



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** FX (860) 870-3122

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, AUGUST 22, 2022, 7:00 PM**

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

MEMBERS PRESENT: CHAIRMAN ARLO HOFFMAN, REGULAR MEMBERS WILLIAM HOGAN, F. MICHAEL FRANCIS, MICHAEL SWANSON, AND ALTERNATE RACHEL DEARBORN

MEMBERS ABSENT: VICE CHAIRMAN SEAN KELLY, SECRETARY ROBERT SANDBERG, JR, AND REGULAR MEMBER JON MOSER

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

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

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

Zanul Masood and Hassan Chaudhry, One Manhattan Real Estate, 349 East 82nd Street, New York, NY, spoke with the Commission about the parcel between Country Pure Foods and Sullivan Tire on West Road, also known as APN 019-005-0000. Mr. Masood explained his company is looking to propose development on the parcel, such as a mix use of housing and commercial. Mr. Masood distributed a concept plan to review with the Commission, and would like to discuss possible development before proceeding with a formal application. Mr. Masood reviewed the concept plan, showing commercial uses in the front portion of the parcel with a concept of up to 80 one to two story townhouse style assist living units in the back portion of the parcel. Chairman Hoffman noted the town regulations don't allow for residential uses in a commercially zoned parcel, and lack of support to rezone commercial land for residential development. Chairman Hoffman reiterated safety concerns he mentioned last month for placing a residential development between two commercial businesses that have heavy tractor trailer truck traffic.

Ms. Houlihan explained a 24' wide travel land would need to be met throughout the parcel. She referred to the Plan of Conservation and Development recommendation for mixed use developments. She explained wetland permit requirements.

Chairman Hoffman expressed the residential portion of the proposal is not a good location within a commercial zoned parcel. Should they decide to develop the parcel commercially, the commission would be open to review a concept plan. Commissioner Hogan's concern is the location of wetlands would cut down the amount of square footage for an assistant living facility. He also noted a lot of open space within the commercial portion of the concept plan. Commissioner Francis did not like the idea if loosing commercial land and residential development abutting industrial uses. Commissioner Swanson is open to commercial ideas for the parcel and concerned with the wetlands to the rear. Alternate Dearborn reiterated the concern of tractor trailer truck traffic on both sides of the parcel.

Ms. Houlihan asked what type of commercial uses they were proposing and Mr. Masood stated they are retail and restaurants. Mr. Chaudhry inquired about the wetlands restrictions on the site. Mr. Houlihan explained any activity within 100 feet of the wetlands delineations would need Inland Wetland Agency approval and permit.

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.

Time: 7:21 pm

Seated: Hoffman, Hogan, Francis, Swanson and Dearborn

Chairman Hoffman stated a request to withdraw the application has been submitted. Ms. Houlihan informed the commission that the owner of Juliano's Pools also withdrew the concurrent Inland Wetlands Agency (IWA) application at their August 8, 2022 meeting. She said their Professional Engineer, Bryan Cormier of Juliano's Pools and town staff met last week to review the list of outstanding items that are required to be complete. It was agreed with the applicant, all required application documents for Inland Wetland Agency and Planning & Zoning Commission would be submitted by September 1, 2022. The Commission is ok with putting the new application on the agenda for September 26, 2022 as a public hearing item.

Ms. Houlihan noted the IWA will likely require a fence along the wetlands for protection and permanent delineation. They will also be relocating the access drive to phase 2, due to the location of a headwall that is in need of repair.

Commissioner Hogan has concerns about the amount of activity on the site and they are achieving their goals by playing the system. He inquired about a possible Cease & Desist Order being issued. Ms. Houlihan explained the process of issuing the Cease & Desist Order and next steps that could be taken should the deadline of September 1st not be met by the applicant.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ACCEPT WITHDRAWAL 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.

2. S202202 – William E. Witinok, Jr., owner/ Civil Solutions, LLC, applicant, request for a 1 lot subdivision on property on Newell Hill Road, APN 127-016-0001, in a RAR (Rural Agricultural Residential) Zone.

Time: 7:28 pm

Seated: Hoffman, Hogan, Francis, Swanson and Dearborn

Mr. James Luczak, P.E. Civil Solutions, LLC, 1150 Gottier Road, Tolland, CT was present to represent the application. Mr. Luczak stated they are looking for a one lot subdivision approval. The parcel has existed as is since the 80's and it is 13+ acres. After talking with staff, research was done and the original parcel was 25 acres in 1942 and parcels along the front have been cut off. Mr. Luczak stated they have received approval from North Central District Health Department, a Soil Scientist was on the site and no wetlands were reported and meets all zoning requirements. He reviewed the Town Engineer comments and can meet those as conditions of approval.

Chairman Hoffman confirmed the remaining existing 13 acres will remain as one lot with a single family dwelling. Ms. Houlihan explained the lot was created without the proper approvals and approval of this application will make the lot legal. Commissioner Hogan asked about the 1.2 acre difference from the GIS mapping and the survey. Mr. Luczak explained when it was actually surveyed the difference was brought to their attention.

Mr. Luczak read Dana Steele's email comments received on August 4 and August 9, 2022. He stated the driveway will be 16' wide which allows two-way traffic and will provide some type of vehicle turnaround near the house and provide a paved driveway apron. Alternate Dearborn requested the Soil Scientist letter dated August 8, 2022 be adhered to the mylar, revise the general notes to address the actual parcel and add more grading to the entrance area from the street.

No one from the public commented on the application. Ms. Houlihan stated there is a requested waiver of the open space that needs to be voted on and reviewed the possible conditions of approval.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S202202 – William E. Witinok, Jr., owner/ Civil Solutions, LLC, applicant, request for a 1 lot subdivision on property on Newell Hill Road, APN 127-016-0001, in a RAR (Rural Agricultural Residential) Zone.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO GRANT WAIVER OF SUBDIVISION REGULATION SECTION 4.18 OPEN SPACE FOR S202202 – William E. Witinok, Jr., owner/ Civil Solutions, LLC, applicant, request for a 1 lot subdivision on property on Newell Hill Road, APN 127-016-0001, in a RAR (Rural Agricultural Residential) Zone.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS FOR S202202 – William E. Witinok, Jr., owner/ Civil Solutions, LLC, applicant, request for a 1 lot subdivision on property on Newell Hill Road, APN 127-016-0001, in a RAR (Rural Agricultural Residential) Zone.

CONDITIONS OF APPROVAL:

1. Shall comply with the Town Engineer's comments dated August 4, 2022 and August 9, 2022;
 2. Shall comply with the Town Planner's comments dated August 10, 2022;
 3. Decision does not include approval of the detached garage shown on the proposed plan. Accessory structure requires a Special Permit pursuant to Section 3.1.3 of the Ellington Zoning Regulations;
 4. The letter from Joseph Theroux, Certified Soil Scientist, dated August 8, 2022, shall be superimposed on the mylar prior to recording;
 5. Notes on page 3 of 3 shall be updated to reflect the proposed application.
3. Z202211 - Ellington Planning & Zoning Commission, Text Amendment for Section 7.16 of the Ellington Zoning Regulations to Extend Moratorium for Cannabis Production and Dispensary Facilities (Licensed Medical and Adult-Use) through April 30, 2023.

Time: 7:43 pm

Seated: Hoffman, Hogan, Francis, Swanson and Dearborn

Ms. Houlihan stated the notice requirements have been met, they received no apparent conflict comments from Capitol Region Council of Governments (CRCOG). She noted the request is to extend the moratorium to April 30, 2023 to allow more time for the commission to discuss what regulations they would prefer.

Mr. Ronald Stomberg, 145 Jobs Hill Road, was present not only as a citizen of the town, but also as an elected official. He feels the allowance of selling cannabis would have a negative impact on the town. He believes the sales of the product could become an issue within the town. In response to Chairman Hoffman, Selectman Stomberg felt a cultivation facility could be considered under the strictest of conditions.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202211 - Ellington Planning & Zoning Commission, Text Amendment for Section 7.16 of the Ellington Zoning Regulations to Extend Moratorium for Cannabis Production and Dispensary Facilities (Licensed Medical and Adult-Use) through April 30, 2023.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z202211 - Ellington Planning & Zoning Commission, Text Amendment for Section 7.16 of the Ellington Zoning Regulations to Extend Moratorium for Cannabis Production and Dispensary Facilities (Licensed Medical and Adult-Use) through April 30, 2023. **EFFECTIVE DATE: AUGUST 30, 2022.**

4. Z202212 - Ellington Planning & Zoning Commission, Text Amendment For Section 6.3.7.B of The Ellington Zoning Regulations To Extend Moratorium For Detached Electronic Fuel Price Signs Through February 28, 2023.

Time: 7:49 pm

Seated: Hoffman, Hogan, Francis, Swanson and Dearborn

Ms. Houlihan stated this application is to extend the existing moratorium on the detached fuel price signs regulations through February 28, 2023 to allow more time for the commission to review and discuss this section of the regulations.

No one from the public spoke regarding the application.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202212 - Ellington Planning & Zoning Commission, Text Amendment for Section 6.3.7.B of the Ellington Zoning Regulations to Extend Moratorium for Detached Electronic Fuel Price Signs through February 28, 2023.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE Z202212 - Ellington Planning & Zoning Commission, Text Amendment for Section 6.3.7.B of the Ellington Zoning Regulations to Extend Moratorium for Detached Electronic Fuel Price Signs through February 28, 2023. **EFFECTIVE DATE: AUGUST 30, 2022**

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Z202210 – KUP Enterprises, owner/applicant, request for Site Plan Modification to construct a 60'x45' storage building at 74 West Road, APN 028-002-0000, in a C (Commercial) Zone.

Mr. Corey Kupferschmid, 42 Ellsworth Lane, Ellington, CT was present to represent the application. Mr. Kupferschmid said they would like to erect a prefabricated 60'X45' storage building on the site. They are trying to clean up the property and remove a couple of trailers in the back off site. This will be a dry storage building.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z202210 – KUP Enterprises, owner/applicant, request for Site Plan Modification to construct a 60'x45' storage building at 74 West Road, APN 028-002-0000, in a C (Commercial) Zone.

2. Z202213 - Town of Ellington, owner/Department of Public Works, application, request for Site Plan Modification to construct a 60'x120' dek hockey rink and associated site improvements at 45 Sadds Mill Road (Robert Tedford Memorial Park), APN 079-004-0000, in a RAR (Rural Agricultural Residential) Zone.

The Commission contemplated holding a public hearing and reviewed the location for the proposed dek hockey rink. Given the rink's proximity to abutting properties, the commission felt a public hearing was required.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED A PUBLIC HEARING FOR SEPTEMBER 26, 2022, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, AND ZOOM VIDEO CONFERENCING FOR Z202213 - Town of Ellington, owner/Department of Public Works, application, request for Site Plan Modification to construct a 60'x120' dek hockey rink and associated site improvements at 45 Sadds Mill Road (Robert Tedford Memorial Park), APN 079-004-0000, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, ADD NEW BUSINESS ITEMS 3 AND 4 TO THE AGENDA.

3. Letter to Ellington Planning & Zoning Commission, dated August 16, 2022, Request for extension of approval for S200801 – Four (4) lot subdivision, 124-130 (formerly 120) Stafford Road, Ellington, CT, in a RAR (Rural Agricultural Residential) Zone.

Ms. Houlihan said a request to extend a four lot subdivision was received for 124-130 (formerly 120) Stafford Road, formally owned by the old Buddhist Association. They are eligible for an additional five years, total of nineteen years, which would extend to September 22, 2027.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED (DEARBORN ABSTAINED) TO GRANT 5 YEAR EXTENSION FOR S200801 - Letter to Ellington Planning & Zoning Commission, dated August 16, 2022, Request for extension of approval for S200801 – Four (4) lot subdivision, 124-130 (formerly 120) Stafford Road, Ellington, CT, in a RAR (Rural Agricultural Residential) Zone. **EXTENSION EXPIRATION DATE: SEPTEMBER 22, 2027.**

4. Z202214 – Antonio Sabatini and Anna Benacquista Trust, owner/ Camillo Derubertis, applicant, request for Special Permit for retail at (#188) 192 Windsorville Road, APN 009-066-0000, in a C (Commercial) Zone.

BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED A PUBLIC HEARING FOR SEPTEMBER 26, 2022, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, AND ZOOM VIDEO CONFERENCING FOR Z202214 – Antonio Sabatini and Anna Benacquista Trust, owner/ Camillo Derubertis, applicant, request for Special Permit for retail use at (#188) 192 Windsorville Road, APN 009-066-0000, in a C (Commercial) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of Planning and Zoning Commission July 25, 2022 Regular Meeting Minutes.

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED (HOGAN AND DEARBORN ABSTAINED) TO APPROVE THE JULY 25, 2022 REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Memo (August 9, 2022) from Lori Spielman, First Selectman, concerning the Community United Methodist Church parking lot, 280 Sandy Beach Road, APN 128-019-0000.

Ken Radziwon, Director of Public Works, was present and informed the Commission he met with Ricci Hirth, Hirth Construction, on site and discussed how to address the restoration of the Community United Methodist Church parking lot. He explained they will be cutting the slope back for sight line issues, removing a couple of trees and doing some access management, such as decreasing the width of the exist access on Route 140. The Town will be responsible for reclaiming and repaving.

Chairman Hoffman gave a few examples of the relationships between churches and schools in town sharing parking or building access. For school events the parents may park at the church or in the event of a possible school evacuation, the students and faculty may use the church. He likes hearing they will maintain the relationships within the community.

- b. Letter (August 17, 2022) for Allyn Tool, 162 Maple Street, proposed landscaping.

Ms. Houlihan discussed a proposed landscaping plan provided by the applicant for the self-storage facility recently approved by the Commission. As a condition of approval, the Commission requested them to address the lack of landscaping around the main building. After roundtable discussion and review of the proposed sketch, the Commission requested the applicant add a landscaped island to the site at the corner of Maple Street and Tomoka Avenue, in addition to the proposed additional landscaping.

- c. Letter (August 18, 2022) from the Connecticut Department of Public Health for Highfield Estates Phase IV, Well Permit Exception.

Ms. Houlihan received a letter dated August 18, 2022 from the State of Connecticut, Department of Public Health responding to the developer asking to allow wells rather than extending to public water. The Commission previously waived the requirement of public hook up and have individual wells like the other phases of the subdivision. She noted the master plan, development delayed because of violations with the Army Corp of Engineers, zoning regulations changed since the start of the subdivision, and land to the west developed.

Commissioner Hogan did a little research and provided the Commission with potential amendments to the lighting and sign sections of the regulations. He briefly discussed possible changes the Commission may want to add, change or remove from the current regulations. They agreed to review and further discuss at their next meeting to be held on September 26, 2022.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:25 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk