66 dBA.
2. For a lot, or an approved phase of operation contained within a lot, which does abut a Residential zoning district or lot containing an existing residence - 55 dBA.
3. No operation which produces vibrations at or above human perceptibility at any property line shall be allowed.

#### **7.5.1M Truck Access.**

Truck access to the excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to prevent dust.

All vehicular access to the property will be by means of the existing paved driveway onto Muddy Brook Rd. Truck traffic will be directed left out of the driveway to avoid excessive truck traffic on Muddy Brook Rd.

#### **7.5.1N Structures.**

No additional buildings will be erected on the premises.

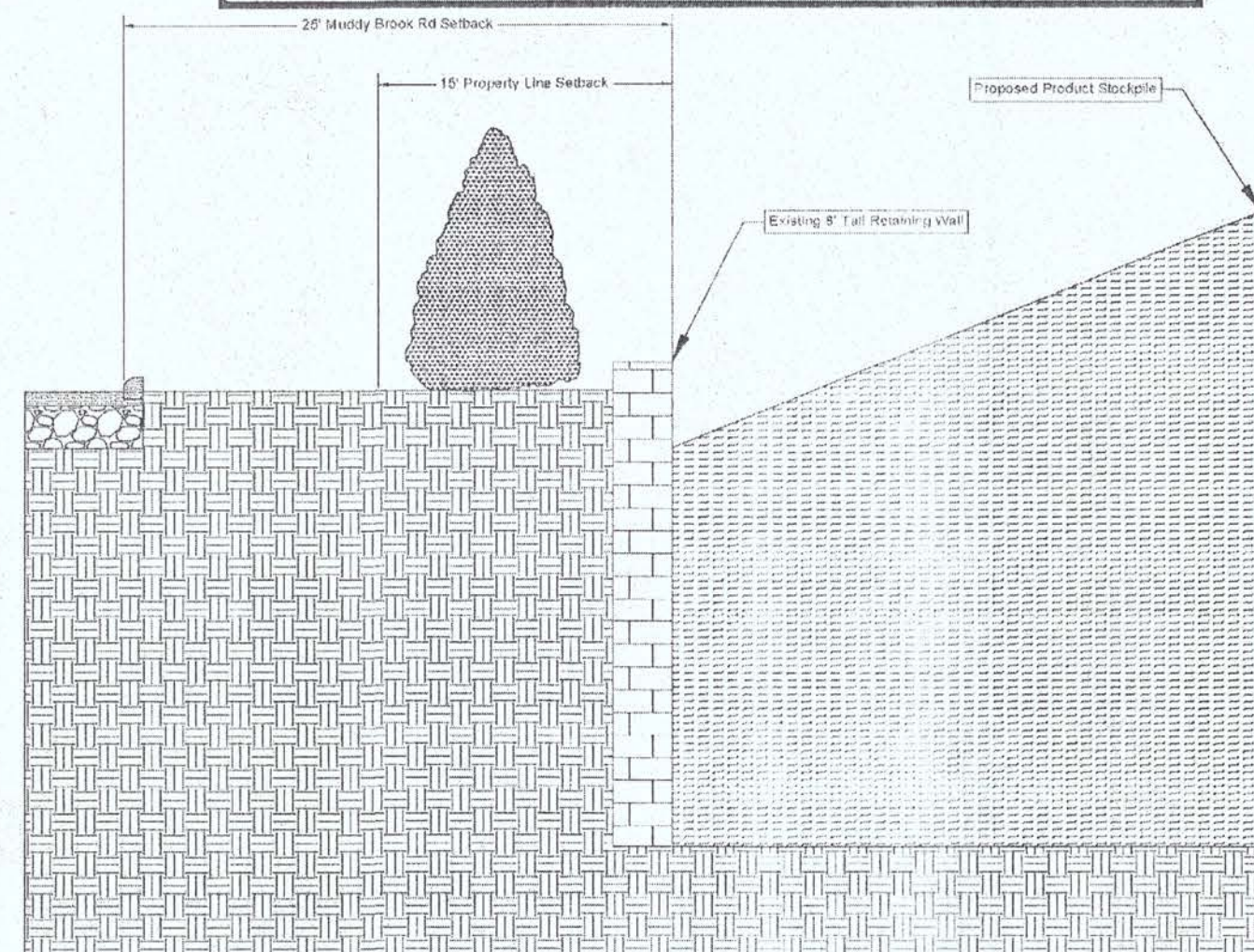
#### **Estimated Amounts of Material Imported/Exported.**

Based on current sales of Double M Yard Supply it is expected the total estimated imported/exported material quantity to be at ~ 2,500cy per year. Due to the importation/exportation nature of the business the yearly average total amount of material onsite at any give time frame is estimated to be ~ 750cy. These quantities are an average can be impacted by numerous factors in the yearly sales cycle.

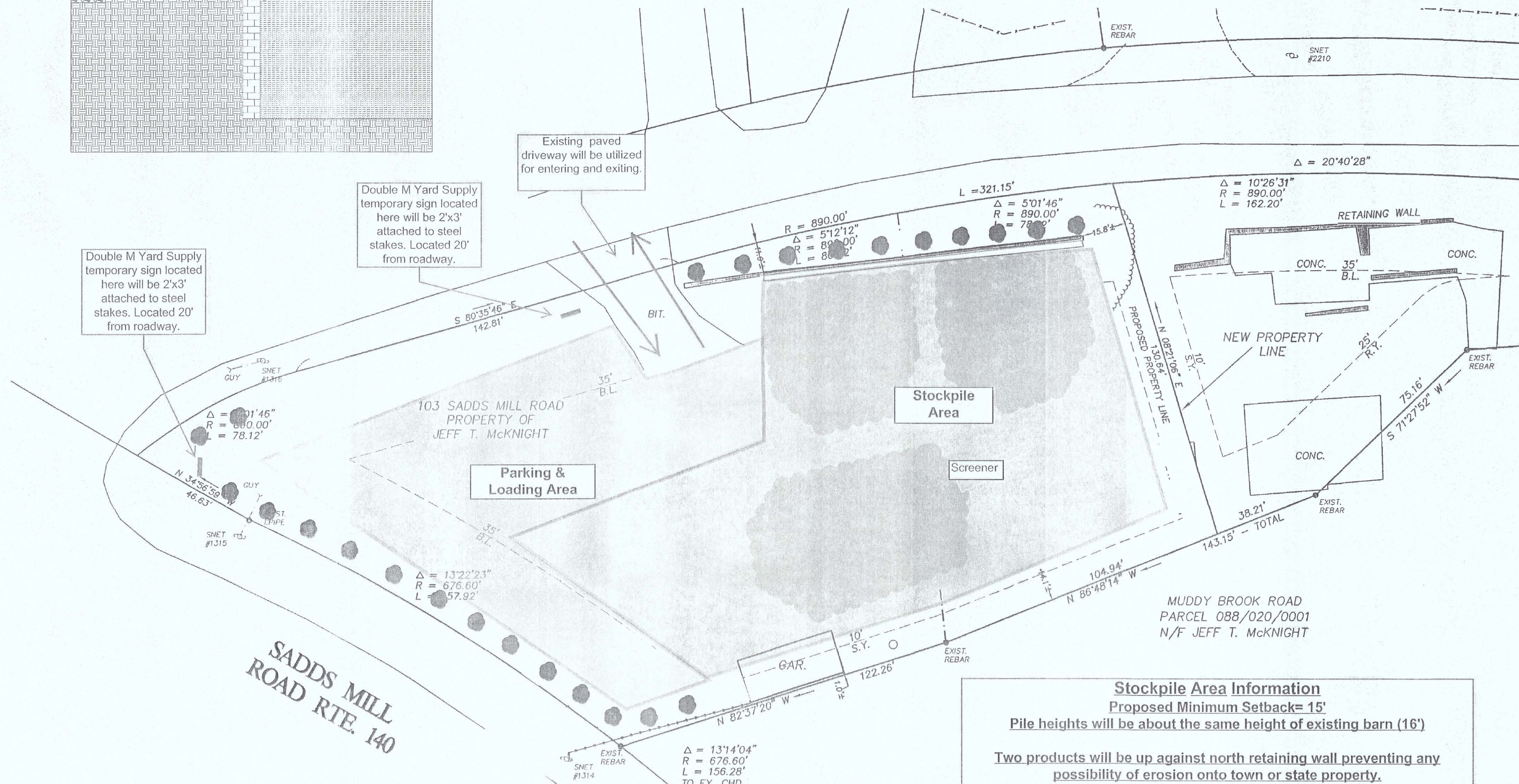
*Ro*



Existing Retaining Wall Section at Minimum Setback Area



**Double M Yard Supply LLC - Sales Yard -Site Plan**  
 Ryan Orszulak (860) 817-1604 - Applicant



Double M Yard Supply temporary sign located here will be 2'x3' attached to steel stakes. Located 20' from roadway.

Double M Yard Supply temporary sign located here will be 2'x3' attached to steel stakes. Located 20' from roadway.

Existing paved driveway will be utilized for entering and exiting.

**Stockpile Area Information**  
 Proposed Minimum Setback= 15'  
 Pile heights will be about the same height of existing barn (16')  
 Two products will be up against north retaining wall preventing any possibility of erosion onto town or state property.  
 All products on-site will arrive already composted and will exhibit the same level of odor as typical garden fertilizer. There will not be a composting process on site.  
 A fixed screener will not be used on site, only a mobile screener.

Submitted by:  
 Ryan Orszulak 4/12/22

RECEIVED  
 APR 12 2022  
 TOWN OF SULLYSTON  
 PLANNING DEPARTMENT

V202208





STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
[www.ellington-ct.gov](http://www.ellington-ct.gov)

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

## ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, APRIL 4, 2022, 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, Regular members Ken Braga, Katherine Heminway, Subhra Roy and Alternate Ron Stomberg

**ABSENT:** Alternates Ron Brown and Rodger Hosig

### 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.

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

### III. PUBLIC HEARINGS:

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.

**Time:** 7:01 pm

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

Ryan Orszulak, 34 Bridge Street, Ellington was present to represent the application. Mr. Orszulak is planning a lot line adjustment between 103 Sadds Mill Road and 144 Muddy Brook Road. The current property line runs through an existing barn which is mostly on 144 Muddy Brook Road and he would like to incorporate the entire barn with 103 Sadds Mill Road, which reduces the lot size of 144 Muddy Brook Road. Mr. Orszulak noted both parcels are currently nonconforming and the proposed lot line revision would make 103 Sadds Mill Road conforming to the regulations and 144 Muddy Brook Road less conforming.

Vice Chairman Thanvanthri asked who owns the barn. Mr. Orszulak said Jeff McKnight currently owns both properties along with the large adjacent parcel which is protected farmland. Vice Chairman Thanvanthri also inquired about maintaining lot coverage requirements on the parcels. Mr. Colonese noted lot coverage must be a maximum of 25% or if the existing lot coverage is nonconforming to the regulations it cannot increase with the lot



line revision. Mr. Colonese stated the proposed lot coverage for both parcels must be added to the plan and reviewed by the Planning Department prior to filing the map on the Ellington land records. Mr. Orszulak noted he can remove impervious areas to meet the lot coverage requirements if necessary.

Vice Chairman Thanvanthri asked for a condition of approval be added pursuant to Mr. Colonese's comments on lot coverage in his email sent to Mr. Orszulak dated March 28, 2022.

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202201.**

**MOVED (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

**Hardship:** Location of existing barn and retaining wall; abutting property is protected farmland.

**Condition(s):** Lot coverage must be a maximum of 25% or if the existing lot coverage is nonconforming to the regulations it cannot increase with the lot line revision.

**BY CONSENSUS, THE BOARD WENT OUT OF AGENDA ORDER TO ADDRESS ITEMS 3 THROUGH 5 OF THE PUBLIC HEARINGS.**

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.

**Time:** 7:15 pm

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

Jack Carlson (remote) and Dennis McDonald (remote), Connecticut Department of Transportation, Division of Rights of Way were present to represent the application.

Mr. Carlson explained they are representing the Strawberry Road bridge project #47-120, replacement of Bridge #06141, and requesting a variance of Section 3.2.2-Lot Requirements of the Ellington Zoning Regulations. He explained the lot is currently 34,950 sf and they are requesting to reduce the lot by 119 sf to bring the lot size down to 34,831 sf. He noted according to Connecticut General Statutes 48-24 a variance is required when requesting to reduce a lot to a nonconforming size or to make it more nonconforming.

Kathleen Waugh, 18 Strawberry Road, said she has a garden by the brook and asked if she would be notified prior to construction so she can move the garden. Mr. Carlson explained if the variances are acquired, then the file moves to their acquisition department and an offer of compensation will be submitted to the property owner. Ms. Waugh stated she is afraid the bridge is going to collapse and asked about digging out the soil under the bridge. Mr. Colonese noted the Inland Wetlands Agency will be reviewing the construction plans and permit application for the bridge replacement project at their meeting on Monday, April 11, 2022 at

7pm in the same meeting room, where Ms. Waugh can ask questions about the construction of the bridge.

Vice Chairman Thanvanthri asked about the health department's comment that the plan does not reference the distance to, or location of the existing onsite septic system, which must be protected from disturbance. Mr. Colonese noted all four affected properties have septic systems and he expects the construction plans to be revised shortly to address the health department's concerns.

Mr. Colonese stated there are two additional applications requesting lot area reductions associated with the Strawberry Road bridge project and suggested the board open the public hearing items separately.

**MOVED (THANVANTHRI), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202203.**

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE 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.

**Hardship:** Per Connecticut General Statutes 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.

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.

**Time:** 7:22 pm

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

Chairman Aube read the agenda item. The board members did not have any comments and no one from the public spoke regarding the application.

**MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202204.**

**MOVED (AUBE), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO APPROVE 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.

**Hardship:** Per Connecticut General Statutes 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.



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.

**Time:** 7:23 PM

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

Chairman Aube read the agenda item. The board members did not have any comments and no one from the public spoke regarding the application.

**MOVED (AUBE), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202205.**

**MOVED (AUBE), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO APPROVE 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.

**Hardship:** Per Connecticut General Statutes 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.

**BY CONSENSUS, THE BOARD RETURNED TO THE ORIGINAL AGENDA ORDER TO ADDRESS PUBLIC HEARING ITEM 2.**

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.

**Time:** 7:26 pm

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

Michael Stosonis, 25 Green Street, Ellington was present to represent the application. Mr. Stosonis said he bought the property eleven years ago and would like to install a privacy fence along Green Street. He always felt the lakeside of the property was front yard and the Green Street side was the side yard. When he subdivided the land, he gave the town a 10 foot strip of land which is now part of the Green Street right-of-way. Chairman Aube read the Fire Marshal's comments as such, "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 Street side. Also the 911 Coordinator should be consulted if the fencing is approved to coordinate with Tolland County Dispatch Center regarding proper directions to access this address."

Mr. Stosonis stated he is planning on having the fence end before the driveway. He said it will end 130 feet from the southeastern corner property pin along Green Street. He also pointed to the plan showing the fence continuing around the side and back of the house along the property line between 25 and 27 Green Street.

Mike Vengruskas, 14 Green Street, said he is in favor of the application and Mr. Stosonis deserves the privacy.

Mr. Colonese noted the Department of Public Works Director did not have any concerns with the proposed fence location.

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202202.**

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

**Hardship:** Front of house faces toward the lake and yard along Green Street is used as a side yard.

**Condition(s):** Fence to end 130ft from the southeastern-most property corner along the Green Street property line.

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

1. Approval of the December 6, 2021 Regular Meeting Minutes.

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 6, 2021 MEETING AS WRITTEN.**

2. Election of Officers.

- a. Chairman

**MOVED (BRAGA) TO NOMINATE COMMISSIONER AUBE FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2022.**

**COMMISSIONER AUBE ACCEPTED THE NOMINATION.  
HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.**

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER AUBE FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2022.**

- b. Vice Chairman

**MOVED (HEMINWAY) TO NOMINATE COMMISSIONER THANVANTHRI FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2022.**

**COMMISSIONER THANVANTHRI ACCEPTED THE NOMINATION.  
HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.**

**MOVED (AUBE), SECONDED (ROY) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER THANVANTHRI FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2022.**

3. Correspondence/Discussion: None



**V. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE  
ZBA MEETING AT 7:38 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk