



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, MAY 2, 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: Alternate Rodger Hosig and Ron Brown

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. 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.

Time: 7:01 pm

Seated: Aube, Thanvanthri, Braga, Heminway and Roy

Rachel Dearborn, Landmark Surveys, LLC, 62 Lower Butcher Road, was present to represent the application.

Ms. Dearborn stated the property owners are looking to replace an existing 18'x18' shed with a 24'x18' shed in the same location. She said that since Private Grounds 2 is a private road, they used the sewer easement as the road frontage. She said they are requesting a 1 foot setback to the sewer easement and a 3 foot setback to the side property line.

Commissioner Braga asked if the owners would be willing to place the shed a little farther from the sewer easement. Ms. Dearborn noted the actual edge of the private road is about 6 feet from the existing shed which they would prefer not to change.

Mr. Colonese stated that the edge of the sewer easement is not a front property line however the Board has used this as a distinction in the past when reviewing setback requests along private roads where no front property line is present. He said the Public Works Director commented that no structures or plantings should be within the sanitary sewer easement. Ms. Dearborn noted the sewer easement runs through the parcel and said there will be no work within the sewer easement.

No one from the public spoke regarding the application.

MOVE (AUBE), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202206.

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

CONDITION(S):

- 1) Approval based on plan titled, "Proposed Shed Improvement Location Survey Prepared for Nora & David Belanger 3 Private Grounds No. 2 Ellington, Connecticut Date 4/11/2022 Job No. 20803-3R1" by Landmark Surveys LLC.

Hardship: Lot configuration; keeping the same setbacks as the existing shed.

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.

Time: 7:09 pm

Seated: Aube, Thanvanthri, Braga, Heminway and Roy

Seth Carlson, SJM Properties, LLC, 162 Maple Street was present to represent the application.

Mr. Carlson explained they are planning to construct a small storage facility, which will consist of three one story storage buildings along Berr Avenue. They are requesting a variance to allow an 8' fence for privacy and security surrounding the project area. Mr. Carlson stated they would like to construct a chain link fence and arborvitaes. Vice-Chairman Thanvanthri asked if there are any wetlands on the site. Mr. Carlson replied there are no wetlands and there is a stockpile of topsoil on the site. Chairman Aube asked for clarification if the owner is planning the chain link or stockade fencing as the plan shows a stockade fence with evergreens in front. Mr. Carlson stated they would prefer the chain link fence and evergreens. He noted the access to the public will be during normal business hours. Commissioner Heminway stated she would prefer to see the chain link fencing with the arborvitaes rather than the solid stockade fencing. Mr. Colonese recommended the approval allow for either style as the Planning & Zoning Commission may require a certain type.

No one from the public spoke regarding the application.

MOVED (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202207.

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

CONDITION(S):

- 1) Approval based on plan titled, "Preliminary Site Plan Prepared for Seals-Ir 162 Maple Street Ellington, CT. Date: 1/20/2022 File No. 2021-112 Sheet 1 of 1 Revisions: 3/21/2022" by Bushnell Associates, LLC.

Hardship: Security for business

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.

Time: 7:17 pm

Seated: Aube, Thanvanthri, Braga, Heminway and Roy

Ryan Orszulak, 34 Bridge Street, was present to represent the application. Mr. Orszulak is the owner of Double M Yard Supply, LLC, which is currently located on Route 83 (West Road) next to Big Y Express Carwash and sells topsoil and compost. He is looking to relocate his business to 103 Sadds Mill Road in a Rural Agricultural Residential zone. He will be demolishing the house and barn. According to the zoning regulations, any stockpiling of materials would need to be at least 100' from any property line. He noted the whole width of the parcel is 158 feet wide and therefore would like to obtain a variance from the 100 foot requirement to a 15 foot setback for the stockpiles along Muddy Brook Road and 35 foot setback from Sadds Mill Road. The access driveway will be located on Muddy Brook Road and he intends to plant trees along the parcel where it fronts on each road. He reviewed the site plan with the Board.

Commissioner Braga asked if there will be any additional structures added to the parcel. Mr. Orszulak responded there will be no additional structures. Vice Chairman Thanvanthri asked if they are proposing any excavation. Mr. Orszulak stated they are not proposing to excavate any materials and they will only be selling imported materials. Vice Chairman Thanvanthri asked about the structural integrity of the retaining wall. Mr. Orszulak noted they will reinforce the retaining wall if needed. Vice Chairman Thanvanthri asked about the drainage on site. Mr. Orszulak responded the way the site is sloped, water will flow away from Muddy Brook Road. Chairman Thanvanthri asked about the proposed height of the stockpiles. Mr. Orszulak stated the stockpiles will not exceed 16 feet in height.

Mr. Orszulak noted his business at the current location on West Road is occupying one acre of land and he plans to utilize approximately the same amount at 103 Sadds Mill Road.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202208.

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

CONDITION(S):

- 1) Approval based on plan titled, “Double M Yard Supply LLC - Sales Yard - Site Plan, Received April 12, 2022 Town of Ellington Planning Department”.

Hardship: Lot configuration

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the April 4, 2022 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 4, 2022 MEETING AS WRITTEN.

2. Correspondence/Discussion:

V. ADJOURNMENT:

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

Respectfully submitted,

Barbra Galovich, Recording Clerk