



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

MONDAY, JUNE 26, 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 F. MICHAEL FRANCIS, WILLIAM HOGAN, JON MOSER AND ALTERNATES MARY CARDIN AND RACHEL DEARBORN (DEPARTED MEETING AT 7:53PM)

MEMBERS ABSENT: SECRETARY ROBERT SANDBERG, JR. AND REGULAR MEMBER MICHAEL SWANSON

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

I. CALL TO ORDER: Chairman Hoffman called the meeting to order at 7:03 pm.

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

III. PUBLIC HEARING(S):

1. Z202306 – ARJI Ellington, LLC & ARJI Ellington 2, LLC, owner/applicant, request for modification to Site Plan for construction of a retail/restaurant building at 135 West Road, APN 037-005-0086, in a Planned Commercial (PC) Zone.

Time: 7:04 pm

Seated: HOFFMAN, KELLY, FRANCIS, HOGAN, MOSER, DEARBORN, AND CARDIN

Eric Peterson, Gardener & Peterson Assoc., LLC, 178 Hartford Turnpike, Tolland, CT; Attorney Gregory McCracken, Jacobs, Walker, Rice & Barry, LLC, 146 Main Street, Manchester, CT; Reggie Kronstadt and Perry Gold, ARJI Ellington2, LLC, both of 100 Jericho Quad., Suite 220, Jericho, NY; Charles Baker, Hibbard & Rosa Architects, LLC, 100 Great Meadow Road, Suite 200, Wethersfield, CT; and, Chris Milliard, Phase Zero Design, 8 Wilcox Street, Simsbury, CT, were present to represent to application.

Attorney Gregory McCracken introduced the individuals that will be explaining changes made to the site plan. Eric Peterson explained the applicants are proposing to construct a 7,200-sf building at the northwest portion of the parcel and stated the building was originally approved in 2007 but the approval has expired. Eric stated they will be tying into the existing storm drainage and sewer system, and the drive-thru will be one lane. There will be 54 parking spaces and they will have interconnected sidewalks within the parcel. Eric noted they will be adding site trees, a berm and additional screening for neighbors.

Chris Milliard reviewed the building changes made since the last meeting. Chris explained the changes to the planks, front gables, below perimeter soffit with white board and timber beams, the masonry from brick to stone, and the overhangs.

Eric stated the sign lighting will be angled gooseneck lights as well as the building perimeter

lighting. The Starbuck sign on the building will not be internally lit, they will install a light to the timber beam to shine back towards the building and attached sign. Chris reviewed all the proposed materials for the building.

Charles Baker confirmed the site traffic analysis has no significant impact on the existing conditions and the CT Department of Transportation has reviewed and approved the traffic volume information but will not grant final approval until Town approvals are issued.

Reggie Kronstadt stated he and Perry Gold, owners of 135 West Road, reached out to the community. Since the last meeting, they have met with other local businesses such as Kloter Farms for the proposed cupola and Barnyard for the gable design treatment for the building. They will seek other local businesses to help during the construction phase of the project. Perry said Starbucks does not have a written plan for community outreach, but they will start to do community outreach around two to three months prior to opening, such as working with the Fire and Police Departments along with others within the community. They may look for local artists to hang their artwork on the walls within Starbucks.

Vice Chairman Kelly asked if the bottom portion of siding on the building is blue, Reggie Kronstadt noted the bottom portion is gray. Commissioner Hogan complimented the new owners on the improvements made and the Photometric Plan. He inquired about the dumpster area. Reggie said they will keep the white vinyl fencing and will add more plantings to screen the dumpster enclosures. Eric reviewed the landscaping within the area. Commissioner Moser said the proposed changes look great and appreciated the new owners reaching out to the community. Alternate Dearborn noted that the lighting plan looks like it complies with the zoning regulations.

No one from the public spoke regarding the application.

Lisa Houlihan stated all requisite approvals are present, applicable zoning standards met, and there's no outstanding staff concerns. Commissioner Hogan asked about the access easements. Lisa noted the site development plan acknowledges shared access to adjoining properties to the north and south and recommends a condition of approval require the filing of a formal access easement.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202306 – ARJI Ellington, LLC & ARJI Ellington 2, LLC, owner/applicant, request for modification to Site Plan for construction of a retail/restaurant building at 135 West Road, APN 037-005-0086, in a Planned Commercial (PC) Zone.

MOVED (HOGAN) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR Z202306 – ARJI Ellington, LLC & ARJI Ellington 2, LLC, owner/applicant, request for modification to Site Plan for construction of a retail/restaurant building at 135 West Road, APN 037-005-0086, in a Planned Commercial (PC) Zone.

CONDITION(S):

- **Approval subject to filing an access easement as approved by the Town Attorney.**
- **Increase the landscaping along the northeast side of site to protect neighbors.**

2. Z202312 – Marc Diwinsky, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 40x40 accessory building for storage at 282 Windsorville Road, APN 014-009-0000, in a Rural Agricultural Residential (RAR) Zone.

Time: 7:23 pm

Seated: HOFFMAN, KELLY, FRANCIS, HOGAN, MOSER, DEARBORN, AND CARDIN

Marc Diwinsky, 282 Windsorville Road, was present to represent the application. Marc stated he is looking to construct an accessory building for storage of his RV and trailers and the structure will only have electricity connected.

Lisa said staff comments were received from North Central District Health Department and the Public Works Director/Water Pollution Control Administrator, which have been shared with the applicant. Alternate Dearborn asked if the owner would be clearing any of the buffer along Windsorville Road, Marc replied that the buffer will remain.

No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202312 – Marc Diwinsky, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 40x40 accessory building for storage at 282 Windsorville Road, APN 014-009-0000, in a Rural Agricultural Residential (RAR) Zone.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR Z202312 – Marc Diwinsky, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 40x40 accessory building for storage at 282 Windsorville Road, APN 014-009-0000, in a Rural Agricultural Residential (RAR) Zone.

CONDITION(S):

- **Structure shall not be used for commercial operations or as an independent dwelling unless otherwise permitted by regulation and all applicable approvals obtained.**
3. Z202313 – Roger Moser, owner/Brent Moser, applicant, request for modification to Site Plan and Special Permit for the construction of a 60x160 accessory building for storage of vehicles and equipment for Valley Truck & Off Road, LLC, at 43 Lower Butcher Road, APN 018-020-0000, in an Industrial Park (IP) Zone.

Time: 7:27 pm

Seated: HOFFMAN, KELLY, FRANCIS, HOGAN, AND CARDIN (MOSER and DEARBORN - Recused.)

Brent Moser, 43 Lower Butcher Road, was present to represent the application. Brent said he is looking to construct a building for storage, such as work equipment, supplies, tires, and trucks to be worked on to keep them out of the weather elements. Brent explained they will be using the existing driveway to get to the new structure, the building will not have any plumbing or electricity. Brent explained they are trying to clean up the parcel and remove the storage containers from the site.

Lisa noted there is no formal drainage plan and comments from the Town Engineer acknowledge the size of the parcel should be adequate to process drainage but recommend moving the proposed building further from the west property line. Comments were shared with the applicant. Lisa said the commission may consider acknowledging the Town Engineer's recommendation and provide staff the flexibility to make alternative minor modifications to the proposed plan to address drainage, if needed, without having to return to the commission.

Chairman Hoffman asked about the berm in the back, Brent responded the existing berm is approximately 80 feet from the west and most of the runoff drains to the existing berm. Chairman Hoffman confirmed with Brent that he will work with Town Staff to address any drainage concerns.

Wally Carlson, 242 Windsorville Road, noted his concern is drainage runoff from the new structure onto his abutting property. Brent acknowledged there's the potential for more runoff and agreed to work with the Town Engineer. Brent also noted that he is working with the neighboring parcel owners and their engineer to have runoff drain into the detention basin that will be required for their site plan, which was concurred by Chris Skinner, new owner of land adjacent. Chris noted his property runs along the back of Moser's property and they would give Moser rights to drain into his proposed detention basin should the commission grant approvals. Guy Hesketh, Professional Engineer with FA Hesketh & Associates, Inc., explained the future proposed detention basin, which will be discussed during the next two applications, will be designed to manage the runoff from the Moser property.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202313 – Roger Moser, owner/Brent Moser, applicant, request for modification to Site Plan and Special Permit for the construction of a 60x160 accessory building for storage of vehicles and equipment for Valley Truck & Off Road, LLC, at 43 Lower Butcher Road, APN 018-020-0000, in an Industrial Park (IP) Zone.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR Z202313 – Roger Moser, owner/Brent Moser, applicant, request for modification to Site Plan and Special Permit for the construction of a 60x160 accessory building for storage of vehicles and equipment for Valley Truck & Off Road, LLC, at 43 Lower Butcher Road, APN 018-020-0000, in an Industrial Park (IP) Zone.

CONDITION(S):

- **Subject to recommendations from the Town Engineer dated June 21, 2023, or alternative modifications to site design to address drainage concerns, if any.**
- **Subject to comments from the Public Works Director/Water Pollution Control Administrator on the Staff Review Sheet due June 16, 2023.**

The Commission heard the following applications Z202314 and Z202315 together.

4. Z202314 – Chilson Realty, Co, owner/29 Moody Road, LLC, applicant, request for text amendment to Section 6.2.5 (A) of the Ellington Zoning Regulations to reduce the separation of parking from 30' to 10' to any façade of an industrial building.

Time: 7:41 PM

Seated: HOFFMAN, KELLY, FRANCIS, HOGAN, MOSER, AND CARDIN

Guy Hesketh, Hesketh & Associates, Inc., 3 Creamery Brook, East Granby, CT, Everett and Chris Skinner, 120 West Road, Chris Skinner, 120 West Road, were present to represent the applications.

Guy Hesketh noted the parcel is just south of the Country Food Corporation on West Road and there is another means of egress from Lower Butcher Road. The entire parcel is currently zoned Commercial, and they are looking to rezone 19.61 acres. Guy Hesketh said the first 500 feet going back into the parcel from West Road would remain Commercial and the remainder of land would be changed to Industrial Park zone. The proposal is consistent with the Plan of Conservation and Development since they will be increasing commercial uses on the site. Guy reviewed the concept plan showing retail/commercial uses. The remainder of the parcel would be for industrial uses for tradesmen, such as plumbers, electricians, etc. that would access the site from West Road and possible egress off Lower Butcher Road. Mr. Hesketh showed where the proposed detention basin would be created that would discharge toward the river. Currently the regulations require

a 30' separation from the parking area to the building. They are looking to have the text changed, which would allow for vehicle access directly into the building through overhang doors.

Vice-Chairman Kelly likes what the applicants are proposing and noted there is a need for tradesman rental space. Commissioner Hogan asked what the basis for the 30-foot requirement was. Lisa stated there was no backup documentation documenting why the 30-foot requirement was established in the regulations but understood from the Fire Marshal's Office the requirement was added to improve access to buildings for fire equipment. Lisa cited building access constraints at 7 Nutmeg Drive as an example of when the 30' separation is needed.

Guy explained there would be a 10-foot separation between the building and parking in the front of the building. Chris explained the buildings will have overhead doors on both sides of the building to allow vehicles to drive in through the front and out the back doors. Vice Chairman Kelly inquired about dumpsters on the site. Guy stated they would allow dumpsters to be abutting the building and not obstructing accessibility to overhang doors. If the commission does approve the zone and text changes, the applicants will apply for special permit and site plan approval.

No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202314 – Chilson Realty, Co, owner/29 Moody Road, LLC, applicant, request for text amendment to Section 6.2.5 (A) of the Ellington Zoning Regulations to reduce the separation of parking from 30' to 10' to any façade of an industrial building.

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO APPROVE AS MODIFIED FOR Z202314 – Chilson Realty, Co, owner/29 Moody Road, LLC, applicant, request for text amendment to Section 6.2.5 (A) of the Ellington Zoning Regulations to reduce the separation of parking from 30' to 10' to any façade of an industrial building. **In so approving, the commission finds no inconsistency with the Plan of Conservation and Development. EFFECTIVE DATE: JULY 1, 2023.**

5. Z202315 - Chilson Realty, Co, owner/29 Moody Road, LLC, applicant, request for zone change from Commercial (C) Zone to Industrial Park (IP) Zone 500' from the front property line from West Road for APN 019-005-0000.

Time: 7:41 PM

Seated: HOFFMAN, KELLY, FRANCIS, HOGAN, MOSER, AND CARDIN

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202315 - Chilson Realty, Co, owner/29 Moody Road, LLC, applicant, request for zone change from Commercial (C) Zone to Industrial Park (IP) Zone 500' from the front property line from West Road for APN 019-005-0000.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z202315 - Chilson Realty, Co, owner/29 Moody Road, LLC, applicant, request for zone change from Commercial (C) Zone to Industrial Park (IP) Zone 500' from the front property line from West Road for APN 019-005-0000. **In so approving, the commission finds no inconsistency with the Plan of Conservation and Development. EFFECTIVE DATE: JULY 1, 2023.**

BY CONSENSUS, THE COMMISSION WENT OUT OF AGENDA ORDER TO DISCUSS V1.2A OF CORRESPONDENCE.

VI. ADMINISTRATIVE BUSINESS:

2. Correspondence/Discussion:

- a. Memo from John Colonese, Assistant Planner Enforcement Officer, request to review landscaping associated with condition of approval for Z202208 for Special Permit and Site Plan Approval for a self-storage facility, fencing and gates, landscaping and related improvements at 162 Maple Street, APN 072-028-0000, PC (Planned Commercial) Zone.

Stanley Matczak and Seth Carlson, SJM Properties, 162 Maple Street, were present.

Chairman Hoffman noted they did some landscaping on the property. Seth Carlson stated they screened areas and still need to finish the safety lock system to the storage facility. Commissioner Hogan asked if they had a sign approval. Lisa said they did not request a detached sign through their original approval and the temporary signs look like they are following the temporary sign regulations. Seth Carlson noted they will be removing the temporary signs within a couple of months and only plan to have one attached sign on one of the storage buildings. Commissioner Hogan asked about the landscaping around the main building, Seth explained that shrubs, mulch, and trees have been planted. Lisa reiterated that the landscaping was not done when the original building was constructed and therefore was added as a condition of approval for the storage facility area.

No motions or decisions.

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

IV. OLD BUSINESS: NONE

V. NEW BUSINESS:

1. Z202317 - Request for Connecticut General Statute Section 8-24 Review for conveyance of a portion of Assessor Parcel Number (APN) 019-005-0004, Town of Ellington, owner, to be combined with the Vernon recreational facilities at 60 Windermere Avenue, APN 011-033-0000.

Lisa explained the requested CGS Section 8-24 for 5 +/- acres of the linear park on the south side of the river will be conveyed to Vernon. Lisa reviewed the recommendation that the Commission may consider allowing Ellington rights for passive recreation within the warranty deed and execution of the Intertown Facility Use Agreement.

After a brief conversation among the commission, they were in favor of a positive referral to the Board of Selectmen.

MOVED (HOGAN), SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO GRANT A FAVORABLE REFERRAL TO THE BOARD OF SELECTMEN FOR Z202317 - Request for Connecticut General Statute Section 8-24 Review for conveyance of a portion of Assessor Parcel Number (APN) 019-005-0004, Town of Ellington, owner, to be combined with the Vernon recreational facilities at 60 Windermere Avenue, APN 011-033-000

Recommendation:

The commission recommends the filing of an Intertown Facility Use Agreement and language within the Warranty Deed granting the Town of Ellington the ability to make improvements to the property to be conveyed for passive recreation.

In so approving, the commission finds no inconsistency with the Plan of Conservation and Development.

2. **BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR JULY 24, 2023, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, AND ZOOM VIDEO CONFERENCING FOR Z202316 –** Kyle Jaworski, owner/applicant, pursuant to Section 3.1.3 request for Special Permit for garages for more than 3 cars per family unit associated with the construction of a detached accessory structure (30X50) at 23 Sandy Beach Road, APN 172-001-0000, in a Rural Agricultural Residential (RAR) Zone.

3. **BY CONSENSUS, RECEIVED APPLICATION AND SCHEDULED PUBLIC HEARING FOR JULY 24, 2023, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, AND ZOOM VIDEO CONFERENCING FOR Z202318** – 74 West Road, LLC, owner/applicant, request for modification to Special Permit (Z202120) associated with façade improvements and proposed attached signage on front and south side of building for Agway of Ellington at 74 West Road, APN 028-002-0000, in a Commercial (C) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the April 24, 2023, and May 22, 2023, Regular Meeting Minutes.

MOVED (KELLY) SECONDED (FRANCIS) (HOGAN - ABSTAINED) AND PASSED TO APPROVE THE APRIL 24, 2023, REGULAR MEETING MINUTES AS WRITTEN.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 22, 2023, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Status of commissioner training as required by Public Act 21-29 - An Act Concerning...Training for Certain Land Use Officials.

After a brief discussion, Lisa will email commissioners links to online training modules so they may complete training requirements independently.

- b. Review of sample mixed-use regulations pursuant to discussion on March 27, 2023, for a potential development at 105 West Road, APN 028-013-0000, Planned Commercial (PC) Zone.

Lisa asked the commissioners to take the documentation pertaining to proposed regulations with them to review and discuss at their next regularly scheduled meeting. Lisa said any feedback would be appreciated to help draft potential regulations for mix-use. Commissioner Hogan spoke favorably about the purpose statement in the Town of Hebron's regulations. Commissioner Francis said he liked the layout of the Pasco's mixed-use development in East Windsor, but thought the interior roads were too narrow.

- c. Circulation of email and photo from Mark Maciolek, 101 Main Street, dated May 25, 2023, concerning buffer requirements approved May 22, 2023, pursuant to application Z202311 – Town of Ellington, owner/ Ellington Public Works Department, applicant, for Site Plan and Special Permit modifications for parking lot expansion and sidewalk improvements at 93 Main Street, APN 063-019-0000 and 99 Main Street, APN 063-016-0000 in a R (Residential) Zone.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION MEETING AT 8:42 PM.

Respectfully submitted by,

Barbra Galovich, Recording Clerk