



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES MONDAY, JUNE 27, 2022, 7:00 PM

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

MEMBERS PRESENT: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN SEAN KELLY, REGULAR MEMBERS WILLIAM HOGAN, MICHAEL SWANSON AND JON MOSER

MEMBERS ABSENT: SECRETARY ROBERT SANDBERG, JR., REGULAR MEMBER F. MICHAEL FRANCIS AND ALTERNATE RACHEL DEARBORN

STAFF PRESENT: LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK

OTHERS PRESENT: KEN RADZIOW, DIRECTOR OF PUBLIC WORKS WATER POLLUTION CONTROL ADMINISTRATOR

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

Chairman Hoffman recognized Commissioner William Hogan for 15 years of service on the Planning and Zoning Commission and mentioned the recent recognition ceremony held by the Board of Selectmen. Commissioner Hogan explained a previous ten year stint he served on the commission.

II. PUBLIC COMMENTS (On non-agenda items):

Dustin Huguenin, Recreation Director, and Sherryl Kraus, 10 Cedarwood Drive, Park & Recreation Commissioner, were present to discuss potential new passive recreation activity at the Stein Road open space. Mr. Huguenin has been in discussion with the Park and Recreation Commission, First Selectman and others exploring the idea of a disc golf course on the parcel. Ms. Houlihan explained the property is within a residential zone and the use requires a Special Permit.

Ms. Kraus explained how disc golf is played and normally set along wooded trails. Mr. Huguenin handed out a color rendering of another course and what the disc baskets look like. They are considering a 9-hole course and it will not interfere with individuals walking established trails or neighboring properties. No lighting is proposed and the activity will only occur during the day. Tournaments will not be allowed and typically are played at 18-hole courses.

Mr. Ken Radziwon, Director of Public Works Water Pollution Control Administrator, stated one concerns is parking accessibility. He suggests modifying current parking to angle spaces at 60° to accommodate about 10 to 12 spaces along Stein Road and add curb stops with guiderails. Mr. Huguenin noted there will be routine maintenance and clean up after a storm. The baskets can be easily installed and removed. The commission suggested they apply for permit with a map outlining the proposed course and how it relates to existing trails and will be buffered from abutting properties.

III. PUBLIC HEARING(S):

The owner for Public Hearing #1 was not present so the Commission went out of agenda order and heard Public Hearing #2 first.

2. S202201 – Ellington McIntire, LLC, owner/applicant, request for a three lot subdivision (two new lots) for 153 Webster Road, APN 185-001-0000, in a RAR (Rural Agricultural Residential) Zone.

Time: 7:14 pm

Seated: Hoffman, Kelly, Hogan, Swanson and Moser

Mark Peterson, Gardener & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT was present to represent the application.

Mr. Peterson stated the owner of 153 Webster Road is looking to subdivide his 56.95 acre lot into three lots. Lot 1 will consist of 3.54 acres, Lot 2 will consist of 3.05 acres and the remainder 49.18 acres will remain with the existing home. Chairman Hoffman asked about a master development plan for the land. Mr. Peterson said a master plan is on file with the Planning Department from the original first free cut. The land was previously proposed to be subdivided, but the original subdivision mylar was not filed with the Town Clerk's office. He reviewed the topography and proposed site plan. The application was approved by the Inland Wetland Agency (IWA) on June 13, 2022, and the owner received approval from North Central District Health Department for septic systems and wells on each proposed new lot.

Chairman Hoffman asked about sidewalks. Ms. Houlihan said sidewalks cannot be required along existing town roads. She noted the open space requirement was previously met. Ms. Houlihan reviewed the possible conditions of approval from Dan Steele, Town Engineer's email dated June 10, 2022, 6 thru 12, with the exception of comment #9. Mr. Peterson explained the construction of the two additional lots will not increase the rate of runoff onto Webster Road.

Commissioner Hogan confirmed with Mr. Peterson that the detention basin is for both new lots. He also asked what the future schematic is for the remaining 49.18 acres. Mr. Peterson stated the owner does not currently have any future plans for the remaining acreage. Commissioner Hogan stated he would not like to see future applications requesting rear lots on the remaining land.

Daniel Thibault, 152 Webster Road, explained stormwater runoff is an issue along the street and explained he has repaired the end of his driveway many times. He does not want to see any additional homes built. When he first moved in (2015) it was nice and quiet, but now there are 12 more homes. He lives on the portion of Webster Road that is dirt and since he has moved in there's twice as much traffic. Mr. Thibault feels his property value continues to decline as more houses are built on the street.

Chairman Hoffman explained the commission's role in balancing development rights and managing growth in town. Ms. Houlihan explained a comprehensive regulation amendment passed by the commission in 2011 to manage residential development. The regulation removes sensitive natural resources (e.g. wetlands, floodplain and land with steep slopes) from being counted toward lot yield and adds a density factor to manage residential development.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S202201 – Ellington McIntire, LLC, owner/applicant, request for a three lot subdivision (two new lots) for 153 Webster Road, APN 185-001-0000, in a RAR (Rural Agricultural Residential) Zone.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR S202201 – Ellington McIntire, LLC, owner/applicant, request for a three lot subdivision (two new lots) for 153 Webster Road, APN 185-001-0000, in a RAR (Rural Agricultural Residential) Zone.

CONDITION(S):

- Subject to complying with the Town Engineer's comments dated June 10, 2022, 6 thru 12, with the exception of comment #9.

The Commission returned to Public Hearing item #1.

1. Z202203 - Juliano Family One, LLC, owner/Brian Juliano, applicant, request to modify Special Permit and Site Plan Approval to move retention pond approved in phase I, expand pavement for parking and outdoor storage, and associated site improvements at 100 Windermere Avenue, APN 018-021-0000, in the IP (Industrial Park) Zone.

Time: 7:30 pm

Seated: Hoffman, Kelly, Hogan, Swanson and Moser

Brian Juliano and Bryan Cormier, Juliano Pools, 321 Talcottville Road, Vernon, CT, were present to represent the application.

Ms. Houlihan stated the opening of this application was tabled from last month and will need to be continued tonight because the IWA decision remains pending.

Mr. Juliano said George Logan, Soil Scientist, has been out to the site to reset the wetlands flags and they are waiting for Chris Juliano, Juliano Associates, to update the plans. Mr. Juliano explained they are looking to relocate the retention basin to the south side of the property off of Windermere Avenue and create a storage area. Mr. Juliano said they originally were working with James DiMeo, PE, who recently left Juliano Associates, and now are working with Chris Juliano of the same firm. He noted difficulty in getting plan details together. He thinks the site improvements are close to what is drawn on the site plan.

Vice Chairman Kelly inquired about moving the retention basin. Mr. Juliano noted they installed 12-14 arborvitaes along Windermere Avenue to screen the proposed storage area and move the detention basin further from the building to expand storage and parking. Brian Cormier mentioned additional abutting land purchased for parking of vehicles and not to exceed the required lot coverage. Commissioner Hogan stated the plans are hard to read and differentiate what was approved in phase 1 and what improvements are proposed in phase 2. He would like the plans to show phase 1 with an overlay of the proposed phase 2. Commissioner Hogan reviewed the proposed retention basin and stated this should be re-evaluated by Juliano's engineer.

Commissioners encouraged Mr. Juliano to work with the IWA. Chairman Hoffman asked Mr. Juliano to have his engineer attend to the next meeting to present the application in person.

Ms. Houlihan mentioned John Colonese, Zoning Enforcement Officer, contacted Mr. Juliano about excessive lighting associated with installed attached lighting in violation of phase 1 approvals and the zoning regulations. She encouraged the applicant to work with their lighting engineer to update the photometric plan and look for solutions to remedy the zoning violation. They discussed the possibility of installing hoods on the existing attached fixtures to direct light downward.

No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CONTINUE PUBLIC HEARING TO THE NEXT MEETING ON MONDAY, JULY 25, 2022, 7:00 PM, 57 MAIN STREET, ELLINGTON, CT, AND ZOOM VIDEO CONFERENCING FOR Z202203 - Juliano

Family One, LLC, owner/Brian Juliano, applicant, request to modify Special Permit and Site Plan Approval to move retention pond approved in phase I, expand pavement for parking and outdoor storage, and associated site improvements at 100 Windermere Avenue, APN 018-021-0000, in the IP (Industrial Park) Zone.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Z202209 – Derek and Darla Reutter, owner/applicant, request for Special Permit pursuant to Section 3.1.3 for garages for more than 3 cars per family unit associated with the construction of a detached accessory structure (24'x36') at 297 Jobs Hill Road, APN 159-019-0000, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR JULY 25, 2022, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, AND ZOOM VIDEO CONFERENCING FOR Z202209 – Derek and Darla Reutter, owner/applicant, request for Special Permit pursuant to Section 3.1.3 for garages for more than 3 cars per family unit associated with the construction of a detached accessory structure (24'x36') at 297 Jobs Hill Road, APN 159-019-0000, in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission May 23, 2022 Regular Meeting Minutes.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 23, 2022 REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:
 - a. Discussion: Potential discontinuation of use of the Community United Methodist Church parking lot as a town-shared parking lot at 280 Sandy Beach Road, APN 128-019-0000.

Ms. Houlihan referred to a GIS print showing the general location of the church's parking lot and its proximity to parking at Crystal Lake School (CLS). The church's lot has been used for parking for CLS for many years without formal agreement. Before the school was renovated there was 2-way traffic at the east end of the school's lot, but the State required the access to convert to one-way entrance only. The church has since received approval from the Department of Transportation to construct two-way access on the westerly side of their parking lot. The commission discussed the long-term relationship between the town and church, the changes to ingress/egress to the school/church lots prior to and after improvements to CLS and the potential to discontinue use.

Mr. Radziwon said the Public Works Department maintains the parking lot and questioned if tax dollars should be used for public works services on church owned property. Ms. Houlihan confirmed there is adequate parking on the school's property to comply with regulations. The commission round tabled the presence of similar collaborative relationships between the Town and other churches such as Ellington Middle School with the Apostolic Christian Church and the Town Green with Ellington Congregational Church. The Commission would like Ellington to work towards continued use and partnership with the church.

BY CONSENSUS, THE COMMISSION ENCOURAGED THE TOWN TO WORK TOWARDS A PARTNERING RELATIONSHIP WITH THE COMMUNITY UNITED METHODIST CHURCH FOR CONTINUED USE OF THE PARKING LOT AT 280 SANDY BEACH ROAD.

- b. Discussion: Existing moratorium for adult-use cannabis facilities and recent legislative amendments removing population thresholds as a measure for limiting adult-use cannabis retail and cultivator facilities.

Ms. Houlihan recently learned about new legislation removing per capita limits for permitting adult-use cannabis retailers and cultivators for Connecticut towns. She asked the commission to review the provided information and what regulations they want to adopt before the moratorium expires. The commission agreed to continue discussion to the next meeting on July 25, 2022.

- c. Notice of Virtual Public Information Meeting (June 28, 2022) from the Department of Transportation for proposed improvements to the intersection of Route 140 and Burbank Road (Project No. 0047-0121).

Mr. Radziwon gave a brief explanation of the proposal and what improvements the State Department of Transportation intends to complete at the intersection.

- d. Discussion: Section 6.3.7.B–Detached Signs, C & I Zones for Electronic Fuel Price Signs.

By consensus, the commission agreed to discuss Section 6.3.7.B at the July 25, 2022 meeting.

VII. ADJOURNMENT:

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:27 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk