



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](http://www.ellington-ct.gov)

TEL. (860) 870-3120

**TOWN PLANNER'S OFFICE**

FAX (860) 870-3122

### **PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA MONDAY, MARCH 27, 2023, 7:00 PM**

**IN-PERSON ATTENDANCE: SENIOR CENTER GREAT ROOM, 40 MAPLE 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. S202301 – Dennis Clavet owner/applicant, request for a 2 lot subdivision (1 existing) at 241 Windsorville Road, APN 015-005-0000, in a RAR (Rural Agricultural Residential) Zone. (*Notice requirements met, hearing may commence.*)
2. Z202301 – Town of Ellington, owner/ Recreation Department, applicant, request to create an 18 hole disc golf course and associated improvements at Stein Road, APN 037-005-0082 in a Residential (R) zone. (*The opening of the hearing for this item is postponed to April 24, 2023.*)
3. Z202302 – Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendments to Section 4.1 Permitted & Special Permit Uses and Section 10.2 Definitions to prohibit licensed medical marijuana and adult-use cannabis production and dispensary facilities pursuant to Public Act 21-1. (*Notice requirements met, hearing may commence.*)

#### **IV. OLD BUSINESS:** None

#### **V. NEW BUSINESS:**

#### **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the February 27, 2023, Regular Meeting Minutes.
2. Election of Officers.
3. Correspondence/Discussion:
  - a. Request to discuss the establishment of mixed-use regulations for a potential development at 105 West Road, APN 028-013-0000, in a Planned Commercial (PC) Zone.
  - b. Memo from the CT Siting Council (March 16, 2023) granting request for public hearing for declaratory ruling for a proposed 4.0MW solar facility for 28+/- acres, 24 Middle Road, APN 053-047-0000, in a RAR (Rural Agricultural Residential) Zone.
  - c. Letter from First Selectman Spielman to the CT Siting Council requesting a public hearing in Ellington for the declaratory ruling for a proposed 4.0MW solar facility for 28+/- acres, 24 Middle Road, APN 053-047-0000, in a RAR (Rural Agricultural Residential) Zone.

#### **VII. ADJOURNMENT:**

Next Regular Meeting is scheduled for April 24, 2023.

Instructions to attend remotely via Zoom Meeting listed below. The agenda is posted on the Town of Ellington webpage ([www.ellington-ct.gov](http://www.ellington-ct.gov)) under Agenda & Minutes, Planning & Zoning Commission.

#### **Join Zoom Meeting via link:**

**Link:** <https://us06web.zoom.us/j/87662430104>

Meeting ID: 876 6243 0104

Passcode: 668307

#### **Join Zoom Meeting by phone:**

1-646-558-8656 US (New York)

Meeting ID: 876 6243 0104

Passcode: 668307

# Town of Ellington

## Planning Department

57Main ST., PO Box 187, Ellington, CT, 06029/Phone: 860-870-3120/Email: [planner@ellington-ct.gov](mailto:planner@ellington-ct.gov)



## MEMORANDUM

**DATE:** March 22, 2023

**TO:** Planning & Zoning Commission

**FROM:** Lisa M. Houlihan, AICP, Town Planner

**SUBJECT:** Plan Review Comments for Public Hearing Agenda Items for March 27, 2023

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1. **S202301 – Dennis Clavet owner/applicant, request for a 2-lot subdivision (1 existing) at 241 Windsorville Road, APN 015-005-0000, in a RAR (Rural Agricultural Residential) Zone.**

Notice requirements met, the hearing may commence.

The approval from North Central District Health Department (NCDHD) cites a plan date of November 1, 2022, however the proposed plan date is October 26, 2022. NCDHD has been asked to clarify the plan date discrepancy for discussion at the March hearing.

At the time of drafting this report comments are not present from the Town Engineer. I've followed-up with consultant staff and anticipate circulating comments, if any, at the onset of the March hearing.

The applicant seeks waiver of Subdivision Regulations Section 4.18 – Open Space and 4.12.4 for the 75' foot non-contamination well radius. Waiver of subdivision regulations is permissible by three-quarters vote of the regular membership if the Section 1.12 is met.

Lot dimensional requirements comply with regulations. If waivers are granted and the commission approves the application, please include the following conditions of approval:

- a. Pursuant to Subdivision Regulation 4.19.B Street Trees, 1 tree for every 50' lineal feet of frontage or fraction thereof shall be provided prior to final certificate of zoning compliance.
- b. The existing garage for APN 015-005-0000, shown on the plans to be relocated, shall be relocated prior to the filing of the subdivision mylars on the Ellington Land Records.

2. **Z202301 – Town of Ellington, owner/ Recreation Department, applicant, request for an 18-hole disc golf course and related improvements at Stein Road, APN 037-005-0082 in a Residential (R) zone.**

The concurrent wetland application remains pending, preventing action on the pending PZC application. The applicant has granted an extension and requests the opening of the hearing be tabled until the April meeting (April 24, 2022).

3. **Z202302 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendments to Section 4.1 Permitted & Special Permit Uses and Section 10.2 Definitions to prohibit licensed medical marijuana and adult-use cannabis production and dispensary facilities pursuant to Public Act 21-1.**

Notice requirements met, the hearing may commence.

The Ellington Zoning Regulations include a moratorium for adult-use cannabis and licensed medical marijuana facilities set to expire April 30, 2023. This proposal removes the path to approval for licensed medical marijuana production and dispensary facilities and prohibits adult-use cannabis cultivation and dispensaries.

The proposed text amendment was circulated to internal departments. The Fire Marshal supports the prohibition, and a copy of his comments enclosed. No other staff comments are present.



**Town of Ellington  
Planning & Zoning Commission  
Subdivision Application**

**SUBDIVISION NAME:** EXISTING CONDITION - BOUNDARY SURVEY LOT RECONFIGURATION PLAN FOR DENNIS CLAVET & DAVID CLAVET

**LOCATION:** 241 Windsorville Road

**ASSESSOR'S PARCEL NUMBER (APN):** 015-005-0000 (If unaware of APN, ask staff for assistance)

Application #

S202301

Date Received

2/16/2023

**Application:** ☒ Subdivision ☐ Re-subdivision ☐ Modification **Approval Requested:** ☒ Final ☐ Conditional

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

**Owner's Information**

**Name:** DENNIS CLAVET

**Mailing Address:** 189 MOUNTAIN ROAD  
ELLINGTON, CT 06029

**Email:** dennisc@comcast.net

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

**Primary Contact Phone #:** 860-778-6160

**Secondary Contact Phone #:** 860-930-2049

**Signature:** [Signature] **AGCT** **Date:** 2-15-23

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've expressly provided 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:** SAME

**Mailing Address:**

**Email:** DavidClavet7@gmail.com Dennis@Jackieshines.com

**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:** [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.

**Total Acreage of Property:** 2.005 **Zone of Property:** RAR **Required Density Factor (RAR = 0 RAR = 5):** n/a

**Open Space Proposal (check one):** 10% Land Set-Aside ☐ Fee in Lieu of Land ☐ Combination ☐ OTHER ☒

**Amount (square feet & acres):** >25% Slopes: 0 Wetlands & Watercourses: 0 100-Year Floodplain: 0

**Developable Land:** 2.005 **Lot Yield:** n/a **Remaining Land:** n/a **Area to be subdivided:** 2.005

**# of Proposed Development Lots:** 1

**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 (Health Officer). If within a public sewer area, application for sewer must include approval from the Ellington Water Pollution Control Authority.*

**Is parcel located 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 Island Wetlands Agency prior to or simultaneously with application to the Planning and Zoning Commission.*

**Are there any wetlands/watercourses on the property proposed for development but not within 100' of construction activity or 250' of construction activity when located in the Shenipsit Lake Drainage Basin?** ☐ Yes ☒ No *If yes, pursuant to state law application must be made to the Island 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 Groton/Water Company and Commissioner of Public Health about the proposed project by certified mail return receipt within 7 days of application (S8-51b). Copy of application, plans and support documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.*



***RUSSELL H. Heintz L.S.***

*Surveying – Consulting – Land Planning*

*860-798-6160 Email: [mtahe1@aol.com](mailto:mtahe1@aol.com), [rmannn@gmail.com](mailto:rmannn@gmail.com)*

*50 Spak Road*

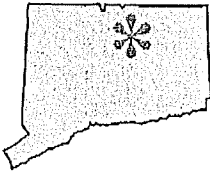
*Willington, CT 06279*

February 21, 2023

***Re: Waiver Requests  
Lot Split  
241 Windsorville Road  
Ellington, CT 06029***

Section 4.18 – Open Space

Section 4.12(4) - Private Wells



# North Central District Health Department

- ☐ Enfield - 31 North Main Street - Enfield, CT 06082 - (860) 745-0383 Fax 745-3188  
☐ Vernon - 375 Hatford Turnpike, Room 120 - Vernon-Rockville, CT 06066 - (860) 872-1501 Fax 872-1531  
☐ Windham - Town Hall - 979 Main Street - Willimantic, CT 06226 - (860) 465-3033 Fax 465-3032  
☐ Stafford - Town Hall, 1 Main Street - Stafford Springs, CT 06076 - (860) 684-5609 Fax 684-1768

## Plan Approval For Subsurface Sewage Disposal System

RECEIVED  
FEB 16 2023

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

241	Windsorville Road	Ellington		
Lot #	Street #	Street Name	Town	Subdivision
Jackies Homes	241 Windsorville Road	Ellington	Ct	06029
Owner	Owner Address	Town	State	Zip
Builder	Builder Address			
	1227 Burnside Avenue, Suite 31	East Hartford	CT	06108
Engineer	Engineer Address	Town	State	Zip

This Approval Indicates That The Proposal Has Been Reviewed By The Health Department And Is In Compliance With Applicable Regulations As Contained In The Public Health Code For This Project.

Plan Date: **November 1, 2022** Approval Date: **December 2, 2022** Last Revision Date:  
 Bedrooms or GPD: **3** Distribution: **Level** Water Supply: **Well**

1.1 to 10 Min./In.	51'	1250	Mantis DW 58	638	55'	6"	No
Design Rate	MLSS Tank Size		Field Type	Sq Ft.	Leaching	SS Bottom	Pump
				Septic System	system Length		

This is **NOT** A PERMIT TO CONSTRUCT a Subsurface Sewage Disposal System. The permit to construct will be issued to the licensed septic system installer prior to actual construction. This plan approval is subject to specific and general conditions as shown below. Please read them carefully.

### Specific Conditions:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Engineer Design              | <input type="checkbox"/> Field Staking By Installer (Repair Only)         | <input checked="" type="checkbox"/> Installer Must Schedule Inspection |
| <input checked="" type="checkbox"/> Percolation Test in Fill     | <input type="checkbox"/> Field Staking of Well by Well Driller            | <input checked="" type="checkbox"/> Final Inspection Required          |
| <input type="checkbox"/> Engineer As Built Required              | <input checked="" type="checkbox"/> Select Fill Required                  | <input checked="" type="checkbox"/> Well Permit Required               |
| <input checked="" type="checkbox"/> Foundation As Built Required | <input type="checkbox"/> Curtain Drain                                    | <input checked="" type="checkbox"/> As Below                           |
| <input checked="" type="checkbox"/> As Built Installer           | <input type="checkbox"/> Engineer Supervision                             |  |
| <input type="checkbox"/> Field Staking by Engineer               | <input checked="" type="checkbox"/> Licensed Installer Must Obtain Permit |  |

Perc Tests in Fill by Engineer: ☐ Required ☐ Not Required Variances Granted: ☐ Yes ☒ No **If Yes, see notes!**

**This Plan Review Is For A New Proposed Three Bedroom Dwelling To Be Serviced By A Septic System And A Private Water Supply Well Location. Note This Parcel As Proposed Would Be A New Lot Cut Out From The Existing Property Known As 241 Windsorville Road, Whereas The Existing Home (241) Would Be Renumbered.**

**The Subsurface System As Proposed Consists Of A 1250 Gallon Septic Tank And Leaching Field Comprised Of 1 Row, 55' Feet In Length Of Eljen Mantis Dw 58 To Be Installed For An Effective Leaching Area = 638 Square Feet.**

Conditions: 1) Note, The septic tank outlet invert height must be kept at or above the top of the leaching system. The leaching system maximum depth into original grade = 6" 2) Construction In The Septic Area Cannot Take Place If The

Approved by: \_\_\_\_\_

Director of Health

Sanitarian



# Plan Approval For Subsurface Sewage Disposal System

241	Windsorville Road	Ellington	
Lot #	Street #	Street Name	Subdivision

*Subsoil Is Wet - Consult With The Design Engineer And The Health District. 3.) Care Must Be Taken During The Construction Of This Septic System Not To Compact The Subsoil. The Area Of The Leaching System Is To Be Protected From Any Activity That May Result In Sedimentation Or Compaction Of The Soils.*

*Construction Requirements: 1) A Ct. Licensed / Surveyor Or The Design Engineer Shall Stake The Location Of The Building, Well, Septic Tank And Leach Field With Elevations And Set A Stable Benchmark. After Staking Call For A Stake Inspection. 2) A Licensed Septic Contractor Must Apply For A Permit. Call For A Construction Consultation And Staking Inspection. The System Cannot Be Installed If The Subsoil Is Wet. Call For An Inspection Of The Bottom Of Excavation, (if Required) Placement Of The Select Fill (if Required) And An Inspection Of The Septic Tank And Leach Field Installation. The Installer Shall Schedule And Must Be Present With A Level Set Up For The Final Inspection, Or An Engineer's As-built Of The System Will Be Required. Call For All Inspections At Least 24 Hours In Advance. Note The Septic Tank Outlet Flow Line Must Be At Or Above The Top Of The Leaching Trench. 3) If The Top Of The Septic Tank Is Over 1' Below The Final Grade Then Risers Are Required On All Access Ports To Within Less Than 12" From The Surface. 4) Protect The Septic Area During Other Site Construction. Keep Vehicles Off The Septic Area. 5) The Septic Tank Must Meet The Current Design Specifications Set By The Technical Standards Pursuant To The Ct. Public Health Code, Including The Outlet Filter. 6.) Select Fill, If Required, Shall Meet The Criteria Shown In The Public Health Code Technical Standards Revised 1/1/18, A Sieve Analysis Must Be Provided. 7.) Note: The Backwash From Water Treatment Systems Cannot Discharge Into The Septic System.*

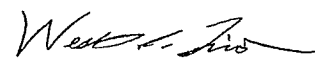
*This Site Plan Is Approved With A Water Supply Well Location. The Following Requirements Apply: 1) A Well Permit Must Be Submitted By A Licensed Well Driller For A Site Review And Approval. The Well Location Must Be Field Staked. After The Well Is Drilled A Completion Report Must Be Submitted By The Driller. 2) Do Not Drain Surface Water Towards The Well. No Surface Drainage, Surface Water Or Drainage Pipes May Be Located Or Discharged Within 25' Of The Well. The Well May Be No Closer Than 25' From The Foundation Drain. 3) No Source Of Pollution May Be Within 75' Of The Well; Including The Storage Of Animals Waste, Discharge Of Water Treatment Systems, Pool Filter Discharges Or Buried Fuel Tanks. 4) The Well Water Must Be Tested In Accordance With The Ct Public Health Code Requirements For Standard Potability. **The director of health requires that the water also be tested for organic compounds ( VOC'S) and EDB ethylene dibromide. The Testing Laboratory Personnel Must Collect The Water Samples.** Where Nitrates Are Present Equal To Or Above 10 Mg/l; The Following Minimum Tests Are Required: Alachlor, Atrazine, Dicamba, Ethylene Dibromide (edb), Metolachlor, Simazine And 2, 4-d. When Nitrates Are Elevated The State Dept. Of Environmental Protection Recommends That The Water Be Tested For Organochlorine Pesticides ( Epa Test Method 505) And For Chlorinated Herbicides ( Epa Test Method 555). **As Of October 1, 2022 Section 60 Of Public Act 22-58 Requires That Private Well Owners In Connecticut Test Their Wells For Lead, Arsenic And Uranium As Part Of Standard Profile Testing For Potability.***

*If This Approved Plan Cannot Be Implemented In Any Way Or If Changes At The Site Or Anything Prevents The Approved Septic System And Or Water Supply Well From Being Installed As Designed Then The Design Engineer And The Health District Must Be Contacted Immediately. Final Building Approval Shall Come From The Appropriate Agencies, Departments Or Commissions Within The Town Of Ellington.*

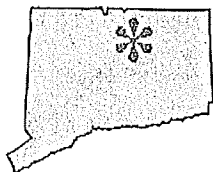
Page 2 Of 2

Approved by: \_\_\_\_\_

Director of Health



Sanitarian



## North Central District Health Department

- ☐ Enfield - 31 North Main Street - Enfield, CT 06082 - (860) 745-0383 Fax 745-3188
- ☐ Vernon - 375 Hatford Turnpike, Room 120 - Vernon-Rockville, CT 06066 - (860) 872-1501 Fax 872-1531
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- ☐ Stafford - Town Hall, 1 Main Street - Stafford Springs, CT 06076 - (860) 684-5609 Fax 684-1768

RECEIVED

FEB 16 2023

# Plan Approval

For

Building Additions, Conversions, Changes of Use, or Accessory Structures

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

241	Windsorville Road	Ellington		
Street #	Street Name	Town		
Jackies Homes	189 Mountain Rd	Ellington	CT	
Owner Name	Owner Address	Town	ST	Zip

This approval indicates that the proposal has been reviewed by the Health Department and is in compliance with applicable regulations as contained in the Public Health Code for this project. **Permission is hereby granted on 11/21/2022, to construct a Lot Reconfiguration Plan as shown on plan received.**

This property is serviced by an existing septic system and water supply well. According to the plan submitted after the lot line revision the existing property shall contain a code compliant septic repair area in order to replace the septic system for up to a four bedroom home. The plan was prepared by Russel Heintz L.S, dated 10-26-2022, prepared for Dennis Clavet & David Clavet #239 & 241 Windsorville Road Ellington Ct. Map ID 015-005-0000 & 0001.

This approval is not an endorsement of the existing septic system size or operational nature. Any changes to this plan would require reauthorization by this department.

This approval does not imply other Town Department or Agency approvals that may be required. This Department recommends the regular inspection and pumping of your septic tank and periodic water quality testing of your water supply well.

Please Note that the above approval indicates compliance with Connecticut Public Health Requirements. Any other permits required from Zoning, Inland Wetlands or Building Officials are not ensured by this approval.

Approved by

Westford Lirot, R.S.

Sanitarian



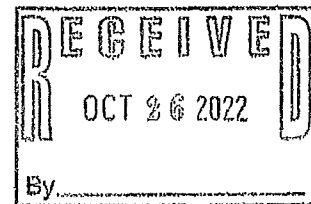
RECEIVED

FEB 16 2023

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

Owner/ Applicant:

DENNIS & DAVID CLAVET  
189 MOUNTAIN ROAD  
ELLINGTON, CT 06029



MAP ID # 015-005-0000 & 0001  
EXISTING CONDITION - BOUNDARY SURVEY  
FEE CUT - LOT RECONFIGURATION PLAN

PREPARED FOR

DENNIS CLAVET & DAVID CLAVET

# 239 & 241 WINDSORVILLE ROAD  
ELLINGTON, CONNECTICUT

RUSSELL HEINTZ L.S.

LAND SURVEYING - PLANNING - CONSULTING

50 SPAK ROAD, WILLINGTON, CT (860) 798-6160

JOB NO.

1924

DATE:

10-26-22

SCALE:

AS SHOWN

DRAWN BY

R.H.H.

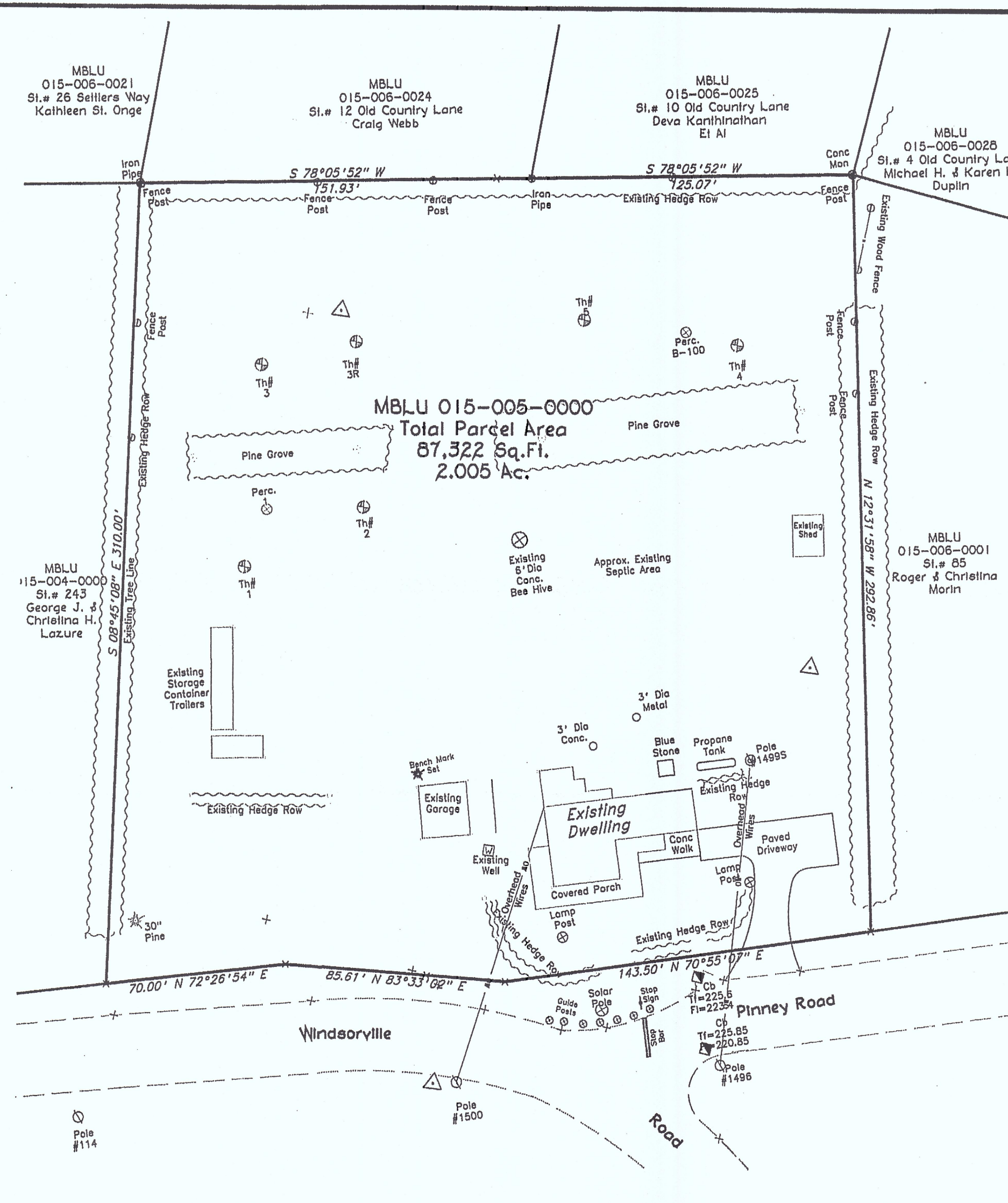
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1 OF 2

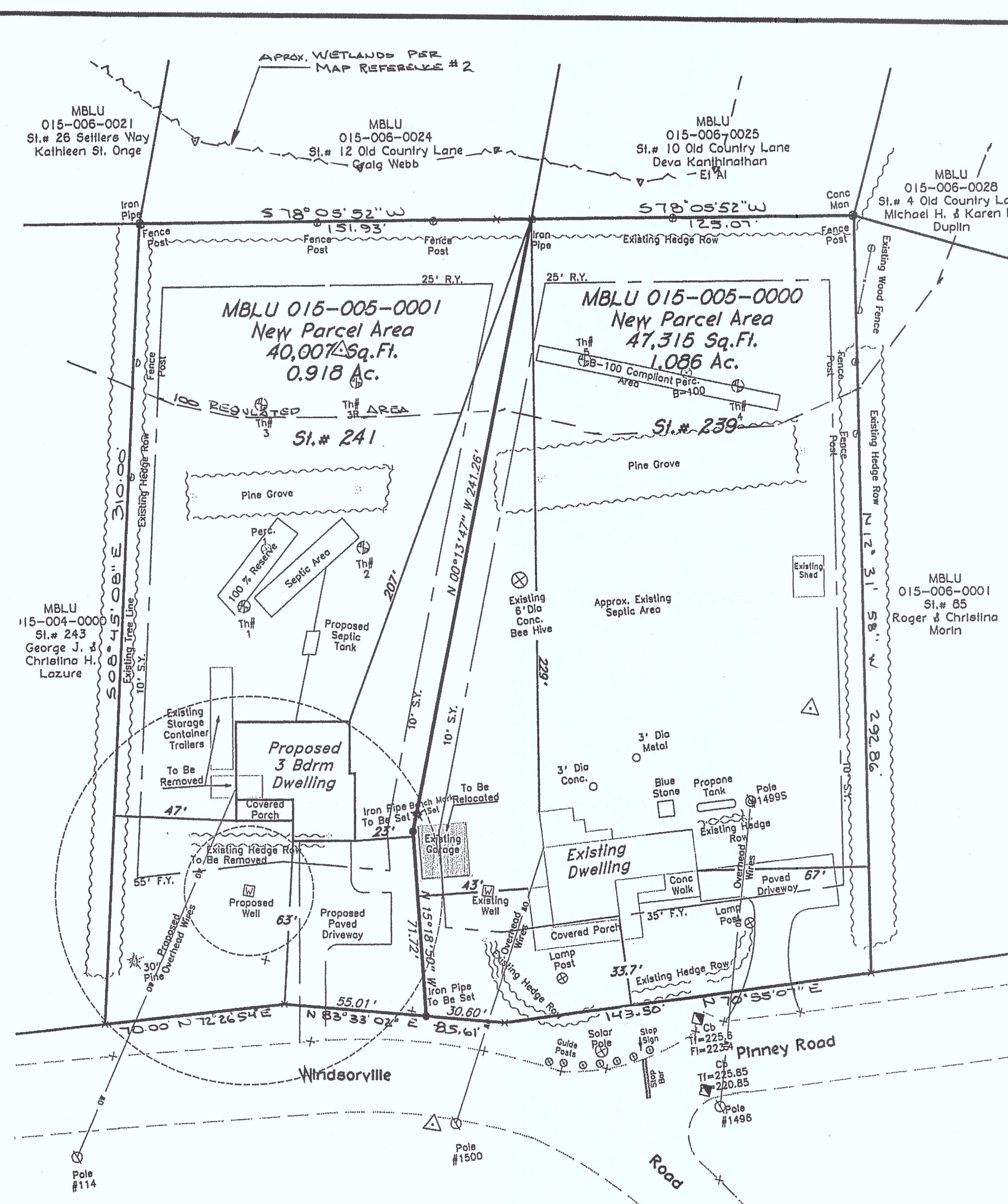
REVISION



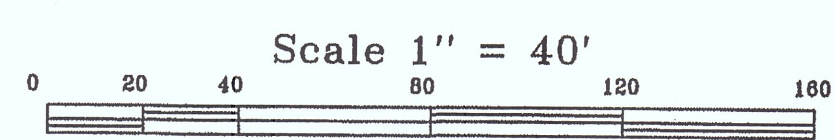




BOUNDARY PLAN



LOT RECONFIGURATION PLAN



3-Bedroom House - # 241  
Leaching area required = 495 S.F.  
Leaching area provided = 632.5 S.F.  
+ 100% reserve  
Use 1 Row = 55' long MANTIS DW 58  
(5' 1" x 5' 8" x 12' 6") 11.8 Sq.Ft. E.L.A.  
Use a minimum 1000 gallon septic tank  
Slope = 4:1 - 6.0 (H)  
Bedroom Design = 1.5 (H)  
Peric rate = 1-10 Min/in (PF) 1.0  
MLSS = 10" x 10" x 10" = 1000 S.F. 1.0  
System 0" into Existing Grade  
Peric Rate = 6 Min/inch

B-100 Code Compliant - # 239  
4-Bedroom House  
Leaching area required = 787.5 S.F.  
Leaching area provided = 1102 S.F.  
Use 1 Row = 55' long MANTIS DW 58  
(5' 1" x 5' 8" x 12' 6") 11.8 Sq.Ft. E.L.A.  
Use a minimum 1200 gallon septic tank  
Slope = 4:1 - 6.0 (H)  
Bedroom Design = 1.75 (H)  
Peric rate = 10-20 Min/in (PF) 1.25  
MLSS = 10" x 10" x 10" = 1000 S.F. 1.25  
System 0" into Existing Grade  
Peric Rate = 15-25 Min/inch

HYDRAULIC FACTOR (HF)									
HYDRAULIC GRADIENT (% OF SLOPE)									
<1	1-1	2-1	3-1	4-1	5-1	6-1	7-1	8-1	9-1
18-22	72	62	54	48	42	34	30	28	26
23-27	66	56	48	42	34	30	28	24	24
28-32	56	48	42	34	30	28	24	20	18
33-37	48	42	34	30	28	24	20	18	16
38-42	42	36	30	28	24	20	18	16	14
43-47	36	32	28	24	20	18	16	14	12
48-52	30	28	24	20	18	16	14	12	10
53-57	24	22	20	18	16	14	12	10	8
58-62	18	16	14	12	10	8	6	4	2
63-67	12	10	8	6	4	2	1	0	0
68-72	6	4	2	1	0	0	0	0	0
73-77	0	0	0	0	0	0	0	0	0
78-82	0	0	0	0	0	0	0	0	0
83-87	0	0	0	0	0	0	0	0	0
88-92	0	0	0	0	0	0	0	0	0
93-97	0	0	0	0	0	0	0	0	0
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208-212	0	0	0	0	0	0	0	0	0
213-217	0	0	0	0	0	0	0	0	0
218-222	0	0	0	0	0	0	0	0	0
223-227	0	0	0	0	0	0	0	0	0
228-232	0	0	0	0	0	0	0	0	0
233-237	0	0	0	0	0	0	0	0	0
238-242	0	0	0	0	0	0	0	0	0
243-247	0	0	0	0	0	0	0	0	0
248-252	0	0	0	0	0	0	0	0	0
253-257	0	0	0	0	0	0	0	0	0
258-262	0	0	0	0	0	0	0	0	0
263-267	0	0	0	0	0	0	0	0	0
268-272	0	0	0	0	0	0	0	0	0
273-277	0	0	0	0	0	0	0	0	0
278-282	0	0	0	0	0	0	0	0	0
283-287	0	0	0	0	0	0	0	0	0
288-292	0	0	0	0	0	0	0	0	0
293-297	0	0	0	0	0	0	0	0	0
298-302	0	0	0	0	0	0	0	0	0
303-307	0	0	0	0	0	0	0	0	0
308-312	0	0	0	0	0	0	0	0	0
313-317	0	0	0	0	0	0	0	0	0
318-322	0	0	0	0	0	0	0	0	0
323-327	0	0	0	0	0	0	0	0	0
328-332	0	0	0	0	0	0	0	0	0
333-337	0	0	0	0	0	0	0	0	0
338-342	0	0	0	0	0	0	0	0	0
343-347	0	0	0	0	0	0	0	0	0
348-352	0	0	0	0	0	0	0	0	0
353-357	0	0	0	0	0	0	0	0	0
358-362	0	0	0	0	0	0	0	0	0
363-367	0	0	0	0	0	0	0	0	0
368-372	0	0	0	0	0	0	0	0	0
373-377	0	0	0	0	0	0	0	0	0
378-382	0	0	0	0	0	0	0	0	0
383-387	0	0	0	0	0	0	0	0	0
388-392	0	0	0	0	0	0	0	0	0
393-397	0	0	0	0	0	0	0	0	0
398-402	0	0	0	0	0	0	0	0	0
403-407	0	0	0	0	0	0	0	0	0
408-412	0	0	0	0	0	0	0	0	0
413-417	0	0	0	0	0	0	0	0	0
418-422	0	0	0	0	0	0	0	0	0
423-427	0	0	0	0	0	0	0	0	0
428-432	0	0	0	0	0	0	0	0	0
433-437	0	0	0	0	0	0	0	0	0
438-442	0	0	0	0	0	0	0	0	0
443-447	0	0	0	0	0	0	0	0	0
448-452	0	0	0	0	0	0	0	0	0
453-457	0	0	0	0	0	0	0	0	0
458-462	0	0	0	0	0	0	0	0	0
463-467	0	0	0	0	0	0	0	0	0
468-472	0	0	0	0	0	0	0	0	0
473-477	0	0	0	0	0	0	0	0	0
478-482	0	0	0	0	0	0	0	0	0
483-487	0	0	0	0	0	0	0	0	0
488-492	0	0	0	0	0	0	0	0	0
493-497	0	0	0	0	0	0	0	0	0
498-502	0	0	0	0	0	0	0	0	0
503-507	0	0	0	0	0	0	0	0	0
508-512	0	0	0	0	0	0	0	0	0
513-517	0	0	0	0	0	0	0	0	0
518-522	0	0	0	0	0	0	0	0	0
523-527	0	0	0	0	0	0	0	0	0
528-532	0	0	0	0	0	0	0	0	0
533-537	0	0	0	0	0	0	0	0	0
538-542	0	0	0	0	0	0	0	0	0
543-547	0	0	0	0	0	0	0	0	0
548-552	0	0	0	0	0	0	0	0	0
553-557	0	0	0	0	0	0	0	0	0
558-562	0	0	0	0	0	0	0	0	0
563-567	0	0	0	0	0	0	0	0	0
568-572	0	0	0	0	0	0	0	0	0
573-577	0	0	0	0	0	0	0	0	0
578-582	0	0	0	0	0	0	0	0	0
583-587	0	0	0	0	0	0	0	0	0
588-592	0	0	0	0	0	0	0	0	0
593-597	0	0	0	0	0	0	0	0	0
598-602	0	0	0	0	0	0	0	0	0
603-607	0	0	0	0	0	0	0	0	0
608-612	0	0	0	0	0	0	0	0	0
613-617	0	0	0	0	0	0	0	0	0
618-622	0	0	0	0	0	0	0	0	0
623-627	0	0	0	0	0	0	0	0	0
628-632	0	0	0	0	0	0	0	0	0
633-637	0	0	0	0	0	0	0	0	0
638-642	0	0	0	0	0	0	0	0	0
643-647	0	0	0	0	0	0	0	0	0
648-652	0	0	0	0	0	0	0	0	0
653-657	0	0	0	0	0	0	0	0	0
658-662	0	0	0	0	0	0	0	0	0
663-667	0	0	0	0	0	0	0	0	0
668-672	0	0	0	0	0	0	0	0	0
673-677	0	0	0	0	0	0	0	0	0
678-682	0	0	0	0	0	0	0	0	0
683-687	0	0	0	0	0	0	0	0	0
688-692	0	0	0	0	0	0	0	0	0
693-697	0	0	0	0	0	0	0	0	0
698-702	0	0	0	0	0	0	0	0	0
703-707	0	0	0	0	0	0	0	0	0
708-712	0	0	0	0	0	0	0	0	0
713-717	0	0	0	0	0	0	0	0	0
718-722	0	0	0	0	0	0	0	0	0
723-727	0	0	0	0	0	0	0	0	0
728-732	0	0	0	0	0	0	0	0	0
733-737	0	0	0	0	0	0	0	0	0
738-742	0	0	0	0	0	0	0	0	0
743-747	0	0	0	0	0	0	0	0	0
748-752	0	0	0	0	0	0	0	0	0
753-757	0	0	0	0	0	0	0	0	0
758-762	0	0	0	0	0	0	0	0	0
763-767	0	0	0	0	0	0	0	0	0
768-772	0	0	0	0	0	0	0	0	0
773-777	0	0	0	0	0	0	0	0	0
778-782	0	0	0	0	0	0	0	0	0
783-787	0	0	0	0	0	0	0	0	0
788-792	0	0	0	0	0	0	0	0	0
793-797	0	0	0	0	0	0	0	0	0
798-802	0	0	0	0	0	0	0	0	0
803-807	0	0	0	0	0	0	0	0	0
808-812	0	0	0	0	0	0	0	0	0



Barbra Galovich

**Z202301**

Stein Rd, APN 037-005-  
0082

**From:** Dustin Huguenin  
**Sent:** Wednesday, March 22, 2023 11:29 AM  
**To:** Barbra Galovich  
**Subject:** Postponement Request (P&Z)

I am hereby requesting to postpone the opening of the public hearing for application #z202301 to April 24.

Please let me know if you have any questions at all.

Thanks!

*Dustin*

Dustin Huguenin

Ellington Recreation Director

31 Arbor Way / Ellington, CT 06029

Phone: 860-870-3118 / Fax: 860-926-0980

Website: <https://parkrec.ellington-ct.gov/>

# Town of Ellington

## Planning & Zoning Commission Application

Type of Application: ☐ Zone Change ☒ Amendment to Regulation

☐ Site Plan Approval ☐ Special Permit ☐ Modification ☐ CGS 8-24

Application #

2202302

Date Received

2/27/2023

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

### Owner's Information

Name: Planning & Zoning Commission

Mailing Address: 57 Main Street

Ellington, CT 06029

Email: \_\_\_\_\_

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

Primary Contact Phone #: 860-870-3120

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. 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: Town of Ellington

Mailing Address: \_\_\_\_\_

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: N/A - Townwide

Assessor's Parcel Number (APN): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Existing Zone: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_  
(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)

Regulation amendments to Section 4.1 Permitted & Special Permit Uses - Commercial & Industrial Zones and Section 10.2 Definitions regarding licensed medical marijuana and adult-use cannabis production and dispensary facilities.



## DRAFT TEXT AMENDMENT FOR DISCUSSION

Proposed **new text is bolded and underlined**, deleted text is stricken through, otherwise text is as currently adopted.

### Section 4.1 Permitted & Special Permit Uses – Commercial & Industrial Zones

Table 4.1 Permitted Uses and Uses Requiring Special Permit				
P = Permitted Use, Site Plan Approval   SP = Special Permit   Blank= Not Permitted				
Uses	C	PC	I	IP
Licensed Medical Marijuana Production Facility (9) <del>(10)</del>			SP	SP
Licensed Medical Marijuana Dispensary (9) <del>(10)</del>	SP	SP		
Retail Business <sup>(8)</sup> (Amended: 22 December 2006) <b><u>(11)</u></b>	SP	SP	SP	SP

(9) A maximum of one (1) licensed medical marijuana production facility and one (1) licensed medical marijuana dispensary is permitted in the Town of Ellington at any one time.

(10) No production facility or dispensary shall be permitted within 500 feet to any public or private school, municipal park or recreational facility, daycare facility or place of worship. No dispensary shall be permitted within 500 feet to another dispensary.

**11. Cannabis establishments are prohibited and shall not be included under or deemed substantially similar to retail business, any use listed in Table 4.1, or pursuant to Section 4.1.1-Approval of Other Uses.**

### Section 10.2 Definitions

**Cannabis Establishment. Means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, or product packager.**

~~Licensed Medical Marijuana Producer— A person or organization that is licensed by the Connecticut Department of Consumer Protection whose purpose is to cultivate marijuana exclusively for medicinal use, including selling, delivering, transporting or distributing medical marijuana, but only to licensed dispensaries under Public Act 12-155 and Sections 21a-408 to 21a-408q of the Connecticut General Statutes.~~

~~Licensed Medical Marijuana Production Facility— A secure, indoor facility where the production of marijuana occurs exclusively for medicinal use and a facility that is operated by a medical marijuana producer licensed by the Connecticut Department of Consumer Protection under Public Act 12-155 and Sections 21a-408 to 21a-408q of the Connecticut General Statutes.~~

~~Licensed Medical Marijuana Dispensary— A place of business where medical marijuana may be dispensed or sold by a pharmacist licensed in Connecticut on a premises to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary license under Public Act 12-155 and Sections 21a-408 to 21a-408q of the Connecticut General Statutes.~~

Retail Business. Premises used for the retail sale of goods for personal or household uses, **excluding cannabis and medical marijuana products**, with storage or processing occupying not more than 50% of the gross floor area, and premises used for personal, business or household services.



March 21, 2023

**TO: ELLINGTON PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2023-34: proposed text amendments to Section 4.1 Permitted & Special Permit Uses – Commercial & Industrial Zones and Section 10.2 Definitions regarding licensed medical marijuana and adult use cannabis production and dispensary facilities.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for 3/27/2023.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Jacob Knowlton.

**DISTRIBUTION:** Planner: Somers, Enfield, East Windsor, South Windsor, Vernon, Tolland, Stafford, Willington

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman  
Regional Planning Commission

William Rice, Vice Chairman  
Regional Planning Commission

Jacob Knowlton  
Community Development Planner

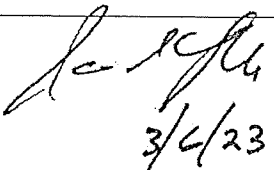
**ELLINGTON PLANNING DEPARTMENT**  
**STAFF REVIEW SHEET**

***PLANNING & ZONING COMMISSION***

**Z202302** – Town of Ellington, owner/applicant, for proposed Zoning Regulation Amendments to Section 4.1 Permitted & Special Permit Uses – Commercial & Industrial Zones and Section 10.2 Definitions regarding licensed medical marijuana and adult-use cannabis production and dispensary facilities, pursuant to Public Act 21-1 - an act concerning responsible and equitable regulation of adult-use cannabis.

PUBLIC HEARING DATE: March 27, 2023

STAFF REVIEW RETURN DATE: March 17, 2023

DEPARTMENT	COMMENTS AND/OR REQUIREMENTS
Town Engineer	<p>The Fire Marshal supports this proposed Amendment. Currently the fire code does not address these facilities. The National Fire Protection Association (NFPA) is in the process of developing a standard on fire protection of cannabis growing and processing facilities. Until this occurs it is appropriate from a fire protection standpoint to support this amendment.</p>
Building Official	
North Central District Health Dept	
Fire Marshal  3/6/23	
Public Works Director/WPCA	
Assessor	
Traffic Authority	





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](http://www.ellington-ct.gov)

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

### PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES MONDAY, FEBRUARY 27, 2023, 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 (ARRIVED AT 7:03 PM), MICHAEL SWANSON, AND ALTERNATES MARY CARDIN AND RACHEL DEARBORN

**MEMBERS ABSENT:** SECRETARY ROBERT SANDBERG, JR. AND REGULAR MEMBERS F. MICHAEL FRANCIS AND JON MOSER

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

**I. CALL TO ORDER:** Vice Chairman Kelly called the meeting to order at 7:00 PM.

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

**III. PUBLIC HEARING(S):**

1. Z202301 – Town of Ellington, owner/ Recreation Department, applicant, request for modification to Site Plan and Special Permit for an 18-hole disc golf course and associated improvements on town-owned property at Stein Road, APN 037-005-0082, in a Residential (R) zone. **(THE HEARING FOR THIS ITEM IS POSTPONED TO MONDAY, MARCH 27, 2023.)**

Vice Chairman Kelly stated the public hearing for this application is postponed to March 27, 2023. Ms. Houlihan noted a concurrent Inland Wetlands Agency (IWA) application commenced on February 13, 2023, and continued to March 13, 2023. When a proposal requires both IWA and PZC review, the PZC cannot act before the IWA and therefore the opening of tonight's hearing will be postponed.

**BY CONSENSUS, THE COMMISSION TABLED THE OPENING OF THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON MARCH 27, 2023, 7PM, ELLINGTON SENIOR CENTER GREAT ROOM, 40 MAPLE STREET, ELLINGTON, CT AND ZOOM VIDEO CONFERENCING FOR Z202301 – Town of Ellington, owner/ Recreation Department, applicant, request for modification to Site Plan and Special Permit for an 18-hole disc golf course and associated improvements on town-owned property at Stein Road, APN 037-005-0082, in a Residential (R) zone.**

**IV. OLD BUSINESS:** None

## V. NEW BUSINESS:

**BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED A PUBLIC HEARING FOR MARCH 27, 2023, 7PM, ELLINGTON SENIOR CENTER GREAT ROOM, 40 MAPLE STREET, ELLINGTON, CT AND ZOOM VIDEO CONFERENCING FOR S202301** – Dennis Clavet owner/applicant, request for a 2-lot subdivision (1 existing) at 241 Windsorville Road, APN 015-005-0000, in a RAR (Rural Agricultural Residential) Zone.

## VI. ADMINISTRATIVE BUSINESS:

**BY CONSENSUS THE COMMISSION WENT OUT OF AGENDA ORDER TO REVIEW ITEMS 3C AND 3D OF CORRESPONDENCE.**

### 3. Correspondence/Discussion:

- c. Letter from the Community Power Group for notice of petition to the Connecticut Siting Council for declaratory ruling for a proposed 4.0MW ground-mounted solar facility for 28+/- acres at 24 Middle Road, APN 053-047-0000, in a RAR (Rural Agricultural Residential) Zone.

Ms. Houlihan stated the Connecticut Siting Council (CSC) has sole jurisdiction for solar facilities 1MW and larger and local land use agencies like PZC & IWA cannot require applicants to obtain local commission approvals. This notice is like the one the PZC processed late 2022 for a proposed solar facility at Ellington Airport. And, after review, a letter was sent to the CSC on behalf of the PZC expressing safety concern for installing solar equipment within the airport's approach zones and for converting limited industrial land for solar. As of today, at 4:30, according to a review of the CSC's Pending Matters online page, a petition for declaratory ruling for a solar facility for Ellington Airport has not been submitted.

The notice from Community Power Group (CPC) is for a 4MW solar facility on over 20 acres located at 24 Middle Road. This is a 68-acre parcel within the RAR zone located south of Middle Road closer to Pinney as opposed to Abbott Road. The abutting land to the south, east, and west, include more than 400 acres of active farmland that has been permanently preserved via a farmland easement in exchange for sale of development rights.

This proposal includes co-uses like a 10,000 sf garden, pollinator plantings, and sheep grazing. The petition material on the CSC's website includes a letter of support from the Department of Agriculture (dated May 18, 2022) (Commissioner Bryan Hurlbut). The letter focuses on whether the proposal will have a material impact on the prime farmland and does not appear to address fragmentation of active farm fields, impacts to farm operations, and increased costs for disconnected farming for local farmers. She noted deadline to submit comments to the CSC is March 1, 2023.

Chairman Hoffman feels it's a poor use of the land. The parcel is active farmland, and it should be preserved. Maybe if there were poor soils on the site, it would be acceptable to install the solar fields. He suggests adopting a policy that the Town of Ellington does not support solar facilities on active farmland. He is not against solar, just not on active farmland, i.e. the cornfields.

Vice Chairman Kelly noted the 2 million bond authorization approved by electors to permanently protect farmland and the amount of farmland preserved in town. He feels the property is a bad location for solar given the extent of farmland immediately surrounding it.

Commissioner Hogan expressed concern for long term impacts for prime agriculture and felt there should be a limit of how many solar farms can apply. He questioned the capacity of existing infrastructure and increased costs to utilities. He asked about having access on Pinney Street rather than on Middle Road. Commissioner Hogan also inquired about the location of the inverter equipment and expressed concern about the neighbors hearing the consistent humming from the inverter component. He suggested they be installed on the southern side of the parcel as far away from the abutters as possible.

Commissioner Swanson stated there are other places solar panels would be ok such as roof tops of structures, but not prime farmland.

Alternate Dearborn agreed with the other commissioners that farmland is not the best spot for solar fields.

Alternate Cardin noted she is an abutting neighbor to this project and is concerned about the noise that is generated for the solar system. She mentioned the proposed garden/planting area on the plans and stated that she called CPC for clarification of what activity would be conducted in that area. She was informed the area is also referred to as a community garden, which could produce more vehicle traffic on Middle Road, which is narrow.

Ms. Houlihan explained the inverters are where the equipment pads are on the plans. She confirmed with CPC the garden area would be only for one farmer at a time.

Cliff Bullock, 123 Middle Road, stated no one is maintaining the existing East Windsor solar fields and the noise and lack of buffering is an issue for the neighbors. He is concerned about who will maintain the site after installation is complete. Mr. Bullock stated the solar company is proposing more telephone poles along Middle Road.

Steve Schubert, 48 Middle Road, spoke about the East Windsor site and it being directly across from residents. He said the plan proposes additional telephone poles to be installed, he asked why they couldn't install the inverter and lines underground to reduce the noise level. Mr. Schubert is very concerned about possible health issues associated with the solar array.

Jim Dixon, 38 Middle Road, said he has been living there for 37 years. The proposed tree screening should require plants every 5-8' on center. He's noticed a decline in wildlife in the area since the East Windsor solar site has been completed.

Anne Dubiel, 204 Pinney Street, is concerned real estate property values will decrease, and health impacts from possible leakage of chemicals on the site. She noted that Pinney Street is a busy road, and no one is taking care of the East Windsor solar field site.

Matthew Dubiel, 204 Pinney Street, stated they received the letter from CPC just a few days before the public information meeting and did not have time to prepare/investigate.

Tim Whiting, 18 Middle Road, noted there will be noise all around the site and the neighbors will hear the humming noise unless the solar company decides to put the components of the inverters underground. He asked about any taxed collected from the project. Ms. Houlihan explained the owner of the property would work with the Assessor's offices.

In response to Chairman Hoffman, the neighbors agreed they would rather see a subdivision for the property as opposed to a solar array.

Ms. Houlihan mentioned the solar array approved near the WeCare Denali facility at 277 Sadds Mill Road and the fixed assessment agreement approved for it through the Board of Selectmen (BOS). She encouraged the residents to visit the CSC website for more information about the solar application. Chairman Hoffman suggested the residents also contact Jaimie Foster, State Representative, with their concerns.

Lois Ferrara, 23 Settlers Way, asked if the CSC has ever rejected any applications. Ms. Houlihan stated research would need to be done and encouraged the residents to email the CSC their concerns.

David Blovish, 6 Justin Drive, reiterated Ms. Ferrara's question and asked if the CSC has ever rejected an application or are all of them approved.

Jonathan Wolff, 3 Ryan Drive, stated the solar company is looking to install farm fencing with agricultural mesh. He doesn't feel the owners of the property will maintain the land and expressed safety concerns.

Ms. Houlihan recapped the commission's concerns to send to the CSC such as poor access into the parcel, inverter components should be underground or relocated south of the panels, and more screening from the abutting neighbors. She noted that brownstone properties and roof tops would be more appropriate for solar system installations.

**BY CONSENSUS, THE COMMISSION EXPRESSED THE FOLLOWING CONCERNS:**

- **IMPROPER LOCATION**
- **SAFETY CONCERNS REGARDING PROPOSED POINT OF ACCESS**
- **NOISE CONCERNS REGARDING THE PROPOSED LOCATION OF INVERTERS**
- **IMPROPER SETBACKS AND INADEQUATE LANDSCAPE BUFFER**

**RECOMMEND THE TOWN PLANNER COORDINATE WITH TOWN ATTORNEY, AS NEEDED, TO SUBMIT A LETTER OF CONCERNS TO THE CONNECTICUT SITING COUNCIL.**

- d. Letter from Cuddy & Feder for notice of intent to install a small cell wireless antenna and associated equipment on utility pole 1288 at 45 Sadds Mill Road (Robert Tedford Memorial Park), APN 079-004-0000, in a Rural Agricultural Residential (RAR) Zone.

Ms. Houlihan said a letter was sent to the First Selectman and copied to the Planning Department on or around February 2, 2023. Notice is required per statute given AT&T's intention to install a small cell wireless antenna and associated equipment on a utility pole in the public right of way (ROW) along 45 Sadds Mill Road, Robert Tedford Memorial Park, to enhance wireless voice and data services. AT&T may not place the small cell wireless equipment without the consent of the Immediate Property Owner (IPO), in this case the Town of Ellington, or approval from the Public Utilities Regulatory Authority (PURA) if the Town withholds consent.

Ms. Houlihan said if the commission has no concerns, they can take no action and inaction will be presumed consent or they may provide written consent with or without recommendation to AT&T and PURA. If there are concerns, the Planning & Zoning Commission can notify AT&T / PURA that you withhold consent and PURA will be required to review. She noted normally their recommendation be directed to the BOS, as the authorized Immediate Property Owner, however, the BOS did not discuss this at their February meeting and do not meet again until after the deadline to respond of March 4, 2023.

After a brief roundtable, they agreed to consent and suggested a top-mounted antenna in a natural color for the equipment.



**BY CONSENSUS, THE COMMISSION AUTHORIZED CONSENT FOR THE INSTALLATION OF A SMALL CELL WIRELESS ANTENNA AND ASSOCIATED EQUIPMENT WITH THE CONDITION THAT A UNIPOLE WITH TOP-MOUNTED ANTENNA AND RELATED EQUIPMENT BE INSTALLED IN A NATURAL COLOR TO MATCH SURROUNDS.**

**BY CONSENSUS, THE COMMISSION RETURNED TO THE POSTED AGENDA ORDER.**

1. Approval of the December 19, 2022, Regular Meeting Minutes.

**MOVED (SWANSON) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 19, 2022, REGULAR MEETING MINUTES AS WRITTEN.**

2. Election of Officers.

**BY CONSENSUS, THE COMMISSION TABLED ELECTION OF OFFICERS TO THE NEXT MEETING ON MARCH 27, 2023.**

3. Correspondence/Discussion:

- a. Request from Gardner & Peterson, to discuss the establishment of mixed-use regulations for a potential development at 105 West Road, APN 028-013-0000, in a Planned Commercial (PC) Zone.

**BY CONSENSUS, THE COMMISSION TABLED DISCUSSION TO THE NEXT MEETING ON MARCH 27, 2023.**

- b. Memo regarding adult-use cannabis legislation and expiration of moratorium.

Ms. Houlihan stated the moratorium regarding adult-use cannabis legislation expires April 30, 2023. She said direction from the commission will be needed by next month so a hearing and decision could be possible on April 24, 2023, with an effective on or before April 30, 2023. The commission round tabled and decided to move forward with a formal application and add it to next month's agenda.

**BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED A PUBLIC HEARING ON MARCH 27, 2023, 7PM, ELLINGTON SENIOR CENTER GREAT ROOM, 40 MAPLE STREET, ELLINGTON, CT AND ZOOM VIDEO CONFERENCING FOR Z202302 – Town of Ellington, owner/applicant, for proposed Zoning Regulation Amendments to Section 4.1 Permitted & Special Permit Uses – Commercial & Industrial Zones and Section 10.2 Definitions regarding licensed medical marijuana and adult-use cannabis production and dispensary facilities, pursuant to Public Act 21-1 - an act concerning responsible and equitable regulation of adult-use cannabis.**

- e. Memo concerning Public Act 21-29 Training Requirements for Planning and Zoning Commissioners and Freedom of Information Act Workshop, Monday, March 20, 2023, Ellington Town Hall, at 6 p.m.

Ms. Houlihan stated this year starts commissioner training requirements pursuant to Public Act 21-29. She noted there is a workshop on March 20th at 6pm at Town Hall regarding the Freedom of Information Act (FOIA), which qualifies for one hour of training and to contact LouAnn to register. There's also an all-day webinar on March 11, 2023, that meets all training requirements, and there's funding to cover registration costs. Alternate Cardin said she would like to attend the all-day seminar if possible.

**VII. ADJOURNMENT:**

**MOVED (SWANSON) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ADJOURN THE  
PLANNING & ZONING COMMISSION MEETING AT 8:18 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk

## **Election of Officers**

### **a. Chairman Position**

MOVED (\_\_\_\_) TO NOMINATE COMMISSIONER (\_\_\_\_) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2023.

COMMISSIONER (\_\_\_\_) ACCEPTED THE NOMINATION.

*HEARING NO FURTHER NOMINATIONS*, MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO ELECT COMMISSIONER (\_\_\_\_) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2023.

### **b. Vice-Chairman Position**

MOVED (\_\_\_\_) TO NOMINATE COMMISSIONER (\_\_\_\_) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2023.

COMMISSIONER (\_\_\_\_) ACCEPTED THE NOMINATION.

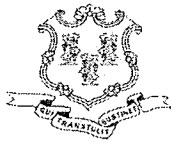
*HEARING NO FURTHER NOMINATIONS*, MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO ELECT COMMISSIONER (\_\_\_\_) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2023.

### **c. Secretary Position**

MOVED (\_\_\_\_) TO NOMINATE COMMISSIONER (\_\_\_\_) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2023.

COMMISSIONER (\_\_\_\_) ACCEPTED THE NOMINATION.

*HEARING NO FURTHER NOMINATIONS*, MOVED (\_\_\_\_) SECONDED (\_\_\_\_) TO ELECT COMMISSIONER (\_\_\_\_) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2023.



STATE OF CONNECTICUT  
**CONNECTICUT SITING COUNCIL**

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

DATE: March 16, 2023

TO: Service List, dated January 31, 2023  
Lisa M. Houlihan, Town Planner, Town of Ellington ([lhoulihan@ellington-ct.gov](mailto:lhoulihan@ellington-ct.gov))  
Mary Cardin ([mtaft32@comcast.net](mailto:mtaft32@comcast.net))  
James and Gail Dixon ([jad1950@yahoo.com](mailto:jad1950@yahoo.com))

FROM: Melanie A. Bachman, Executive Director *MAB*

RE: **PETITION NO. 1558** – Community Power Group LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection. Requests for a Public Hearing.

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During a public meeting of the Connecticut Siting Council (Council) held on March 16, 2023, the Council granted the Requests for a Public Hearing from Mary Cardin, James and Gail Dixon, and the Town of Ellington, dated February 27, 2023, March 1, 2023 and March 3, 2023, respectively. A schedule for the public hearing will be developed and publicly noticed in compliance with Connecticut General Statutes (CGS) §4-177(b).

Pursuant to CGS §4-176(e), within 60 days after receipt of a petition for a declaratory ruling, an administrative agency in writing shall: 1) issue a declaratory ruling; 2) order the matter for specified proceedings; 3) agree to issue a declaratory ruling by a specified date; 4) decide not to issue a declaratory ruling and initiate regulation-making proceedings on the subject; or 5) decide not to issue a declaratory ruling stating the reasons for the action.

Thank you for your attention and cooperation.

MAB/RDM/laf





LORI L. SPIELMAN  
First Selectman

STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

## TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187

TEL 860-870-3100

[www.ellington-ct.gov](http://www.ellington-ct.gov)

DAVID E. STAVENS  
Deputy First Selectman

MELINDA M. FERRY  
MICHAEL B. MADRU  
JAMES PRICHARD  
RONALD F. STOMBERG  
JOHN W. TURNER

Melanie A. Bachman  
Executive Director/Staff Attorney  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

Dear Melanie,

Regarding Petition 1558 for a solar facility at 24 Middle Road, Ellington, CT 06029, I hereby request that the Connecticut Siting Council hold a local public hearing in our municipality; this will provide our residents with an appropriate opportunity for their voices to be heard on this proposed facility.

I look forward to hearing back from you on this with the details of the local public hearing; please let me know if there's any additional information you need from me to move forward with this.

Respectfully,

Lori L. Spielman  
First Selectman  
Town of Ellington

cc: Lisa Fontaine, Fiscal Administrative Officer, CSC