



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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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,

Barbra Galovich, Recording Clerk