



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

PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA MONDAY, JULY 25, 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):

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. (*Continue public hearing from June 27, 2022.*)
2. 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. (*Notice requirements met, hearing may be opened.*)

IV. OLD BUSINESS: None

V. NEW BUSINESS:

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the June 27, 2022 Regular Meeting Minutes.
2. Correspondence/Discussion:
 - a. Discussion: Existing moratorium for adult-use cannabis facilities and legislative amendments removing population thresholds as a measure for limiting adult-use cannabis retail and cultivator facilities.
 - b. Discussion: Potential extension of existing moratorium for Section 6.3.7.B–Detached Signs, in Commercial & Industrial Zones for Electronic Fuel Price Signs.
 - c. Letter to Buddhist Association of Connecticut, Inc., dated July 14, 2022, expiration of approval and potential extension for S200801 – Four (4) lot subdivision, 124-130 (formerly 120) Stafford Road, Ellington, CT.

VII. ADJOURNMENT:

Next Regular Meeting is scheduled for August 22, 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, Planning & Zoning Commission.

Join Zoom Meeting via link:

<https://us06web.zoom.us/j/89564892797>
Meeting ID: 895 6489 2797
Passcode: 123322

Join Zoom Meeting by phone:

1-646-558-8656 US (New York)
Meeting ID: 895 6489 2797
Passcode: 123322

Z 202203
100 Windermere Ave

Barbra Galovich

Subject: FW: Hello from 84 Windermere Ave

From: Champeau, Christina [mailto:C_Champeau@connecticare.com]
Sent: Friday, July 15, 2022 10:41 AM
To: Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>
Cc: Chiarenza, John <ChiarenzaJ@aetna.com>; John Colonese <jcolonese@ELLINGTON-CT.GOV>
Subject: RE: Hello from 84 Windermere Ave

Thank you! You too 😊

From: Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>
Sent: Friday, July 15, 2022 10:30 AM
To: Champeau, Christina <C_Champeau@connecticare.com>
Cc: Chiarenza, John <ChiarenzaJ@aetna.com>; John Colonese <jcolonese@ELLINGTON-CT.GOV>
Subject: [EXTERNAL] RE: Hello from 84 Windermere Ave

Hi Christina,

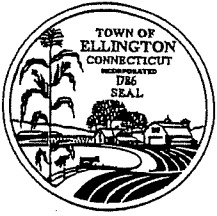
Thank you for inquiring about the meeting. The Inland Wetland Agency is meeting Monday night and the public hearing is open to the public. You are welcome to attend in person or Zoom in. The Zoom information is at the bottom of the agenda.

Have a good weekend,
Barbra

Barbra Galovich, CZET
Land Use Assistant
Town of Ellington
55 Main Street
Ellington, CT 06029
(860) 870-3120

From: Champeau, Christina [mailto:C_Champeau@connecticare.com]
Sent: Friday, July 15, 2022 10:20 AM
To: Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>
Cc: Chiarenza, John <ChiarenzaJ@aetna.com>
Subject: Hello from 84 Windermere Ave

Hi Barbara,
It's Christina Champeau from 84 Windermere Ave in Ellington. John and I missed the hearing on 6/27 and are concerned about the noise and work at Juliano's next door to us. Is it too late for us to have a voice? We attended the May meeting, but it was postponed to June and due to travel and multiple family issues going on, we missed the 6/27 meeting. Is it too late for us to voice our concerns?
Thank you in advance for your time 😊
Christina Champeau



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Z 202203
100 Windermere
Ave.

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

INLAND WETLANDS AGENCY REGULAR MEETING MOTIONS & DECISIONS MONDAY, JULY 18, 2022, 7:00 P.M.

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 Jean Burns, Vice Chairman Katherine Heminway, Regular members Ken Braga, Ron Brown, Art Aube, Steve Hoffman and Hocine Baouche

ABSENT: Alternate Jon Kaczmarek

STAFF

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

I. CALL TO ORDER: Chairman Jean Burns called the Ellington Inland Wetlands Agency meeting to order at 7:04 pm.

II. PUBLIC COMMENTS (on non-agenda items): None

III. PUBLIC HEARINGS:

1. IW202110 - Juliano Family One LLC, owner/ Brian Juliano, applicant, request for modification to Wetlands Permit IW202110 to construct a detention basin and outside storage area at 100 Windermere Ave., APN 018-021-0000.

Time: 7:04 pm

Seated: Burns, Heminway, Braga, Brown, Aube, Hoffman and Baouche

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE AUGUST 8, 2022 REGULAR MEETING FOR IW202110 - Juliano Family One LLC, owner/Brian Juliano, applicant, request for modification to Wetlands Permit IW202110 to construct a detention basin and outside storage area at 100 Windermere Ave., APN 018-021-0000.

IV. OLD BUSINESS: None

V. NEW BUSINESS: None

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the June 13 2022 Regular Meeting Minutes.

MOVED (BRAGA) SECONDED (HEMINWAY), (HOFFMAN ABSTAINED) AND PASSED TO APPROVE THE JUNE 13, 2022 REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Connecticut Water Company (CWC) June 29, 2022 CT DEEP Application Under the General Permit for Diversion of Water for Consumptive Use related to approving the interconnection between the CWC Western System and the CWC Stafford System.

VII. ADJOURNMENT:

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE JULY 18, 2022 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:23 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk

Town of Ellington Planning & Zoning Commission Application

Type of Application: <input type="checkbox"/> Zone Change <input type="checkbox"/> Amendment to Regulation <input type="checkbox"/> Site Plan Approval <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Modification <input type="checkbox"/> CGS 8-24	Application # <u>2202209</u> <hr/> Date Received <u>6/17/2022</u>
---	--

Notices associated with this application will be sent to the applicant, if different than the owner, unless otherwise requested.

Owner's Information

Name: Derek & Darla Reutter
 Mailing Address: 297 Jobs Hill Road
Ellington, CT 06029
 Email: derek@reuttermechanical.com

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

Primary Contact Phone #: 860-707-2002

Secondary Contact Phone #: _____

Signature: [Signature] Date: 6/17/22

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 Commission 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 Commission or its staff.

Notices associated with this application will be sent to the applicant, if different than the owner, 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 #: _____

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 Commission have been submitted.

Street Address: 297 Jobs Hill Road

Assessor's Parcel Number (APN): 159 - 019 - 0000 Existing Zone: RRR Proposed Zone: N/A
(If unaware of APN, please ask staff for assistance) (If none, insert "N/A")

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 *If yes, pursuant to state law application must be made to the Inland Wetlands Agency prior to or simultaneously with application to the Planning and Zoning Commission.*

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.*

Description of Request (If more space is needed, please attach additional sheets)

Looking to erect a Kloter Farms garage (24' x 36')
Per Section 3.1.3 (3) this garage would
make a total of 4 or more
detached garages.

MARIA
1118
SANDRA M. PHILLIPS

SANDRA M. PHILLIPS

PROPOSED LOCATION
OF KLOTZERS GARAGE

A.P.N. 168-019-0000

S 17'-2 1/2" x 24" E
125' x 33'

REBAR IN TRUSS (7)

36'

24'

GRANITE DRIVEWAY

HOUSE

PERMIT
P.L.P.

100'S

297 Jobs Hill RD
Ellington CT

NOTES:

1. THIS SURVEY HAS BEEN RE-REFERED IN ACCORDANCE WITH SECTIONS 20-1 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "MINIMUM SURVEY MAPS IN THE STATE OF CONNECTICUT". IT IS A PROPERTY SURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS:
 - A. "MAP PROPERTY OF ST. JAMES ROME TO BE CONVEYED TO CALICCHIO BY ROAD ELLINGTON, CONN. DATE 8-17-88 SCALE 1"=50' DRAWN A.S.V. INC. LAND SURVEYORS".
 - B. "MAP PROPERTY OF CALICCHIO BROTHERS, INC. TO BE CONVEYED TO BONGIOVANNI, JOES HILL ROAD ELLINGTON, CONN. DATE 5/7/89 SC CHECKED BY THE BONGIOVANNI GROUP, INC. LAND SURVEYORS".
 - C. "REVISED MAP OF PARCEL 'A' LAND OF ROBERT J. & CAROL B. PAUL, SCALE 1"=100' DATE 3/24/78 DRAWN BY A.E.S. ALFRED E. SCHINDL ELLINGTON, CONN. DRAWING NUMBER 757-1A-R".

SUBMITTED BY
Alfred E. Schindl
6/15/22

LEGEND:
IRON PEE
REINFORCING BAR
IRON BAR

LF -
O O
REAR
O O

REVISED'S
PRC
TTW

BUILDER:

Kloter Farms
216 West Rd
Ellington, CT 06029

PROJECT:

Derek & Darla Reutter
297 Jobs Hill Road
Ellington, CT 06029

FINAL

5/31/22

E.S.



DRAFTING
CONCEPTS

5219 Old Strasburg Rd.
Kinzers, PA 17535
P: 717-442-5053 F: 717-370-592
John@DraftingConceptsLLC.net

SCALE:

AS NOTED

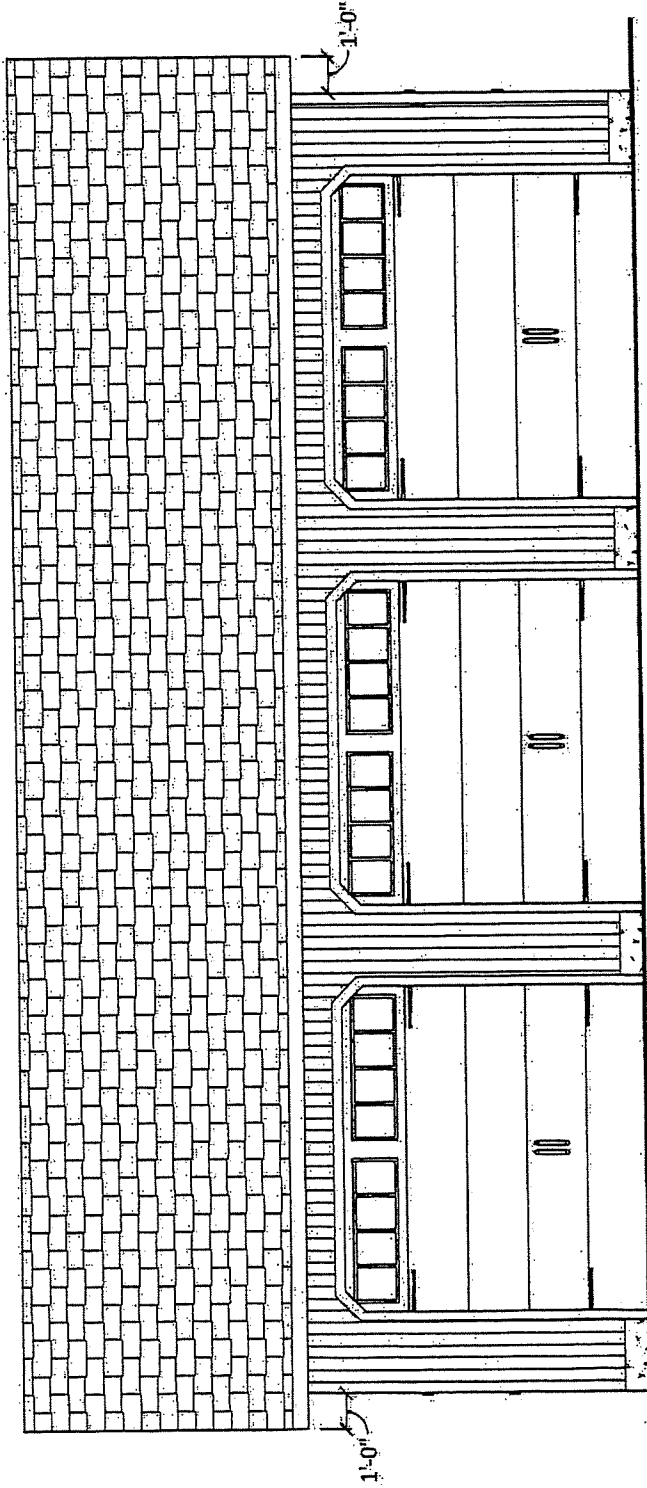
SHEET TITLE:

Front elevation

PROJECT NO.:

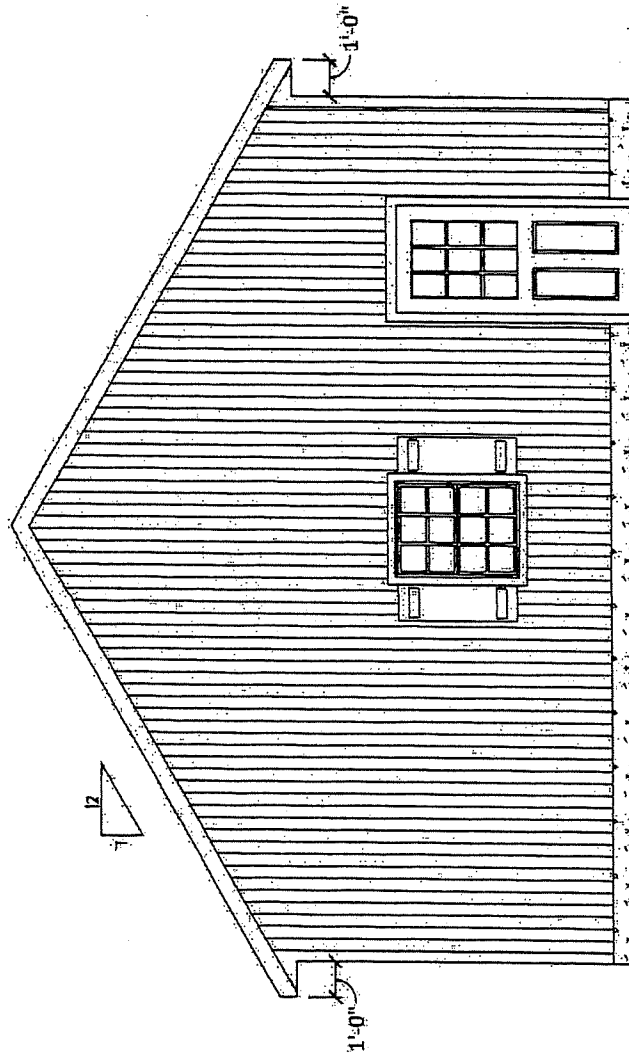
D391-22

6



FRONT ELEVATION

SCALE: 3/16" = 1'-0"



LEFT ELEVATION

SCALE: 3/16" = 1'-0"

BUILDER:

Kloter Farms
216 West Rd.
Ellington, CT 06029

PROJECT:

Derek & Darla Reutter
297 Jobs Hill Road
Ellington, CT 06029

FINAL	5/31/22	E.S.



DRAFTING

CONCEPTS
5219 Old Strasburg Rd.
Kinzers, PA 17539
P. 717-442-5053 F. 717-370-5925
John@DraftingConceptsILC.net

SCALE:

AS NOTED

SHEET TITLE:

Left elevation

PROJECT NO.:

D391-22

9

BUILDER:

Kloter Farms
216 West Rd
Ellington, CT 06029

PROJECT:

Derek & Darla Reuttier
297 Jobs Hill Road
Ellington, CT 06029

FINAL	5/31/22	E.S.



DRAFTING

CONCEPTS
5219 Old Strasburg Rd.
Kinzers, PA 17535
P. 717-442-5053 F. 717-370-5925
John@DraftingConceptsLLC.net

SCALE:

AS NOTED

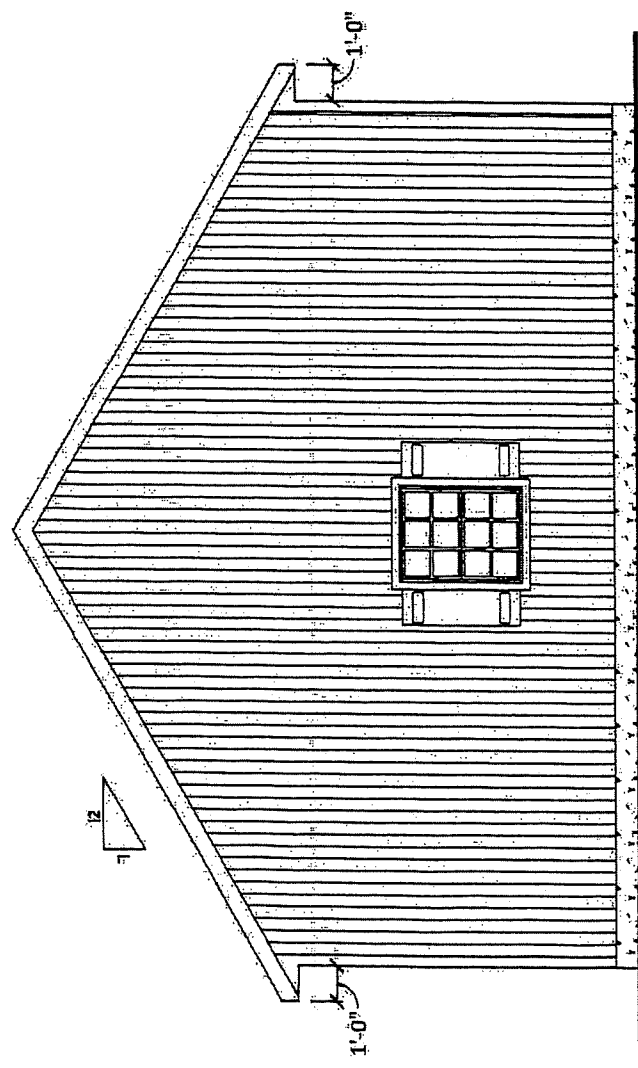
SHEET TITLE:

Right elevation

PROJECT NO.:

D391-22

7



RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

BUILDER:

Kloter Farms
216 West Rd
Ellington, CT 06029

PROJECT:

Derek & Darla Reutter
297 Jobs Hill Road
Ellington, CT 06029

FINAL

5/31/22

E.S.



DRAFTING

CONCEPTS
5219 Old Strasburg Rd.
Kinzers, PA 17535
P. 717-442-5053 F. 717-370-5927
John@DraftingConcepts1LLC.net

SCALE:

AS NOTED

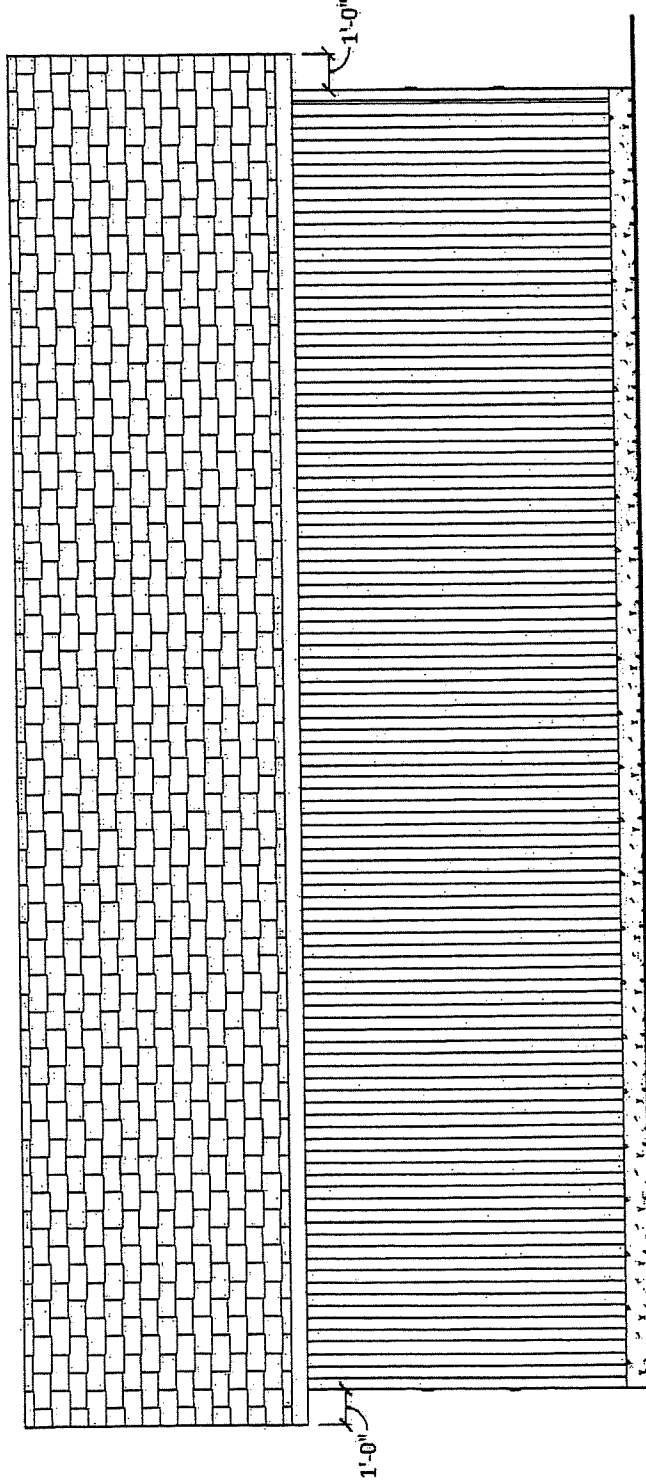
SHEET TITLE:

Rear elevation

PROJECT NO.:

D991-22

8



REAR ELEVATION

SCALE: 3/16" = 1'-0"

297 Jobs Hill Road



Property Information

Property ID 159 019 0000
Location 297 JOBS HILL RD
Owner REUTTER DARLA R + DEREK D

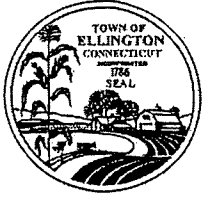


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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 11/11/2021
Data updated daily

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



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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 RADZIWON, 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 arborvitae 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

Town of Ellington

Planning Department

55 Main Street, PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120/lhoulihan@ellington-ct.gov

DATE: June 22, 2022

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner 

RE: 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.

During the recent legislative session, portions of adult-use cannabis statutes were amended eliminating the number of cannabis retailers and cultivators allowed per municipality based on population (e.g. one cultivator and one retailer per 25,000). The legislative changes became effective April 27, 2022, and the existing moratorium disallowing adult-use cannabis facilities in Ellington ends October 31, 2022. If a regulation amendment is not approved and effective prior to the expiration of the existing moratorium, the commission will be required to consider applications for adult-use cannabis cultivators and retail facilities in accordance with similar uses in existing regulations. Article 4 - Commercial & Industrial Zones of the Ellington Zoning Regulations, contemplates allowing licensed medical marijuana production facilities by special permit in industrial zones or licensed medical marijuana dispensaries by special permit in commercial zones. Article 4, as currently effective, will be applicable to applications for adult-use cannabis facilities in Ellington received on or after November 1, 2022, if not amended.

Enclosed is a copy of the text amendment establishing the existing moratorium for adult-use cannabis establishments in Ellington, and a copy of pertinent sections of the amended statute removing per capita limits for controlling the number of adult-use cannabis facilities.

payable

ELLINGTON ZONING REGULATION
SECTION 7.16 - MORATORIUM THROUGH OCTOBER 31, 2022
APPROVED FEBRUARY 28, 2022
EFFECTIVE MARCH 3, 2022

Section 7.16 Cannabis Establishment Moratorium - Pursuant to Public Act 21-1 An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis, the Planning and Zoning Commission hereby extends the moratorium effective October 1, 2021, set to expire March 31, 2022, through October 31, 2022, for cannabis establishments and shall not permit them in any zone until the Planning and Zoning Commission has had time to carefully consider such facilities and what regulations should govern them.



House of Representatives

File No. 672

General Assembly

February Session, 2022

(Reprint of File No. 202)

Substitute House Bill No. 5329
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 27, 2022

AN ACT CONCERNING CANNABIS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-420 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 As used in RERACA, unless the context otherwise requires:

5 (1) "Responsible and Equitable Regulation of Adult-Use Cannabis
6 Act" or "RERACA" means this section, sections 2-56j, 7-294kk, 7-294ll,
7 12-330ll to 12-330nn, inclusive, 14-227p, 21a-278b, 21a-278c, 21a-279c,
8 21a-279d, 21a-420a to 21a-420i, inclusive, 21a-420l to 21a-421r, inclusive,
9 21a-421aa to 21a-421ff, inclusive, 21a-421aaa to 21a-421ggg, inclusive,
10 21a-422 to 21a-422c, inclusive, 21a-422e to 21a-422g, inclusive, 21a-422j
11 to 21a-422s, inclusive, 22-61n, 23-4b, 47a-9a, 53-247a, 53a-213a, 53a-213b,
12 54-33p, 54-56q, 54-56r, 54-125k and 54-142u, sections 23, 60, 63 to 65,
13 inclusive, 124, 144 and 165 of public act 21-1 of the June special session

678 the cannabis plant or any part of the cannabis plant, including, but not
679 limited to, the leaf of the cannabis plant;

680 (3) Is comprised of not more than three colors; and

681 (4) Is located:

682 (A) On the cannabis establishment's premises, regardless of whether
683 such cannabis establishment leases or owns such premises; or

684 (B) On any commercial property occupied by multiple tenants
685 including such cannabis establishment.

686 ~~[(c)]~~ (e) The department shall not register, and may require revision
687 of, any submitted or registered cannabis brand name that:

688 (1) Is identical to, or confusingly similar to, the name of an existing
689 non-cannabis product;

690 (2) Is identical to, or confusingly similar to, the name of an unlawful
691 product or substance;

692 (3) Is confusingly similar to the name of a previously approved
693 cannabis brand name;

694 (4) Is obscene or indecent; and

695 (5) Is customarily associated with persons under the age of twenty-
696 one.

697 ~~[(d)]~~ (f) A violation of the provisions of [subsection (a) or (b)]
698 subsections (a) to (c), inclusive, of this section shall be deemed to be an
699 unfair or deceptive trade practice under subsection (a) of section 42-
700 110b.

701 Sec. 9. Section 21a-422f of the 2022 supplement to the general statutes
702 is repealed and the following is substituted in lieu thereof (*Effective from*
703 *passage*): *Approved April 27, 2022.*

704 (a) As used in this section, "municipality" means any town, city or
705 borough, consolidated town and city or consolidated town and
706 borough, and a district establishing a zoning commission under section
707 7-326.

708 (b) Any municipality may, by amendment to such municipality's
709 zoning regulations or by local ordinance, (1) prohibit the establishment
710 of a cannabis establishment, (2) establish reasonable restrictions
711 regarding the hours and signage within the limits of such municipality,
712 or (3) establish restrictions on the proximity of cannabis establishments
713 to any of the establishments listed in subdivision (1) of subsection (a) of
714 section 30-46. The chief zoning official of a municipality shall report, in
715 writing, any zoning changes adopted by the municipality regarding
716 cannabis establishments pursuant to this subsection to the Secretary of
717 the Office of Policy and Management and to the department not later
718 than fourteen days after the adoption of such changes.

719 (c) Unless otherwise provided for by a municipality through its
720 zoning regulations or ordinances, a cannabis establishment shall be
721 zoned as if for any other similar use, other than a cannabis
722 establishment, would be zoned.

723 (d) Any restriction regarding hours, zoning and signage of a cannabis
724 establishment adopted by a municipality shall not apply to an existing
725 cannabis establishment located in such municipality if such cannabis
726 establishment does not convert to a different license type, for a period
727 of five years after the adoption of such prohibition or restriction.

728 [(e) Until June 30, 2024, no municipality shall grant zoning approval
729 for more retailers or micro-cultivators than a number that would allow
730 for one retailer and one micro-cultivator for every twenty-five thousand
731 residents of such municipality, as determined by the most recent
732 decennial census.

733 (f) On and after July 1, 2024, the Commissioner of Consumer
734 Protection may, in the discretion of the commissioner, post on the
735 Department of Consumer Protection's Internet web site a specific

736 number of residents such that no municipality shall grant zoning
737 approval for more retailers or micro-cultivators than would result in one
738 retailer and one micro-cultivator for every such specific number of
739 residents, as determined by the commissioner. Any such determination
740 shall be made to ensure reasonable access to cannabis by consumers.]

741 [(g)] (e) For purposes of ensuring compliance with this section, a
742 special permit or other affirmative approval shall be required for any
743 retailer or micro-cultivator seeking to be located within a municipality.
744 [A municipality shall not grant such special permit or approval for any
745 retailer or micro-cultivator applying for such special permit or approval
746 if that would result in an amount that (1) until June 30, 2024, exceeds the
747 density cap of one retailer and one micro-cultivator for every twenty-
748 five thousand residents, and (2) on and after July 1, 2024, exceeds any
749 density cap determined by the commissioner under subsection (f) of this
750 section.] When awarding final licenses for a retailer or micro-cultivator,
751 the Department of Consumer Protection may assume that, if an
752 applicant for such final license has obtained zoning approval, the
753 approval of a final license for such applicant shall not result in a
754 violation of this section or any [other] municipal restrictions on the
755 number or density of cannabis establishments.

756 Sec. 10. (Effective from passage) (a) The chairpersons of the joint
757 standing committee of the General Assembly having cognizance of
758 matters pertaining to general law shall convene a working group to
759 study hemp, hemp products and hemp producers. Such study shall
760 include, but need not be limited to, an examination of (1) the regulation
761 of hemp, hemp products and hemp producers licensed in this state and
762 neighboring states, (2) the manner in which neighboring states have
763 integrated hemp, hemp products and hemp producers into their
764 recreational cannabis programs, statutes and regulations, and (3)
765 possible legislation that would integrate hemp, hemp products and
766 hemp producers licensed in this state into this state's recreational
767 cannabis statutes by, among other things, allowing (A) such licensees to
768 convert their licenses to licenses issued under this state's recreational
769 cannabis statutes, and (B) hemp products, including, but not limited to,

ELLINGTON ZONING REGULATION - SECTION 6.3.7(B)
CURRENT MORATORIUM EXPIRES SEPTEMBER 3, 2022

PROPOSED SIX MONTH MORATORIUM EXTENSION
(DRAFT DATE: JULY 18, 2022)

The Planning and Zoning Commission hereby adopts a six month moratorium for Section 6.3.7(B) detached electronic fuel price signs in C, PC, I, and IP zones of the Ellington Zoning Regulations. During this time, the commission shall not accept, review and/or decide on any application seeking to establish detached electronic fuel price signs for six (6) months following the effective date of this regulation.

TENTATIVE APPROVAL DATE: AUGUST 22, 2022
EFFECTIVE DATE: AUGUST 30, 2022
EXPIRATION DATE: FEBRUARY 30, 2023



Admin Business #20

TOWN OF ELLINGTON

55 MAIN STREET • P.O. BOX 187
ELLINGTON, CONNECTICUT 06029-0187

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(860) 870-3120

TOWN PLANNER'S OFFICE

(860) 870-3122

July 14, 2022

Buddhist Association of Connecticut, Inc.
c/o Van Bangs (sent via email: vanhamhome@gmail.com)
255 Cherry Street
New Britain, CT 06051

RE: S200801 - Four (4) Lot Subdivision, 124-130 (formerly 120) Stafford Road, Ellington, CT

Dear Van,

I write regarding the expiration of approval and status of conditional approval for the four (4) lot subdivision referenced above. The subdivision was initially approved September 22, 2008, and good through September 22, 2017. As permitted by statute, a five (5) year extension was applied for and granted extending the approval to September 22, 2022. Additional statutory provisions allow you to seek extension for up to 5 more years. If you would like to request extension, please submit written request no later than August 18, 2022, by 4:30 p.m.

If approval is not extended, it will automatically expire and notice recorded on the Ellington Land Records reverting the land to its former one-lot configuration. If the subdivision expires, the Ellington Board of Selectmen will release easements required as part of approval, and any other action recommended by the Ellington Town Attorney.

The subdivision was only granted "conditional approval" and statute prohibits land from being conveyed until "final approval" is granted. Below is an excerpt from state statute, please consult with your attorney.

Connecticut General Statute §8-25. Subdivision of land

"...Such regulations may provide that in lieu of either the completion of the work or the furnishing of a financial guarantee as provided in this section, the commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on (1) the actual construction, maintenance and installation of any improvements or utilities prescribed by the commission, or (2) the provision of a financial guarantee as provided in this section. Upon the occurrence of either of such events, the commission shall cause a final approval to be endorsed thereon in the manner provided by this section. ... Any person, firm or corporation who, prior to such final approval, transfers title to any lot subdivided pursuant to a conditional approval shall be fined not more than one thousand dollars for each lot transferred. Nothing in this subsection shall be construed to authorize the marketing of any lot prior to the granting of conditional approval or renewal of such conditional approval..."

Thank you in advance for your attention to this matter. Please do not hesitate to contact me with questions or to discuss further.

Very best regards,

Lisa M. Houlihan, AICP
Ellington Town Planner