



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

## TOWN OF ELLINGTON

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**TOWN PLANNER'S OFFICE**

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### **PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA MONDAY, SEPTEMBER 25, 2023, 7:00 PM**

**IN-PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT  
REMOTE ATTENDANCE: ZOOM MEETING, INSTRUCTIONS PROVIDED BELOW**

#### **I. CALL TO ORDER:**

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

#### **III. PUBLIC HEARINGS:** None

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

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

1. Review sample mixed-use regulations pursuant to informal discussion on March 27, 2023, to establish a mixed-use development at 105 West Road, APN 028-013-0000, Planned Commercial (PC) Zone.
2. Pursuant to Chapter 6 Agriculture as an Economic Sector from the Plan of Conservation & Development, Review and discuss Draft Text Amendment to Section 7.14.3 – Agricultural Special Permit Uses, Section 3.1 Permitted Uses in Residential Zones, Section 4.1 Permitted Uses in Commercial and Industrial Zones, and Article 10 Definitions of the Ellington Zoning Regulations.
3. Review and discuss Draft Regulation Amendment, dated August 28, 2023, for Section 7.15.7 Alternative Energy-Solar-Ground-Mounted Primary Use and Other – All Zones.

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

1. Approval of the August 28, 2023, Regular Meeting Minutes.
2. Correspondence/Discussion:
  - a. Letter from Lisa Houlihan, Town Planner to Tom Modzelewski, WPCA Administrator dated September 20, 2023, for Proposed Expansion of the Hockanum Sanitary Sewer Service Area for Portions of properties on Jobs Hill Road, Tomoka Avenue, Pinney Street and Frog Hollow Road.
  - b. Ellington Farm Day, September 23, 2023 flyer.
  - c. Report and discuss status of Land Use Commissioner Training, Pursuant to Public Act No. 21-29... Training for Certain Land Use Officials.

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

Next Regular Meeting is scheduled for October 23, 2023.

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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:

<https://us06web.zoom.us/j/87998262180>

Meeting ID: 879 9826 2180

Passcode: 378109

Join Zoom Meeting by phone:

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

Meeting ID: 879 9826 2180

Passcode: 378109

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:** July 18, 2023

**TO:** Planning & Zoning Commission

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

**SUBJECT:** Review of mixed-use regulations from East Windsor, South Windsor, and Hebron and informal discussion from March 27, 2023, for a request to establish mixed-use regulations for a potential development at 105 West Road, APN 028-013-0000, in a Planned Commercial (PC) Zone.

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At the last meeting, copies of mixed-use regulations from East Windsor, South Windsor, and Hebron were distributed. Don Fish, owner of 105 West Road, provided the sample regulations to follow-up informal discussion conducted with the commission earlier this year about establishing mixed-use regulations to enable the construction of twenty (20), one-bedroom units as a new second story over the existing commercial building on his property.

The commission's main policy documents, the 2015 Route 83 Corridor Study (Study) and the 2019 Plan of Conservation and Development (POCD), support mixed-use development concepts. The Study recommends the establishment of mixed-use regulations near the Vernon town line to encourage maintenance and rehabilitation of property (pages 31, & 41-46) and the POCD recommends mixed-use for the eastern portion of town center in the context of creating economic development and housing opportunities (pages 18, 85, & 133-135). The content of both policy documents was derived from public input during community engagement meetings and planning surveys.

Please review the referenced sample regulations and Section 3.6 Designed Multi-Family Regulations and identify standards you recommend be included when drafting a potential mixed-use regulation. Based on your ideas, I will prepare a draft regulation amendment for review at future meetings.

Thank you in advance for your time and efforts.

# East Windsor, CT

Automotive – Repair Establishment  
 Automotive – New & Used Car Dealer  
 Inventory Holding Areas (7) (Amended – effective 1/8/09)  
 Automotive – Car Wash  
 Automotive – Filling or Re-Energizing Station  
 Automotive – Retail  
 Truck, Equipment, & Recreational Vehicle Sales

	P	P		SUP	
	P	P		SUP	
	P	P		SUP	
	P	P			
	SUP		SUP (12)		SUP <sub>(10)</sub>
	P			SUP	
	P	P			

## Other Uses

Commercial Recreation  
 \*Commercial and Trade Schools, and classrooms  
 Alcohol Sales (2)  
 Adult Oriented Establishments  
 Drive Thru  
 Drive Thru for non-residential uses  
 Dog /Pet Daycare/Training//DOG  
 Hotel/Kennel/Boarding  
 Dog/Pet Grooming/Pet shop/Retail, Veterinarian (3)  
 Residential (6)  
 Farms (See Chapter 305) (Amended Effective 8/1/2011)  
 Museum  
 Live Theater  
 Art Gallery or Artist Studio  
 Multiple principal uses on one parcel

B-1	B-2	M-1	HIZ	TZ5	B3*
SUP	SUP	SUP	SUP	SUP	SUP <sub>(11)</sub>
P	P	P(1)		SUP	SUP
SUP	SUP	SUP	SUP		SUP
		SUP			
SUP	SUP		SUP (14)		SUP
					SUP
SUP	SUP	SUP		SUP	SUP
P	P	P(5)		SUP	SUP
SUP	SUP		SUP (13)		SUP
P	P	P	P	P	
					SUP
			SUP		SUP
			SUP		SUP
			SUP		SUP

P = Permitted Use and SUP = Special Use Permit; B3\* - Amended Effective 4/25/2012

## Notes to Permitted Uses in Business & Industrial Districts

- (1) For Profit educational facilities permitted in M-1 zone
- (2) See Chapter VIII (Amended 5/15/2020; Effective 5/30/2020)
- (3) Animal retail or service establishment tenant space must be separated by at least one other tenant space from any existing restaurant or food service establishment.
- (4) Restaurant or food service establishment must be separated by at least one other tenant space from any existing animal retail or service establishment.
- (5) Pet shop not permitted in M-1 zone
- (6) Residential units may be permitted above the first story, and provided the units are not exposed as part of the main façade, below the first story in commercial buildings. Those units below the first story must be limited to studio apartments not to exceed 900 square feet in area. All residential units in commercial buildings require a Special Use Permit and must meet the following conditions at minimum:
  - a. Public sewers and water shall be provided
  - b. Minimum horizontal floor areas for each residential unit shall be:

1 Bedroom = 650 square feet  
 2 Bedroom = 800 square feet  
 3 bedroom = 1000 square feet  
 Efficiency/studio = 550 square feet

- c. Buildings with residential units above the second floor shall be equipped with elevators of sufficient size to provide for emergency medical equipment serving residential areas only.
  - d. All requirements relative to fire safety boxes shall be met.
  - e. Parking shall be provided in accordance with section 601 of these regulations.
  - f. Landscaped areas with a ratio of 100 square feet per residential unit shall be provided. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement.
- The Commission may authorize by Special Use Permit the construction of residential units in structures separate from the commercial spaces provided that:
- a. The total square footage of commercial space provided is equal to at least twenty five percent of the total square footage provided.
  - b. All of the requirements of Section 802 of these regulations regarding multi-family residential development are satisfied.
- (7) When Inventory Holding areas are allowed as a permitted use, the bulk and area requirements of the existing zone apply. When Inventory Holding Areas require a special use permit, the bulk and area requirements of Section 815 apply. (Amended – effective 1/8/09)
  - (8) Contractors storage yard is permitted with up to 2000 sq. ft. of storage materials. Storage areas must be a minimum of 50 feet back from any property line. Storage of materials over 2000 sq. ft will require a SUP. No processing of materials is permitted on site. (Amended Effective 4/25/2012)
  - (9) Sit down restaurants only (Amended Effective 4/25/2012)
  - (10) Automotive filling station, with no automobile sales or service (Amended Effective 3/9/21)
  - (11) Indoor recreation only (Amended Effective 4/25/2012)
  - (12) Gas stations may only be permitted in the HIZ if access is directly to Route 5. Permitted locations of the corridor are depicted on the Map #. (Effective 1/29/18)
  - (13) Residential components must be mixed use, above retail and/or office uses. First floor uses must be a minimum of 14-foot height to ceiling. Residential on second story and higher must allow for 40% affordable housing with a maximum of 2 bedrooms per dwelling unit. Densities should reflect those that are in Section 802: MULTI-FAMILY DEVELOPMENT DISTRICT (MFDD) Regulations. (Effective 1/29/18)
  - (14) In the B-3 Zone, applications for individual changes in permitted uses within multi-tenant commercial buildings which do not expand the floor area of the building or unit or require additional parking shall be subject to a zoning permit and not require a Special Use Permit.

#### 503 PERMITTED ACCESSORY USES *Approved 3/22/2022, Effective 4/10/2022*

The following specific uses:

ACCESSORY USES	B-1	B-2	M-1	HIZ	TZ5	B3*
Signs	P	P	P	SUP	P	P
Parking	P	P	P	SUP	P	P
Outdoor Merchandise Display	P	P	P		P	
Outdoor Storage		P	P		P**	
Retail Sales	P	P	P	SUP		
Heliport			SUP	SUP		
Food services intended primarily for employees of, or visitors to a principal use						SUP

## 4.C. MIXED USE OVERLAY DISTRICT

### 4.C.1 PURPOSE

The Mixed Use Overlay District is intended to allow the integration of a variety of housing into the Town Center, and other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict and enhance synergy between the various types of land uses.

### 4.C.2 NATURE OF DISTRICT

1. As a "permissive" overlay district, the Mixed Use Overlay District allows alternative forms of development, including mixed use development and including multi-family dwellings and attached housing in different patterns, which are not otherwise allowed in the underlying zoning district.
2. Prior to submitting a formal application, a potential applicant is encouraged to:
  - a. discuss the development concept in detail with the Director of Planning and Development and other Town staff as appropriate;
  - b. schedule an informal discussion with the Planning and Zoning Commission through the Director of Planning and Development;
  - c. Due to the compact nature of such developments at higher densities than would otherwise be possible, building plans shall be provided by an architect licensed in the State of Connecticut.

### 4.C.3 PERMITTED USES

Within the Mixed Use Overlay District, the following uses are permitted in addition to the uses permitted in the underlying zoning district:

4.C.3.1. OTHER ACTIVITIES	MUOD
1. Multi-family dwellings as a component of a Mixed Use Development as defined in these Regulations	Special Permit (PZC)
2. Two-family dwellings as a component of a Mixed Use Development as defined in these Regulations	Special Permit (PZC)
3. Single-family dwellings as a component of a Mixed Use Development as defined in these Regulations	Special Permit (PZC)
4. Uses and structures which are customary, subordinate, and incidental to a permitted principal residential use are permitted as provided in Section 2.D.	As provided in Section 2.D

## Section 4.C

### SPECIAL DISTRICTS

#### MIXED USE OVERLAY DISTRICT

## 4.C.4 DESIGN STANDARDS

### 4.C.4.1 ZONE SPECIFIC STANDARDS

1. Within the Main Street District -
  - a. All new buildings which are part of a Mixed Use Development shall be located no more than 25 feet from the street line except that the Commission may allow:
    - buildings to be located up to 50 feet from the street line when the site conditions or the design of the integrated mixed-use plan warrant a deeper setback; and/or
    - cluster-type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities to utilize a different setback.
  - b. Residential uses shall not generally be permitted on the ground level floor of any building, except that the Commission may allow a residential use on the ground level of a building located more than one hundred and fifty (150) feet from the Street Line when it finds, based on information submitted by the applicant, that:
    - the site and building plans foster a true, functionally-integrated mixed use concept, rather than the mere location of residential and commercial buildings in the same development; and
    - the residential uses are augmenting, and not displacing, the commercial uses for which the Town Center, and other business districts, should be primarily dedicated and reserved; and
    - the safety and quality of life for residents will be enhanced by the use of first floor levels for residential use.
  - c. The maximum square foot size for any building proposed in the Mixed Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to a Main Street;
    - the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
2. Within the Hebron Green (HG) District -
  - a. In addition to complying with the Design Standards in the Regulations, any new building or addition to an existing building as part of a Mixed Use Development shall be compatible in scale, size, height and architectural style to other buildings in the Hebron Green (HG) District within 200 feet of the site in question; provided, however that in no event shall any building exceed a footprint of 3,000 square feet;
  - b. Pedestrian access shall be provided to connect with adjacent Hebron Green (HG) District uses and buildings and to the Hebron Center itself.
  - c. Also, except for cluster type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line; however, the Commission may, by Special Permit, allow buildings to be located up to 50 feet from the street line.

**Section 4.C**  
**SPECIAL DISTRICTS**  
**MIXED USE OVERLAY DISTRICT**

3. Within the Neighborhood Convenience District -
  - a. The Site Development plan for a Mixed Use Development shall provide direct pedestrian access to the business uses in the District.
  - b. The maximum square foot size for any building proposed in the Mixed Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to a Main Street;
    - the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
4. Within the Amston Village District -
  - a. Any new construction or modifications to existing buildings as part of a Mixed Use Development shall:
    - be compatible with any historic mill buildings existing on the site, as applicable, at the time of application; or
    - adhere to the Design Standards in these Regulations if no historic mill buildings exist on the site, as applicable, at the time of application.
  - b. The maximum square foot size for any building proposed in the Mixed Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to a Main Street;
    - the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.

**4.C.4.2 OTHER DESIGN STANDARDS**

1. Residential Area And Mix -
  - a. The net floor area of all residential units combined shall not exceed 75% of the net floor area within the entire proposed MUOD development as determined by the Commission.
  - b. At least of 80% of the residential units within the entire proposed MUOD development shall consist of a combination of efficiency, one-bedroom and two-bedroom units.
2. Setbacks -
  - a. Minimum yard setbacks shall be the same as the underlying zoning district; however, the Commission may, by Special Permit, reduce any required yard area by four (4) affirmative votes when doing so will help accomplish the purposes of the District.

## Section 4.C

### SPECIAL DISTRICTS

#### MIXED USE OVERLAY DISTRICT

##### 3. Building / Site Design -

- a. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
- b. The development plan shall integrate residential and non-residential uses so that they share the site in harmony and so that parking areas, landscaped areas, and other site amenities benefit all the uses on the site.
- c. Mixed use should involve designing the site so that the residential and non-residential components are part of a common design that allows the various uses to function together. Massing of residential buildings to the rear of the site and non-residential buildings to the front of the site is not "mixed use," and merely creates an apartment block behind a strip commercial center.
- d. Two story buildings are encouraged in the Mixed Use Overlay District. The Commission may approve a cluster development with a mix of building of various heights, provided the Commission finds that the overall plan complies with the design guidelines incorporated in Section 5.A of these Regulations and that such variation is essential to the overall design theme of the development.
- e. The Commission may require a higher first floor height for single-story development to create a compatibility of façade heights where a mix of one and two-story buildings occur in proximity to each other in a unified development.
- f. Each residential unit shall have direct access to a private outdoor balcony, porch or patio space.
- g. Each residential unit shall have unobstructed direct access to the outside separate from any business activity.
- h. Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the residential uses.

##### 4. Curb Cuts:

- a. Driveways onto Streets shall be minimized, and shall be designed to serve existing or future uses on adjacent sites.

##### 5. Parking:

- a. Parking lots shall be designed to interconnect with existing or future parking lots on adjacent sites.
- b. Provisions shall be made for parking spaces reserved for residents so that customers of commercial uses on the site do not occupy parking spaces that are most convenient to residential access points.
- c. As the intent of this Overlay District is to provide for a mixture of land uses and flexibility to encourage the long term sustainability of these developments, in lieu of the parking requirements found in Section 5.C all mixed use developments shall provide parking at the rate of 5 spaces per 1,000 SF. and 2 spaces per residential dwelling unit.
- d. These parking requirements may be reduced by up to 25 percent when exemplary pedestrian connections are provided within the site and to adjacent business and public facilities and when:
  - the applicant demonstrates to the satisfaction of the Commission that the mix of uses on the site (such as residential, office, and retail) will experience peak parking demands at different times of the day and day of week so that the full complement of parking spaces will not be necessary; and/or
  - the applicant demonstrates to the satisfaction of the Commission that a "shared parking" arrangement with one or more adjacent properties (based on a suitable parking management plan and legal agreement, recorded on the land records, assuring the continued availability of the shared parking spaces on the affected properties for the life of the proposed development or use) will mean that the combined sites will experience peak parking demands at different times of the day and day of week so that the full complement of parking spaces will not be necessary.



**Section 4.C**  
**SPECIAL DISTRICTS**  
**MIXED USE OVERLAY DISTRICT**

6. Landscaping / Buffers / Screening -
  - a. Landscape buffers shall be provided as part of the site design where a development approved under this Section abuts property in a residential district.
  - b. Such buffer shall consist of a preserved existing year round vegetated buffer or a planted year round buffer meeting the requirements of Section 5.D of these Regulations as well as the design guidelines incorporated in Section 5.A of these Regulations.
7. Phasing -
  - a. So that a mixed-use development occurs during all phase of development:
    - Building Permits for more than 50% of the residential units in the approved MUOD development may not be issued unless Building Permits have been issued for at least 40% of the total non-residential gross floor area;
    - certificates of occupancy for more than 50% of the residential units in the approved MUOD development may not be issued unless Certificates of Occupancy have been issued for at least 40% of the total non-residential gross floor area;
    - certificates of occupancy for the full number of residential units in the approved MUOD development may not be issued unless Certificates of Occupancy have been issued for at least 60% of the total non-residential gross floor area; and
    - certificates of occupancy for uses in the approved MUOD development shall only be issued in proportion to the overall completion of required site improvements including utilities, parking, landscaping, and other amenities.

**4.G.5 DECISION CONSIDERATIONS**

1. In approving a Special Permit for a Mixed Use Development as defined in these Regulations, the Commission shall consider whether the Commission finds that:
  - a. the requirements of this Section of the Regulations, and the Special Permit standards and criteria of Section 7.D are satisfied in accordance with the intent of the underlying District;
  - b. the mixed-use and higher density development can be located on the specific parcel in a manner that is compatible to the surrounding neighborhood;
  - c. the residential and mixed-uses will enhance the design of the buildings or the site;
  - d. the proposed design and layout meets the intent of the design guidelines incorporated in Section 5.A of these Regulations;
  - e. the need exists within the Town for a different type of housing unit than is permitted under conventional zoning and there is a documented need for the number and type of market rate and/or affordable housing units suggested; and
  - f. the proposed mixed-use development will allow the integration of a variety of housing into the Town Center or other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict between varying uses and enhances synergy between the various types of land uses.

**Section 4.C**  
SPECIAL DISTRICTS  
MIXED USE OVERLAY DISTRICT

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## *South Windsor, CT*

- B. The building height limit shall be applied separately for each wing or any other distinct portion of the building and may be increased for any building or distinct portion thereof by 1 foot for every 2 feet by which such building or such portion thereof lies inside the nearest limiting line of any required front, side or rear yard. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, HVAC equipment, rooftop units, tanks, and similar features which are an integral part of the main structure occupying in the aggregate not more than 10% of the building area and not used for human occupancy, may be erected to a reasonable and necessary height.

### 4.1.7 Design Requirements - RC Zone

#### A. Design Requirements

1. Sites and landscaping shall be designed in accordance with the criteria and standards contained in Section 8.7 Architectural and Design Review. Existing trees and hedgerows shall be incorporated into site design and preserved to the maximum extent possible. All building elevations that are visible from a public street must be attractively designed, with windows and/or other architectural elements and features such that no visible elevation looks like the back of a building.
2. All buildings must conform to the provisions of Section 8.7 Architectural and Design Review. Applicants must avoid submitting stereotypical franchise type buildings unless the building truly demonstrates architectural excellence.

#### B. Access

The Commission may require or limit the number of access/egress drives and/or direct the placement of same within a Consolidated Parcel such that only 1 or more of several individually or commonly owned "sub-parcels" within the Consolidated Parcel would have a point of access/egress. Such restriction would be in accordance with current access management policies and plans.

#### C. Yards

Side and rear yards may be ignored along common boundaries of consolidated lots.

#### D. Impervious Coverage Bonus

A 5% impervious coverage bonus may be granted for the consolidation of 2 or more lots that are nonconforming to the minimum lot size requirement into 1 larger lot. When a non-conforming lot is combined with a conforming lot, an additional 5% of the area of the non-conforming lot can be added to the total impervious surface allowed.

### 4.1.8 Mixed Uses in Commercial/Office Zones

#### A. Purpose

The purpose of this regulation is to increase the supply of affordable rental dwelling units in South Windsor by allowing construction of dwelling units in commercial buildings in certain commercial/office zones as a Special Exception use.

#### B. Applicable Zones

Mixed uses are permitted by Special Exception in Restricted Commercial, General Commercial, Restricted Office and Office Conversion Overlay zones only.

#### C. Design Criteria

1. Dwelling units must be located above commercial use; first floor commercial uses may not be converted to residential use.

2. Only one level of dwelling units is allowed. Units may be townhouse-style with more than one floor where height restrictions allow, but no unit may be located above another dwelling unit.
3. A separate entrance is required for dwelling units; main entrance(s) for residents cannot be located in close proximity to commercial loading/service areas.
4. Two parking spaces per unit are required. Applicant may request a waiver, which may be granted by the Commission after applicant has demonstrated that shared parking with commercial uses will be adequate.
5. Storage space of 60 square feet per dwelling unit must be provided in addition to normal living quarters' storage space. Storage space may be outside of dwelling unit but must be indoors, readily accessible to residents, and each unit's storage space must be separately lockable.
6. Pedestrian circulation must be attractively designed to encourage use by residents. Appropriate street furniture, e.g., benches, planters, should be provided. The pedestrian areas may include gardens/plantings, brick or other attractive paving materials, etc.
7. Adequate lighting of both pedestrian and parking areas must be provided.
8. Sound insulation must be provided between commercial and residential levels.
9. Maximum number of units allowed per site is 25, there is no minimum.
10. A mix of unit sizes must be provided. No 3-bedroom units are allowed.
11. Where dumpsters are proposed, dumpster locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself). Solid waste removal services shall be provided by the owners of the development.
12. All building code and fire safety requirements must be met.
13. Domestic hot water, heating, and cooling systems shall be separate for each dwelling unit.

#### **D. Special Exception Criteria**

The Commission shall approve a Special Exception for mixed residential/commercial use only if it finds that, in addition to the Design Criteria (paragraph 4.1.8.C above) and the review criteria of Section 8.4 Special Exception Standards and Procedures, the following criteria are satisfactorily met:

1. There is a balance between neighborhood acceptance and community needs.
2. The existing/proposed commercial/office uses are compatible with residential uses
3. The internal traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the building.
4. Site Design adequately reflects that residents' needs are accommodated as an integral part of the site design (e.g., recreation, parking, storage, access) such that the site functions as an integrated site.
5. The proposed mixed use furthers the purpose stated in paragraph 4.1.8.A.
6. There is no undue concentration of high-density residential development in any area/neighborhood

The Commission shall grant all approvals subject to such conditions and safeguards as will carry out the expressed purpose of these regulations. All requirements of the underlying zone that are not expressly altered by the above requirements must be met.

## **Section 5.9      Agri-Tourism Overlay Zone**

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### **5.9.1 Purpose**

The purpose of the Agri-Tourism Overlay Zone is to allow by special exception additional agricultural related activities to facilitate the preservation of farms by allowing them to diversify the use of structures and conduct on-site activities (e.g. corn maze, sales of farm produce, weddings, educational events, special events, wineries with wine tastings) where deemed appropriate by the Commission, taking into consideration such factors as proximity to existing uses in the area, traffic volumes, amount of commercial traffic anticipated, and the suitability of the land for proposed business, hours of operation, and impact on future farming use of the property.

### **5.9.2 Permitted Uses**

- A. All uses permitted in the underlying zone
- B. Agri-tourism uses shall be permitted by Special Exception

### **5.9.3 Special Exception Criteria**

Special Exception for Agri-tourism may be granted subject to public hearing and the review of criteria of Section 8, submission of a site plan of development, and the following conditions:

1. The farm is a minimum of 5 acres.
2. The lot has to have frontage for access from a public road. Adequate line of sight entering and exiting the site shall be demonstrated based on Connecticut Department of Transportation standards and able to accommodate anticipated traffic volumes.
3. Adequate internal access thereto and be provided with sufficient parking to accommodate projected visitors. Pervious parking areas are encouraged.
4. Any building proposed for commercial use shall be located not less than 100 feet from any street or property line.
5. Maximum impervious coverage shall be 25%.
6. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provisions of Section 6.2.4 Buffers shall apply.
7. All local, state, and federal applicable regulations must be complied with prior to the issuance of a zoning permit.
8. Activities are generally conducted during day time hours. The Commission may set restrictions on entertainment to mitigate the potential noise to surrounding properties. Limitations may include, but are not limited to, time of day, limitation on outdoor entertainment, and use of amplified equipment.

## **Section 5.10      Sullivan Avenue Mixed-Use Development Overlay Zone (SAMUD-OZ)**

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### **5.10.1 Purpose**

The purpose of this section is to allow, by Zone Change/General Plan of Development and then by Special

Exception/Site Plan of Development approvals, mixed-use developments containing compatible and complimentary commercial and multi-family residential uses in the General Commercial Zoning District fronting on Sullivan Avenue (Route 194). Such SAMUD developments are intended to revitalize substandard and/or blighted areas, to provide high quality development, to increase housing options for town residents (including affordable housing), and to substantially add to the community's economic base and employment opportunities.

### **5.10.2 Site Design Requirements**

#### **A. Objectives**

To allow sites designed to integrate the multi-family residential use with other approved General Commercial uses (including, but not limited to, retail, restaurant, office, service, recreation, and other uses); and to achieve a village-styled mixed-use environment with the residential use fully integrated into the site plan including buildings that contain commercial uses; and to provide integration within the development area to include shared roadways and motor vehicle and bicycle parking, utilities, appropriate open space area, landscaping and buffers, strong pedestrian and bicycle interconnections within the commercial and residential development and to other adjacent non-residential uses, and related improvements. SAMUDs are encouraged to employ low impact development measures, solar or other green energy systems, and electric vehicle charging stations.

#### **B. General Standards**

1. The Sullivan Avenue Mixed-Use Development Overlay Zone (SAMUD-OZ) shall be implemented through zone change/general plan of development and special exception / site plan processes in accordance with Section 8.3 (Zone Change Standards and Procedures) of these regulations. For the initial application, the zone change application / map shall be accompanied by a general plan of development (see Section 8.6.3). The second application will be for a special exception/site plan (see Section 8.6.2).
2. The SAMUD-OZ is not intended, in any way, to limit or negate the uses permitted in the underlying General Commercial Zoning District
3. The SAMUD-OZ is an overlay zone with its own set of requirements and restrictions. The intent of the SAMUD-OZ is that the requirements of the General Commercial underlying zone (including but not limited to dimensional requirements and design criteria), apply to any proposed mix-use development unless those requirements specifically conflict with a requirement in the SAMUD-OZ, in which case the SAMUD-OZ requirement shall control.
4. All SAMUD developments shall exhibit a high standard of quality in construction detail, materials, site design, and appearance.
5. Site Planning is an essential criterion. Site developed under the SAMUD-OZ are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
6. Multi-family residential uses shall be permitted. Buildings containing multi-family residential uses may include, but do not require, commercial uses located on the ground floor and/or other floors above the ground floor.
7. Multi-family residential dwelling units shall be either studio/efficiency, one-bedroom or two-bedroom units. The maximum number of two-bedroom units shall not exceed 35% of all dwelling units. The minimum number of studio/efficiency shall be 10% on a final site plan or within a first phase of those plans. No dwelling unit shall contain more than two bedrooms.

8. The floor area of the aggregate of all residential dwelling units in the proposed SAMUD development area shall be limited to a maximum ratio of 2:1 to the commercial floor area shown on the submitted site plan. Facilities for the sole purpose of support for a multi-family residential use, such as clubhouse, meeting rooms, offices, garage space, carports, storage bins, etc., and habitable attics, shall not be counted as either residential or non-residential floor area in determining compliance with the ratio. Commercial uses may exceed this ratio. Residential uses may not exceed this ratio. This is to ensure that there is a balance between commercial and residential uses on the site. Commercial uses shall be in new buildings or buildings undergoing substantial renovation.
9. The construction of a development may be approved by the Commission to be undertaken in phases. Projects shown on an approved SAMUD site plan of development which are to be constructed in phases shall generally require development of both residential and commercial buildings which maintain the minimum floor area ratio between both. The applicant shall submit a plan for ensuring conformity with Section 4.1.9.B.2.c. (residential to commercial ratio) including the phasing and timelines of the construction elements. Said plan and sequencing must be approved by the Commission. The Commission may require surety to establish regulatory compliance. In its approval, the Commission may require measures to be taken, including but not limited to, the withholding of building permits and/or certificates of occupancy to enforce approved timelines, percentages, and other conditions of approval.
10. The size of a multi-family residential use which is under construction at any one time may be limited by the Commission during the approval process by requiring phasing of construction and/or a reduction in the number of residential units to be built in any phase to an amount not exceed 70 residential units per phase as shown on the site plan.
11. Said development shall contain no more than 125 residential dwelling units. Developments shall have at least 15% (fifteen percent) of the dwelling units deed restricted to rent or sell at prices that would make them affordable to persons or families earning eighty percent (80%) or less of the area median income as defined by the United States Department of Housing and Urban Development for a period of not less than forty (40) years. Maximum units for the entire zone is 125 units. See Section 2.24 Inclusionary Zoning for additional requirements.
12. Each residential unit shall require a minimum of 200 square feet of open space within the site. Such open space may be for recreation purposes (active or passive, including recreational amenities, e.g., clubhouse or pool), or for preservation of natural features (wetlands, wooded areas, open lawns, etc.), or both. Regulated wetlands cannot exceed 20% of the credited open space.
13. All multi-family residential communities within the SAMUD and containing over fifty (50) dwelling units within the SAMUD, in aggregate, shall provide amenities such as, but not limited to a clubhouse, pool, or exercise/workout area. Said amenities may be provided within an adjoining commercial development within the SAMUD, however, those amenities within an adjoining commercial development shall be available for use by right of the residents; and shall not apply toward the minimum required area of open space within the site.
14. All parking lots must be designed to provide safe and convenient pedestrian and bicycle access as part of any parking lot and site design, including safe and convenient pedestrian and bicycle movement to and from public walkways, bikeways or streets, and between developed lots, consistent with Section 6.7 of these regulations. Bicycle parking shall be in accordance with guidelines of the Association of Pedestrian and Bicycle Professionals (APBP) for short-term parking. Bus shelters shall be required in appropriate locations.
15. Parking shall be provided at a minimum overall rate of 1.7 spaces per dwelling unit. However, if commercial parking areas adjacent to the residential buildings are available for shared parking, then parking shall be provided at a minimum rate of 1.75 spaces per two-bedroom dwelling unit,

1.25 spaces per one-bedroom unit, and 1.0 space per studio /efficiency unit. Parking may be designated in attached or detached garages, in carports, or in surface parking lots. Parking for all commercial uses shall be as required by the zoning regulations. (see Table 6.4.3B). Unenclosed parking of recreational vehicles, boats, or trailers shall be prohibited within a proposed residential community, but may be provided within a well screened area adjacent to the SAMUD's commercial uses, e.g. to the rear of a principal commercial building. EVSE Ready Spaces and EV Installed Spaces shall be provided as described in 6.4.10. Minimum Number of EVSE Parking Spaces and Appendix H Electric Vehicle Supply Equipment. All garages and assigned covered spaces shall be wired as EV Ready Spaces.

16. Infrastructure improvements such as utilities, roadways, and related improvements shall conform to Town standards. Twenty-four-foot pavement width for private streets and driveways is acceptable. Parking spaces, landscaped islands, dumpsters, lighting, and common drives may be placed in locations which straddle or are in close proximity to internal SAMUD property lines. In limited areas, residential and commercial parking may be allowed contiguous to a perimeter circulation road. Standards may be reduced or waived as deemed appropriate and approved by the Commission. All utilities shall be underground. Any solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, and maintained. The location and design of the screening or enclosure shall be shown on the site plan.
17. Maximum property size is twenty (20) acres. Minimum property size is fifteen (15) acres, however, SAMUD's may be subdivided into no more than two contiguous parcels independently meeting the minimum lot and are requirements of the General Commercial Zoning District (see Table 4.1.6A), provided all necessary easements for cross travel (motor vehicle, bicycle, and pedestrian), drainage, grading, and utility services are established, and the overall SAMUD, including all parcels, is developed in a coordinated fashion.
18. Roadways and utilities: All roads and utilities within the site development shall be owned and maintained by the owner(s) of the SAMUD, an association or other entity formed to carry out maintenance, a utility company, or a combination of same, but not the Town of South Windsor.
19. Except along public streets, required buffers, in accordance with Section 6.2, shall be provided between the overall SAMUD site and any adjacent residentially zoned or commercially zoned property which is not in common ownership with the SAMUD, or any lot therein. Buffers are not required between residential and commercial uses within the SAMUD. Buffers are not required between parcels within the SAMUD development. Minimum buffer width is fifty (50) feet. Yards are in addition to buffers.
20. Maximum stories in a building shall be three (3), maximum commercial or commercial / residential (buildings containing both uses) impervious coverage shall be 65%, maximum residential impervious coverage shall be 60%, maximum lot coverage shall be 40%, and maximum building height shall be 45 feet. Residential buildings adjacent to a single-family zone or development shall not exceed 2 ½ stories.
21. Maintenance and operation agreements addressing the long-term maintenance shall be provided.



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.

Mr. Mark Peterson, Gardner and Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT and Mr. Donald Fish, 220 Hartford Turnpike # 2, Vernon, CT were present to discuss potential development at 105 West Road. Mr. Peterson said the owner of the property, Mr. Fish, is looking to add a second story onto the current building for mixed use, as the property is in a planned commercial zone. He showed the Commission an elevation rendering of the proposal. Mr. Fish would like to create 20 1-bedroom apartments on the proposed second story of the building. Ms. Houlihan stated the existing mixed-use development on West Road pre-dates Zoning Regulations or may have been granted use variance by the Zoning Board of Appeals. She explained mixed-use regulations would have to be established and the Route 83 Corridor Study and the Plan of Conservation and Development support mixed-use development for the south section of Route 83 and portions of downtown. If a mixed-use regulation was adopted, application for zone change would be required. The zone change application would require a conceptual development plan. The zone change process would be followed by a special permit and site plan proposal that would have to be consistent with the concept plan.

Chairman Hoffman inquired about parking, Mr. Peterson stated there are 96 existing spaces. Sewer usage increase would need approval from Ellington's Water Pollution Control Authority. He asked if the proposed units would be affordable housing. Mr. Fish said he didn't think the project would qualify as affordable because of financing. Ms. Houlihan asked about possible work-force housing, Mr. Fish noted the rents would be affordable according to the size of each unit. Chairman Hoffman asked about the provision of garages. Mr. Fish explained no garages would be part of the project. Mr. Fish noted he intends to re-pave the parking lot and re-roof the building. He feels this proposal would be a good opportunity to turn the parcel around after 37 years of owning it. Mr. Fish stated the building is currently full of tenants. Chairman Hoffman said he is concerned about in the future should all the second story apartments be occupied that a request to convert any business space into an apartment and if the proposal is approved that the building would need to remain as mixed use. Vice-Chairman Kelly said the project is a great opportunity for the work force community. Secretary Sandberg inquired about possible workforce and low-income housing, which the town lacks.

Commissioner Francis likes the idea and working together to achieve the goal. Commissioner Swanson said there is a need for this type of housing in town and hopes the architecture of the building remains with the country look with the silo. Commissioner Moser thinks the idea would be good for the town. Alternate Dearborn is concerned about the 2.50 acres and spot zoning but likes the overall concept. Ms. Houlihan explained they could create an overlay zone. Alternate Cardin agreed with others' comments. No motions or decisions were made.

## How This Plan is Organized

This plan is organized into ten (10) chapters. The following is a summary of each. It should be noted that recommendations contained in this plan often relate to more than just an individual chapter. For that reason, the Commission asks that the document be reviewed in its entirety.

### *Chapter 1: Introduction*

Presents information on what a Plan of Conservation and Development is and how it was prepared. Discusses statutory requirements, and challenges in maintaining community character. Presents an overview of efforts to gauge public opinion through the conduct of an on-line survey and 2 community visioning sessions.

### *Chapter 2: A Plan for a Sustainable Future in Ellington*

This chapter discusses the importance of decision making relating to planning that will help support a sustainable future for Ellington. Also introduces a discussion about the concept of “resiliency” and the importance of adopting a planning approach that can adopt to changes that have not necessarily been forecasted.

### *Chapter 3: Conservation Strategies: Natural Resource Protection*

Presents information relating to the Town's natural resources and mechanisms to protect them, including floodplains, wetlands, open space, forested lands, the management of stormwater, erosion control, and septic system maintenance. Discusses challenges to protect these resources with additional measures to consider.

### *Chapter 4: Conservation Strategies: Preservation*

Discusses strategies to further preserve community character through prioritizing the preservation of certain parcels of open space, utilizing a zoning technique known as the transfer of development rights and open space subdivisions. Discusses the broadening of regulations to create additional opportunities for farmers relating to eco-tourism. This chapter also recommends that the Town undertake an inventory of historic properties as a first step toward preserving valuable historic structures.

### *Chapter 5: Housing Strategies*

Presents detailed information about Ellington's existing housing stock and includes a housing needs assessment utilizing criteria established under state law for “affordable housing”. Also presents strategies to address this need. Includes a discussion about creating opportunities for mixed use development and administrative steps the Town can take to be of assistance to those homeowners who are seeking to resolve issues relating to crumbling foundations.

### *Chapter 6: Economic Development Strategies*

Discusses strategies for development along the Route 83 corridor, the town center triangle area and the Ellington Airport. This chapter also includes a discussion about the importance of agriculture as a major contributor to the Towns overall economy. Also presents

- under 8-30g.
- This, at the very least, will encourage and provide affordable housing, while ensuring that the percent of qualified affordable units (5.46% today) does not further decline.
  - At a rate of 7% of units in any housing development, the inclusion of affordable housing will not be noticeable, nor will it create any negative impacts. For small housing developments of 10 or 20 units, the actual effective percentage of units will be approximately 10% and would stabilize the existing 5.46% of qualified affordable units.
2. **Workforce Housing:** Provide for greater flexibility regarding the Dimensional and Area Standards (Section 3.6.6 of the Zoning Regulations) in the 'Workforce Housing Provision' (Section 3.6.7 of the Zoning Regulations).
    - Amend Section 3.6.6 to allow modification to all or most of the dimensional requirements with the aim of provide an incentive to utilize this provision.
    - Reduce the 1 garage per unit to 0.5 or 0.75 garages per unit with density bonuses for 'workforce housing'.
    - Reduce the workforce housing percentage required from 20% to 15%.
  3. **Elderly Housing:** Allow private market elderly housing and include an affordability provision of 20% to 30% affordable and compliant with 8-30g.
    - There is need, overall, for elderly housing in Ellington and the greater regional market. The Town can satisfy that need and at the same time provide afford housing for a population that needs affordable housing options.
  4. **8-30g Application:** Create a 'friendly' 8-30g zoning regulation (preferably an overlay zone) that allows for and establishes a process for 8-30g development application.
    - The idea is to be proactive. Rather than having an 8-30g application forced upon you, create an 8-30g zoning provision that allow an 8-30g compliant development designed by the Town, not the developer.
  5. **Mixed-Use Development:** Create a mixed-use development housing provision that requires housing in mixed use developments to provide 15% workforce housing.
    - Mixed-use developments, specifically the housing in such developments, appeals most to non-family households. Therefore, such housing provides a good opportunity to provide affordable options.
    - For mixed-use housing, specifically those units above first floor commercial use, allow smaller unit sizes: studio = 500 sf, 1-bedroom = 650, 2-bedroom = 900 sf. I would not focus on (or allow) 3-bedroom units in such situation.

## Permitting Strategies

The following are permitting strategies designed to intentionally intervene in housing affordability and housing need:

1. **Permitting Fees:** Provide reduced permitting fees for affordable housing units. This could include land use applications, zoning, and building permits.

- Broaden opportunities in the Zoning Regulations to permit farm wineries and breweries along with the ability to conduct special events such as weddings subject to the parameters discussed in this chapter.
- Adjust the metrics in the Open Space Subdivision regulations to provide a greater incentive for its use. Consider identify a list of properties where an open space subdivision would be permitted as of right (requiring a special permit for a traditional large lot subdivision).
- Conduct an inventory of historic structures as a first step toward implementing the strategies contained in the 2008 POCD.
- Consider adopting a demolition delay ordinance.

### **Chapter Five Summary: Considerations/Strategies for Housing and Residential Development**

#### **Crumbing Foundations**

- Waive the zoning and building permit fees for properties with failing foundations.
- Amend the Zoning Regulation to allow 'variation' to the yard setbacks (for affected buildings to be relocated to a new foundation on the property) without the need to demonstrate zoning hardship.
- Allowing a 'reasonable accommodation' to the zoning requirements by staff review and the approval process.
- Allowing temporary housing and/or temporary storage trailers on a site during reconstruction.
- Support efforts at the regional, state, and federal level to address the foundation issues.
- Adopt a property tax abatement program that reduces the property taxes of properties with replaced or repaired foundation by 10% per year for up to 10 years to off-set the cost of repairs or replacement.

#### **Mixed Use Residential Development**

- Allow residential density, by right, of 8 to 10 units per acre and provide density bonuses of an additional 2 to 4 units per acre (12 to 14 unit per acre total).
- Create a Transfer of Open Space and Transfer of Development Rights program for mixed-use residential developments.
- Require a minimum of 1,000 square feet commercial space per 10 units of housing, excluding the density bonuses.
- Allow flexibility in site design requirements aimed at favoring 'good' design over rigid standards and requirements.

### **Housing Need - Affordability**

- Focus on housing need, not tenure (owner vs renter) or type of housing (single vs multi-family).
- Seek to provide a mix of 1, 2, and 3-bedroom units in multifamily housing development. As a guideline, the following mix is recommended: 30% - 40% 1-bedroom, 40% - 50% 2-bedroom, and 5% - 15% 3-bedroom units.
- Continue to provide a mix, balance, and diversity of housing stock. Ellington should seek to maintain the balance of both single-detached housing vs multi-family housing and owner-occupied housing vs renter-occupied housing—the mix should be: 63-65% single-detached and owner-occupied housing with around 35-37% multi-family and renter-occupied housing.

### **Zoning**

- Create an inclusionary zoning provision that requires 7% of housing, in any housing development, to meet the requirement of affordable housing under 8-30g.
- Provide greater flexibility regarding the Dimensional and Area Standards (Section 3.6.6 of the Zoning Regulations) in the 'Workforce Housing Provision' (Section 3.6.7 of the Zoning Regulations).
- Allow private market elderly housing and include an affordability provision of 20% to 30% affordable and compliant with 8-30g.
- Create a 'friendly' 8-30g zoning regulation (preferably an overlay zone) that allows for and establishes a process for 8-30g development application.
- Create a mixed-use development housing provision that requires housing in mixed use developments to provide 15% workforce housing.
- Provide reduced permitting fees for affordable housing units. This could include land use applications, zoning, and building permits.

## **Chapter Six Summary: Considerations/Strategies for Economic and Commercial Development**

### **Route 83 Corridor**

- Adopted the 2015 Route 83 Corridor study and its recommendations as an appendix to this Plan. By inclusion of the Route 83 Corridor study as part of this Plan, the recommendations of the Corridor Study are included as part of these recommendations.
- Review and update of the Planned Commercial Zone to create a flexible Master Plan development approach and process that creates flexibility and focus more on quality of design (site design and architecture) than on the bulk, area, and density of development.
- The Commission may want to consider allowing the Planned Commercial Zone (as modified in the above recommendation) to also be applicable or applied to other areas of the Route 83 Corridor, since this zone appears to best accommodate the commercial development Ellington wants.

- Create a transfer of open space and/or development rights programs (as discussed in Chapter 6 and Chapter 5) to incentivize higher density development within the Corridor. In doing so, designate the areas in the Corridor that are within the sewer service area as receiving areas for the transfer of open space and/or development rights from more rural areas of town. The greater density and residential uses may overcome some of the challenges of financing commercial development, creating an incentive and greater economic opportunity for commercial development.
- In the process of creating a transfer of openspace and/or development rights program, the Commission should explore the utilization of such transfers for commercial density, not just residential. This may include incentives regarding lot coverage, setback, building height, and other bulk and area requirements.
- Improve upon and create more robust site design standards within the Zoning Regulations. Such standards should include robust provisions for low impact development, landscaping, parking, architecture, consolidated parcels, and access management provisions. By improving the site design standards with the aim of improving the quality of development/design within the Route 83 Corridor, such provision will also apply to and improve the quality of development and design in other commercial and industrial areas.

#### Village Area Strategies

- The creation of an Ellington Center Village Plan. Such a plan should include an extensive community outreach program, market analysis, and conceptual designs. The aim and outcome should be to create an economically viable conceptual plan to shop/market to the development community to secure a capable developer.
- The Village Plan should also explore and consider:
  - The creation of a Village District Zone that would provide a flexible master plan approach to development. Such an approach would focus more on site-design, public spaces, and architecture rather than bulk, area, and density.
  - That any development in the Village District Zone be a mixed-use commercial (office, retail, service) and residential development. The Plan should include recommendations for the distribution uses: ground floor retail, service, and office; upper floor(s) office and residential; and stand-alone residential buildings and/or town houses.
  - Requiring the inclusion of well-designed public spaces: parklands, trails, and community gathering spaces.
  - Designating the area as a receiving area for the transfer of open space and/or development rights, providing density bonuses for residential development.
  - The inclusion of affordable housing, in accordance with 8-30g and the housing needs assessment in Chapter Five.

#### **Establish a Mixed Use Zone Near The Vernon Town Line**

In order to allow for mixed use development and encourage the maintenance and rehabilitation of property along Route 83 near the Vernon town line, a new Mixed Use Zone should be established. The recommended boundaries of the zoning district and the use and dimensional standards are presented on the following pages.

#### **Modify Zoning Designations In The Southern Part Of The Route 83 Corridor**

In the southern part of the Route 83 corridor (south of Main Street), areas which are presently zoned Commercial should be rezoned to Planned Commercial (PC) to provide better control of development patterns by using a special permit process. In addition, the zone boundaries should be adjusted as shown on the maps on the following pages to follow property lines and use natural transitions such as wetlands.

#### **Modify Zoning Designations In The Central Part Of The Route 83 Corridor**

In the central part of the Route 83 corridor, many areas which are presently zoned Commercial should be rezoned to Planned Commercial (PC) for better control of land use and development. In addition, the zone boundaries should be adjusted as shown on the maps on the following pages to follow property lines.

#### **Modify Zoning Designations In The Northern Part Of The Route 83 Corridor**

In the northern part of the Route 83 corridor (north of Meadowbrook Road), the Commission may wish to consider rezoning the land which does not have frontage on Route 83 to Industrial Park. The uses are similar but the larger minimum lot size requirement will encourage overall master planning for this area by the property owners.

Over the long term, the appropriate zoning of lands further to the west (separated from Route 83 by a wetland system) might be reconsidered. Rather than have industrial uses be accessed through residential streets, it may make more sense for this area to be developed residentially.

Appendix A  
Route 83 Corridor Study  
Adopted 06222015 Effective 07152015

Uses	C	PC	MU	I	IP <sup>(9)</sup>
Ice Manufacture – Storage & Sale	P	SP		P	SP
Jewelry Manufacture	P	SP	SP	P	P
Laboratory	SP	SP		SP	SP
Machine Shop	SP	SP		SP	SP
Manufacture & Assembly from Prepared Materials Inc. Repairs	SP	SP		P	P
Manufacturing, processing and warehousing of goods				P	P
Manufacturing which is incidental to a retail business <sup>(4)</sup>	SP	SP	SP		
Metal Fabrication				P	P
Mixed Use Building With Business Use On The Lower Floor(s) and Apartments On The Upper Floors			SP		
Saw Mill				P	P
Office: Business, Professional, Medical, Financial.	P	SP	SP	P	P
Optical & Scientific Instrument Manufacture	P	SP	SP	P	P
Package Store, Beer & Liquor Sale	SP	SP	SP		
Pawnshop	SP	SP			
Personal Service Business.	P	SP	SP		
Plastics & Synthetics Manufacture	SP	SP		SP	SP
Plumbing & Heating: Sale, Service, Storage	P	SP		P	P
Plumbing Shop				P	P
Printing, Industrial				P	P
Public Garage, Bus, Taxi Service, Rentals	P	SP		P	SP
Public Parks, Playgrounds and Recreation Areas	P	P	SP	P	P
Public Utility Garage and Similar Facilities.	SP	SP		SP	SP
Quarry, Rock Crushing				SP	SP
Radio and Television Antennas - Commercial <sup>(5)</sup>	SP	SP	SP	SP	SP
Radio and Television Studios	P	SP		SP	SP
Residential – Single Family			P		
Residential – 2-4 Family			SP		
Residential – 5+ Family Buildings			SP		
Carpet Cleaning Establishment				P	P
Research and Development Facilities				SP	SP
Restaurants, Tavern, Entertainment, Liquor Permitted	SP	SP	SP		
Retail Business <sup>(8)</sup>	P	SP	SP	SP	SP
Transfer Station <sup>(6)</sup>				SP	SP
Composting Facilities				SP	SP
School - Commercial, Vocational	SP	SP	SP	SP	SP
Ship & Boat Building: Repair, Sale, Storage	SP	SP		SP	SP
Skydiving or Parachute Jumping <sup>(7)</sup>				SP	SP
Stone & Monument Works: Sale, Storage	SP	SP	SP	P	P
Storage yard for new lumber, building materials and related items.	SP	SP		SP	SP
Theater, Indoors In Building	P	SP			



# 4

## Modify the Dimensional Standards In Section 4.2.1 of the Zoning Regulations

To address the proposed zoning district changes, changes are recommended to Section 4.2.1 of the regulations:

**Table 4.2.1 Lot Area, Width & Yard Requirements for Commercial/Industrial Zones**

Zone	Lot Area <sup>(1)</sup>	Minimum Width <sup>(1)</sup>	Front Yard <sup>(2) (3) (5)</sup>	Side Yard <sup>(3)</sup>	Rear Yard <sup>(3)</sup>
C-Commercial	40,000 sq. ft. <sup>(4)</sup>	200 feet	100 feet	10 feet <sup>(6)</sup>	10 feet <sup>(6)</sup>
PC - Planned Commercial	40,000 sq. ft. <sup>(4)</sup>	200 feet	100 feet	10 feet <sup>(6)</sup>	50 feet <sup>(6)</sup>
MU - Mixed Use	20,000 sq. ft.	100 feet	30 feet	10 feet <sup>(7)</sup>	30 feet <sup>(7)</sup>
I - Industrial	40,000 sq. ft.	200 feet	100 feet	10 feet <sup>(6)</sup>	50 feet <sup>(6)</sup>
IP - Industrial Park	4 Acres <sup>(8)</sup>	200 feet	100 feet	10 feet <sup>(6)</sup>	50 feet <sup>(6)</sup>

<sup>(1)</sup> May be increased because of poor soil conditions, terrain limitations, etc.

<sup>(2)</sup> May be reduced to 50 feet along any roadway not designed as a collector road, arterial road or state highway.

<sup>(3)</sup> Accessory buildings shall conform to building line requirements for front, side and rear yards applicable to main building.

<sup>(4)</sup> With or without public sewers.

<sup>(5)</sup> Except gas pumps.

<sup>(6)</sup> 50 feet side and rear yard required where abutting residential property or zone, except if home occupation only.

<sup>(7)</sup> Where new development in the MU Zone abuts a residential property or zone, the Commission may increase the side yard and/or rear yard setback to 50 feet in order to provide an appropriate buffer to such adjacent uses.

<sup>(8)</sup> In the Industrial Park (IP) zone, the Commission may allow lot sizes as small as one acre with approval of an overall master plan showing coordinated access and services.

# 5

## Modify the Dimensional Standards In Section 4.2.3 of the Zoning Regulations

To address the proposed zoning district changes, changes are recommended to Section 4.2.3 of the regulations:

Table 4.2.3 Bulk Requirements			
	Minimum Floor Area - Single Level <sup>(1)</sup>	Building Height (See definitions)	Maximum Lot Coverage
C-Commercial	2,500	38	60%
Planned Commercial	N/A	38	60%
MU - Mixed Use	N/A	38	60%
I - Industrial	N/A	38	60%
IP - Industrial Park	N/A	38	60%
<sup>(1)</sup> All structural designs subject to approval by the Design Review Board.			

# 7

## Consider Enhancing Buffer Requirements

To enhance buffer requirements, the Commission may wish to consider replacing Section 6.1 with the following:

### Section 6.1 – Buffer Requirements

- A. **Side/Rear Yards** - A landscaped buffer shall ordinarily be provided along the side and rear yards where Commercial, Planned Commercial, Mixed Use, Industrial or Industrial Park Zones, or approved Special Exception uses within Residential Zones or uses as follows:

Situation	Requirement
Industrial Zone or Industrial Park Zone to a Residential Zone or use	C Bufferyard
Commercial Zone or Planned Commercial Zone to a Residential Zone or use	B Bufferyard
Approved Special Exception use within a Residential Zone to a Residential use	B Bufferyard

- B. **Front Yards** - To preserve and protect residential property values and privacy of residential lots, a front yard landscaped buffer may be required by the Commission in the following situations:

Situation	Minimum Requirement
Industrial Zone or Industrial Park Zone to a Residential Zone or use	A-1 Bufferyard
Commercial Zone or Planned Commercial Zone to a Residential Zone or use	A-2 Bufferyard
Approved Special Exception use within a Residential Zone to a Residential use	A-2 Bufferyard

- C. **Route 83** – For property in the Planned Commercial district along Route 83, a front yard landscaped buffer, meeting or exceeding the requirements of the A-2 Bufferyard, may be required by the Commission in the 25 feet adjacent to the front property line to enhance the streetscape except that the twenty (20) evergreen shrubs may be replaced with:
- One (1) canopy tree, or
  - Two (2) understory trees.
- D. The planting specifications for the different bufferyard requirements may be reduced or modified at the discretion of the Commission when warranted by special conditions such as retention of existing vegetation, topography, abutting land uses or other factors which obviate the need for such planting.
- E. The Commission may authorize the use of existing vegetation in lieu of part or all of the bufferyard requirements when existing vegetation meets or exceeds requirements.
- F. In particularly sensitive situations, such as where a change in grade may render a planted buffer ineffective, the Commission may require the use of an earthen berm in addition to the bufferyard requirements.

# Town of Ellington Planning Department

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



DATE: September 19, 2023

TO: Planning and Zoning Commission

FROM: Lisa M. Houlihan, AICP, Town Planner, on behalf of the Economic Development Commission

RE: Draft Text Amendment to Section 7.14.3 – Agricultural Special Permit Uses, Section 3.1 Permitted Uses in Residential Zones, Section 4.1 Permitted Uses in Commercial and Industrial Zones, and Article 10 Definitions of the Ellington Zoning Regulations.

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Chapter Six from the Plan of Conservation and Development (POCD/Plan) covers “Agriculture as an Economic Sector” and recommends reviewing existing regulations to remove barriers to farming and allow agritourism. Page 95 from the Plan includes the below statement, and the underlined text represents agricultural uses NOT currently listed in the Ellington Zoning Regulations.

- Amend the Zoning Regulations to allow agritourism and specific agritourism uses. This may include banquet spaces or functions, farm-to-table dinners, tasting rooms and restaurants, vineyards, breweries, tours, outdoor activities, bakeries, etc.

When the Economic Development Commission evaluated the recommended strategy from the POCD, they reviewed agritourism regulations from other Connecticut towns like Simsbury, South Windsor, and Stafford (copies enclosed) and drafted the attached text amendment for your review and consideration.

## DRAFT TEXT AMENDMENT (9/19/2023)

Additions are **bolded and underlined**,

Deletions are [~~bracketed and strikethrough~~],

Otherwise text is as currently adopted.

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### 7.14.3 Special Permit Uses:

The Commission may approve an application for special permit for the following **agricultural related uses and shall consider proximity to existing uses, traffic volumes, anticipated commercial traffic, suitability of land, hours of operation, and impact on future farming uses.**

- A. Agricultural enclosures, buildings, or structures including farm stores and seasonal farm stands when closer than 50 feet from any side or rear property line [~~as long as~~] **if** the setback of the underlying zone is met.
- B. Farm Store when a minimum of 3 contiguous acres under single ownership and/or leasehold in any zone and subject to the following standards:
  1. At least 20% of gross product sales shall be from farm products produced on the owner's farm or processed products made from raw materials that were produced on the owner's farm, and an additional 20% of gross product sales from Connecticut-Grown farm products or products made from raw materials produced from Connecticut-Grown farm products. Farm products produced on land owned by the owner of the farm store separate from the farm store land or processed products made from raw materials on other land owned by the owner of the farm store separate from the farm store land shall be counted towards meeting minimum gross product sales.
  2. Adequate off-street parking and safe ingress and egress is provided to ensure public safety. A reasonable parking area not to exceed three square feet for every one square foot of store area (where products are displayed for sale whether inside or outside of a structure), shall be provided. Permeable parking surfaces are recommended.
  3. Farm stores may be used to support farmers' market activities, promote agricultural ideals, and host agricultural related workshops.
  4. Farm stores may include kitchen facilities for the preparation and sale of food for consumption on or offsite, **tasting rooms and restaurants, farm-to-table dinners, bakeries, and banquet spaces** and shall be subject to approval from the Health Officer and in accordance with applicable federal, state and local codes.

C. Horse Boarding / Riding Arena if it finds that the proposal will conform to the following standards:

1. A minimum of 10 contiguous acres under single ownership and/or leasehold.
2. The use is conducted only by the resident of the premises as an accessory use.
3. The primary and any accessory structures shall not be less than two hundred (200) feet from any street line, side, and rear lot lines.

In considering such special use, the Commission shall weigh the agricultural and rural aspects of the area, as well as the residential or commercial character or potential of the area and shall find that the granting of such land use shall result in an appropriate use of the land and will not have a detrimental effect on the value or enjoyment of existing residential or other uses in the area.

D. ~~[Farm Brewery, Cidery, Distillery and Winery]~~ **Agricultural Related Uses**

1. Permitted uses include **banquet space, farm breweries, farm cideries, farm distilleries, farm wineries, farm-to-table dinners, tasting rooms**, tours, retail and wholesale sales of products grown or manufactured on the premises, sale of merchandise related to the products grown or manufactured on the premises or sale of merchandise unrelated to the products grown or manufactured on the premises when unrelated merchandise is no more than 40% of all merchandise for sale.
2. Minimum Lot Size: 10 contiguous acres under single ownership and/or leasehold in any zone.
3. Setbacks Requirements: Buildings and structures shall be located a minimum of ~~[400]~~ **200** feet from all property lines. Areas used for outdoor activities like outdoor seating and tastings shall be located a minimum of ~~[200]~~ **150** feet from all property lines. However, buildings, structures and outdoor activities may be located not less than 10' to a rear yard or a side yard when located adjacent to permanently protected farmland, open space, or forestland.
4. Parking ~~[and Access]~~ Requirements: A reasonable parking area **shall be provided and be** a minimum of one and a half square feet per square foot of retail, tasting and **other** area accessible to the public ~~[with the potential to]~~ **and may be increased** to three square feet of parking area per square foot of area accessible to the public ~~[shall be provided]~~ as required by the commission. **No parking shall be permitted within 100 feet to an existing off-site residence or residential zone boundary. A [P]permeable parking surface is recommended. There shall be no on-street parking.**
5. **Access Requirements: Access shall be from a public road and have adequate line of sight for in/egress based on Connecticut Department of Transportation standards.**
- 5.6. Refuse areas shall be properly screened from public view and shall be located adjacent to buildings and at least 100['] **feet** from adjacent properties.

6.7. Buffer Standards: A 10 foot wide vegetated buffer, 6 foot high privacy fence or combination thereof may be required along side and rear yards to reduce disturbance to adjacent residential zones or residences. When plantings are required they shall comply with Section 6.1.C – Buffer Requirements.

7.8. Lighting: Exterior lighting shall be fully shielded, downward directed, and shall not create glare or emit light beyond the property boundary it serves. Exterior lighting, other than the minimum extent required for safety, shall be extinguished beyond the permitted hours of operation.

8.9. Signs [standards] shall [be in compliance] comply with Section 6.3 Signs.

9.10. Hours of operation may be permitted on [Sunday, 11am to 8pm; Wednesday noon to 8pm; Thursday – Saturday 11am to 9pm.] Sunday 10am to 8pm, Monday – Wednesday 9am to 9pm, Thursday – Saturday 9am to 10pm.

10.11. Food trucks may be permitted, subject to obtaining all required health department approvals, but shall be subordinate to the [farm brewery, cidery, distillery or winery] agricultural related use. Establishments may allow visitors to bring prepared food.

11.12. Outdoor entertainment may be permitted by the commission but shall be subordinate to the agricultural related use [farm brewery, cidery, distillery or winery] and shall not be amplified.

12.13. Deliveries and pick-up shall not occur between 10pm and 6am, when adjacent to an existing off-site residence or residential zone.

## ARTICLE 3 RESIDENTIAL ZONES

### Section 3.1 Permitted Uses

The following table establishes those uses allowed in the residential zoning districts.

P	Permitted Use	SP	Use Allowed by Special
3.1.1	AGRICULTURAL USES (See Section 7.14)	Rural Agricultural Residential	Residential / Lake Residential
1.	<del>[Related &amp; Agricultural Uses]</del> <u>Agricultural Related Uses</u>	SP	SP

## ARTICLE 4 COMMERCIAL & INDUSTRIAL ZONES

### Section 4.1 Permitted Uses and Uses Requiring Special Permit

The following uses are permitted in Commercial and Industrial Zones:

<b>Table 4.1 Permitted Uses and Uses Requiring Special Permit</b>				
<b>P = Permitted Use, Site Plan Approval    SP = Special Permit    Blank= Not Permitted</b>				
<b>Uses</b>	<b>C</b>	<b>PC</b>	<b>I</b>	<b>IP</b>
<del>[Agriculture]</del> <b>Agricultural</b> <del>Related [&amp; Non-Related] Uses</del>	SP	SP	SP	SP

## ARTICLE 10 DEFINITIONS & INTERPRETATION

### Section 10.2 DEFINITIONS

**Agriculture.** The use of land for agricultural purposes, including farming, the growing of crops, raising of livestock, and the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statute Section 1-1q, as incidental to agricultural operations.

**Agricultural Buildings and Structures.** Buildings, structures and portions thereof, used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies; excludes farm stores and seasonal farm stands.

**Agricultural~~[ly]~~ Related Uses.** Events ~~[of limited duration]~~ on a farm that are incidental to agriculture~~[at uses]~~e, including **farm stores, tasting rooms, farm-to-table dinners, bakeries, [events such as] corn mazes, pick-your-own, farm tours, harvest festivals, educational demonstrations, hayrides, petting zoos, farm breweries, farm cideries, farm distilleries, farm wineries,** or other **agricultural** uses **approved by the commission.**

**Farm-to-table diners serve Ellington-grown or Connecticut-grown food at restaurants, school cafeterias, and agricultural-related uses through direct sales, a community-supported agriculture arrangement, a farmer's market, or local distributor where the origin of the food is identifiable to consumers.**



## CLEAN COPY (9/19/2023)

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### 7.14.3 Special Permit Uses:

The Commission may approve an application for special permit for the following agricultural related uses and shall consider proximity to existing uses, traffic volumes, anticipated commercial traffic, suitability of land, hours of operation, and impact on future farming uses.

- A. Agricultural enclosures, buildings, or structures including farm stores and seasonal farm stands when closer than 50 feet from any side or rear property line if the setback of the underlying zone is met.
- B. Farm Store when a minimum of 3 contiguous acres under single ownership and/or leasehold in any zone and subject to the following standards:
  - 1. At least 20% of gross product sales shall be from farm products produced on the owner's farm or processed products made from raw materials that were produced on the owner's farm, and an additional 20% of gross product sales from Connecticut-Grown farm products or products made from raw materials produced from Connecticut-Grown farm products. Farm products produced on land owned by the owner of the farm store separate from the farm store land or processed products made from raw materials on other land owned by the owner of the farm store separate from the farm store land shall be counted towards meeting minimum gross product sales.
  - 2. Adequate off-street parking and safe ingress and egress is provided to ensure public safety. A reasonable parking area not to exceed three square feet for every one square foot of store area (where products are displayed for sale whether inside or outside of a structure), shall be provided. Permeable parking surfaces are recommended.
  - 3. Farm stores may be used to support farmers' market activities, promote agricultural ideals, and host agricultural related workshops.
  - 4. Farm stores may include kitchen facilities for the preparation and sale of food for consumption on or offsite, tasting rooms and restaurants, farm-to-table dinners, bakeries, and banquet spaces and shall be subject to approval from the Health Officer and in accordance with applicable federal, state and local codes.

C. Horse Boarding / Riding Arena if it finds that the proposal will conform to the following standards:

1. A minimum of 10 contiguous acres under single ownership and/or leasehold.
2. The use is conducted only by the resident of the premises as an accessory use.
3. The primary and any accessory structures shall not be less than two hundred (200) feet from any street line, side, and rear lot lines.

In considering such special use, the Commission shall weigh the agricultural and rural aspects of the area, as well as the residential or commercial character or potential of the area and shall find that the granting of such land use shall result in an appropriate use of the land and will not have a detrimental effect on the value or enjoyment of existing residential or other uses in the area.

D. Agricultural Related Uses

1. Permitted uses include banquet space, farm breweries, farm cideries, farm distilleries, farm wineries, farm-to-table dinners, tasting rooms, tours, retail and wholesale sales of products grown or manufactured on the premises, sale of merchandise related to the products grown or manufactured on the premises or sale of merchandise unrelated to the products grown or manufactured on the premises when unrelated merchandise is no more than 40% of all merchandise for sale.
2. Minimum Lot Size: 10 contiguous acres under single ownership and/or leasehold in any zone.
3. Setbacks Requirements: Buildings and structures shall be located a minimum of 200 feet from all property lines. Areas used for outdoor activities like outdoor seating and tastings shall be located a minimum of 150 feet from all property lines. However, buildings, structures and outdoor activities may be located not less than 10' to a rear yard or a side yard when located adjacent to permanently protected farmland, open space, or forestland.
4. Parking Requirements: A reasonable parking area shall be provided and be a minimum of one and a half square feet per square foot of retail, tasting and other area accessible to the public and may be increased to three square feet of parking area per square foot of area accessible to the public as required by the commission. No parking shall be permitted within 100 feet of an existing off-site residence or residential zone boundary. A permeable parking surface is recommended. There shall be no on-street parking.
5. Access Requirements: Access shall be from a public road and have adequate line of sight for in/egress based on Connecticut Department of Transportation standards.
6. Refuse areas shall be properly screened from public view and shall be located adjacent to buildings and at least 100 feet from adjacent properties.

7. Buffer Standards: A 10 foot wide vegetated buffer, 6 foot high privacy fence or combination thereof may be required along side and rear yards to reduce disturbance to adjacent residential zones or residences. When plantings are required, they shall comply with Section 6.1.C – Buffer Requirements.
8. Lighting: Exterior lighting shall be fully shielded, downward directed, and shall not create glare or emit light beyond the property boundary it serves. Exterior lighting, other than the minimum extent required for safety, shall be extinguished beyond the permitted hours of operation.
9. Signs shall comply with Section 6.3 Signs.
10. Hours of operation may be permitted on Sunday 10am to 8pm, Monday – Wednesday 9am to 9pm, Thursday – Saturday 9am to 10pm.
11. Food trucks may be permitted, subject to obtaining all required health department approvals, but shall be subordinate to the agricultural related use. Establishments may allow visitors to bring prepared food.
12. Outdoor entertainment may be permitted by the commission but shall be subordinate to the agricultural related use and shall not be amplified.
13. Deliveries and pick-up shall not occur between 10pm and 6am, when adjacent to an existing off-site residence or residential zone.

## ARTICLE 3 RESIDENTIAL ZONES

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1.	Agricultural Related Uses	SP	SP

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<b>Uses</b>	<b>C</b>	<b>PC</b>	<b>I</b>	<b>IP</b>
Agricultural Related Uses	SP	SP	SP	SP

## ARTICLE 10 DEFINITIONS & INTERPRETATION

### Section 10.2 DEFINITIONS

**Agriculture.** The use of land for agricultural purposes, including farming, the growing of crops, raising of livestock, and the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statute Section 1-1q, as incidental to agricultural operations.

**Agricultural Buildings and Structures.** Buildings, structures and portions thereof, used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies; excludes farm stores and seasonal farm stands.

**Agricultural Related Uses.** Events on a farm that are incidental to agriculture, including farm stores, tasting rooms, farm-to-table dinners, bakeries, corn mazes, pick-your-own, farm tours, harvest festivals, educational demonstrations, hayrides, petting zoos, farm breweries, farm cideries, farm distilleries, farm wineries, or other agricultural uses approved by the commission.

**Farm-to-table diners** serve Ellington-grown or Connecticut-grown food at restaurants, school cafeterias, and agricultural-related uses through direct sales, a community-supported agriculture arrangement, a farmer's market, or local distributor where the origin of the food is identifiable to consumers.

# **SIMSBURY – ZONING REGULATIONS FOR AGRITOURISM**

06/15/2020

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The purpose of this regulation is to allow Agri-tourism uses in Simsbury, while maintaining the rural character, preserving farmland, and protecting the health, safety and welfare of the citizens. Agri-tourism presents a unique opportunity to combine aspects of tourism and agriculture to provide a number of financial, educational and social benefits to the community while allowing farmers to supplement their farming activities with activities and events directly related to the farm and farming.

Ag-Activities and Agricultural Events Ag-Activities and Agricultural Events are considered to be customary and incidental to the operation of a farm and therefore these uses are as of right.

## **General Requirements for Non-Agriculturally Related Uses:**

1. Parcel Size: The minimum parcel size shall have 10 acres. Multiple parcels under the same ownership may be included. All parcels must be owned and occupied by the applicant.
2. Neighboring premises: The proposed use and improvements shall not adversely affect the enjoyment, usefulness, and value of premises in the general neighborhood thereof. The location of outdoor events and activities shall take into consideration the current use of the surrounding properties. The Commission may require specific separating distances and/or appropriate buffer strips with plantings, fences, or walls that screen the activity from adjacent properties.
3. Parking: No parking shall occur within 100 feet of any abutting residential property line. The applicant shall demonstrate that the parking spaces are of sufficient number to accommodate the proposed use. There shall be no on-street parking.
4. Noise: Amplified music is allowed Sunday through Thursday 9:00 a.m. to 10:00 p.m. and Friday and Saturday 9:00 a.m. to 11:00 p.m. No noise shall exceed 75DB at the property line.
5. Lighting: Lighting shall be contained to the property and shall not emit outside of the property boundaries onto abutting properties or the public right-of-way.
6. Number of Events: The number of events to be held shall be specified. Non-agricultural related events shall be limited to 15 times within a calendar year.
7. Approval for operation of a child care facility such, as summer day camp, is not subject to this section of the regulations.
8. Hours of Operations: the hours of operation for all activities shall not begin before 9:00 a.m. nor finish after 10:00 p.m. Sunday through Thursday. Friday and Saturday hours of operation shall be 9:00 a.m. to 11:00 p.m. These times do not include event set up or clean up.
9. Temporary Structures- Temporary accessory structures such as tents shall not exceed 4800 sq. ft. of floor area. Temporary structures shall not remain up for more than 6 months in a calendar year.
10. Overnight Lodging: No overnight lodging is allowed for non-agricultural events

**Approval Process: Non-Agriculturally related uses:**

A site plan approval is required, provided events are limited to no more than 15 times per calendar year for any site and that all other applicable zoning, building, fire and State codes are satisfied. Once a site plan has been approved, approval for non-agricultural related uses may be granted administratively by the Zoning Enforcement Officer. Should the property change ownership, approval for non-agriculturally related uses site plan must be by new property owner.

Additionally, if, in the opinion of the Zoning Enforcement Officer, there is a concern with any information provided as part of the application process, or if complaints were received from the previous year's events, the Zoning Enforcement Officer may refer the application to the Zoning Commission for site plan approval.

**Application Requirements:**

- a. The location of the parcel(s) to be used for the events, by street address or assessor's parcel number,
- b. Documentation of an agricultural or farming principal use.
- c. The specific types of event(s) to be conducted,
- d. The date of such event(s),
- e. The maximum number of attendees for each event requested,
- f. A site plan may be required if deemed necessary by the Commission; however, at a minimum of plan drawn to scale showing areas of parking, event location, lighting, distance to nearest property/residence and other necessary information for the Commission to make a decision is required.
- g. An agricultural or farming principal use shall be determined by the Commission and is required for any application for these accessory uses. Supporting documentation, to be provided by the applicant, shall provide a copy of the following:
  - i. The Tax Assessor's designation of the parcel as PA 490 (Farmland, Open Space, Forest Land)
  - ii. Farmer's Tax Exemption Certificate (issued by the Department of Revenue Services, State of Connecticut)

## **South Windsor - Zoning Regulation**

### **Section 5.9 Agri-Tourism Overlay Zone**

5.9.1 Purpose The purpose of the Agri-Tourism Overlay Zone is to allow by special exception additional agricultural related activities to facilitate the preservation of farms by allowing them to diversify the use of structures and conduct on-site activities (e.g. corn maze, sales of farm produce, weddings, educational events, special events, wineries with wine tastings) where deemed appropriate by the Commission, taking into consideration such factors as proximity to existing uses in the area, traffic volumes, amount of commercial traffic anticipated, and the suitability of the land for proposed business, hours of operation, and impact on future farming use of the property.

### **ARTICLE 5 – OVERLAY ZONES**

#### **5.9.2 Permitted Uses**

A. All uses permitted in the underlying zone

B. Agri-tourism uses shall be permitted by Special Exception

5.9.3 Special Exception Criteria Special Exception for Agri-tourism may be granted subject to public hearing and the review of criteria of Section 8, submission of a site plan of development, and the following conditions:

1. The farm is a minimum of 5 acres.
2. The lot has to have frontage for access from a public road. Adequate line of sight entering and exiting the site shall be demonstrated based on Connecticut Department of Transportation standards and able to accommodate anticipated traffic volumes.
3. Adequate internal access thereto and be provided with sufficient parking to accommodate projected visitors. Pervious parking areas are encouraged.
4. Any building proposed for commercial use shall be located not less than 100 feet from any street or property line.
5. Maximum impervious coverage shall be 25%.
6. Side and rear yards shall contain landscaped buffers of 10 feet in width. The provisions of Section 6.2.4 Buffers shall apply.
7. All local, state, and federal applicable regulations must be complied with prior to the issuance of a zoning permit.
8. Activities are generally conducted during day time hours. The Commission may set restrictions on entertainment to mitigate the potential noise to surrounding properties. Limitations may include, but are not limited to, time of day, limitation on outdoor entertainment, and use of amplified equipment.

**Agri-tourism:** As it is defined most broadly, involves any agriculturally based operation or activity that brings visitors to a farm.

## Stafford Zoning Regulations

### Accessory Agricultural Activities

Accessory Agricultural Activities (Ag-tivities) - The following fee-based activities are considered to be accessory to an established agricultural operation. A Site Plan Review shall be required when the following uses may reasonably be expected to require parking for twenty (20) or more motor vehicles, used by visitors to the farm, at any given time. Otherwise, such uses require only an Agricultural Activity "Activity" Permit.

1. Agricultural Engagement- The opening to the public of a working farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation, including (but not limited to) "U-Pick", Community Supported Agriculture (CSA), Wine tours & associated tastings, agricultural workshops, classes, and demonstrations.

2. Agricultural Events- Events of limited duration on a farm that are incidental to agricultural uses, including (but not limited to) hayrides, corn mazes, festivals, petting zoos, and other similar activities.

B. Non-agriculturally Related Uses- Fee-based activities that are part of an agricultural operation's overall offering, but are not incidental to agriculture, are allowed by permit. Such uses may include (but not limited to) outdoor recreation such as bird watching, snow-shoeing, cross country skiing, mountain biking, and other passive recreational activities, as well as rental of farm property for small and large-scale events, such as parties, weddings, and other non-agricultural events.

1. "Small-scale Farm Events" are allowed with an Agricultural Activity "Activity" Permit. Only low-volume amplified sound or music (as determined by the ZEO) will be allowed during these events. A Site Plan Review will only be required if these events happen more than ten (10) times per year, or they require parking for more than twenty (20) vehicles, at any given time. TOWN OF STAFFORD – ZONING REGULATIONS Planning and Zoning Commission 113

2. "Large-scale Farm Events" at which the use of loud amplified music is planned, and more than twenty (20) vehicles are expected, require a Special Permit. In order to satisfy the conditions of a Special Permit, the Planning & Zoning Commission may limit the number of events per year. The Planning & Zoning Commission may also impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm is given written notice that the noise levels, or other factors, are causing a nuisance to nearby properties. The ZEO retains the right to meet annually with the farm owner to discuss any possible concerns. In the case of events when more than twenty (20) vehicles are expected, but loud amplified music is not a consideration, only a Site Plan Review is required.

### C. General Requirements

1. Parking. Parking for all permitted agricultural accessory uses shall, to the maximum extent possible, be located in areas on the site where they will be the least visible from access roads and adjoining properties but must allow for adequate sightlines for drivers traveling on the adjacent road and entering and exiting such spaces from such road. Setback requirements apply to all parking areas. Due consideration shall be given to the posted speed limit and other pertinent factors. The ZEO and/or



Commission may require additional buffering to meet the intent of the parking and landscaping regulations.

2. Location, Lighting and Noise. The location of outdoor events and activities associated with “Ag-tivities” on the farm shall take into consideration the current use of surrounding properties. The Commission and/or ZEO may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties. If the proposed activity or agricultural use regularly employs the use of an amplified sound system, there shall be a sound absorption plan in place that confirms compliance with the State of Connecticut DEEP noise standards (§22a- 69-1 through §22a 69-7-4) as amended. All lighting must be shielded so that it does not impact neighboring properties. The Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the farm is given written notice, the noise levels are causing a nuisance to nearby properties.

# DRAFT REGULATION AMENDMENT – August 28, 2023

Additions **bolded and underlined**, Deletions ~~striken through~~, otherwise as currently adopted.

## 7.15.7 Ground-Mounted Primary Use and Other – All Zones

A ground-mounted solar array not in compliance with Sections 7.15.5 or 7.15.6 or proposed as a primary uses in all zones may be allowed by approval from the commission by Special Permit and Site Plan Approval pursuant to Section 8.3 Special Permit Standards and Procedures, the purpose and general requirements of this section, and the following:

- A. A ground-mounted solar array and any portion thereof shall be located at least ~~50~~ **200'** from property lines and shall be in compliance with the maximum lot coverage requirements for the zoning district in which located.
- B. A ground-mounted solar array and any portion thereof located in residential zones shall not exceed twenty (20) in height from natural grade at any point of the array and when located in commercial or industrial zones shall not exceed twenty-five (25) feet in height from natural grade at any point of the array. Trackers are measured when the array is 60 degrees to horizontal.
- C. A ground-mounted solar array and any portion thereof shall be ~~effectively~~ screened from visibility along all yards and to adjacent properties, regardless if the adjacent property is developed or undeveloped ~~providing the adjacent property is developable land~~, or to existing public or private streets or existing easements or right-of-ways used or intended to be used as a public or private street, or a state highway. Screening provisions **shall be thirty (30) feet in depth and consist of two rows of planted evergreens every 10' on center or portion thereof between the perimeter of the solar facility and abutting properties. Plantings shall be 6' in height when planted and pruned and consist of Green Giant arborvitae and in shaded area Upright Cedar Skyrocket Junipers. The 30' wide planted buffer** may include earthen berms, plantings, fencing, existing evergreen vegetation and other like features or combinations thereof **if the Commission finds screening provisions protect privacy of residents and eliminate noise, dust, and glare. Plantings and other screening provisions shall be maintained for the life of the facility and dead or dying plantings replaced as soon as practical in the present growing season or immediately upon the start of the next growing season.**
- D. **Transformers and inverters shall be enclosed in soundproof structures and located 200 feet or greater from any property line.**
- E. All ground-mounted solar arrays shall require the issuance of a Zoning Permit prior to installation.
- F. **When a primary solar energy collection system that ceases to operate for three (3) consecutive months or more all components of the solar facility shall be removed from the property and the site restored to pre-development condition** ~~within twelve (12) months of cessation and properly discarded.~~



## 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, AUGUST 28, 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, REGULAR MEMBERS F. MICHAEL FRANCIS, WILLIAM HOGAN, MICHAEL SWANSON, AND ALTERNATE MARY CARDIN

**MEMBERS ABSENT:** VICE CHAIRMAN SEAN KELLY, SECRETARY ROBERT SANDBERG, JR., REGULAR MEMBER JON MOSER AND ALTERNATE RACHEL DEARBORN

**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):

Michele Rameka, 289 Bridge Street inquired about the proposed solar field at 360 Somers Road, referencing a letter she received about the project. Lisa Houlihan explained the CT Siting Council (CSC) is in receipt of a petition for declaratory ruling for a solar array for a portion of the airport parcel. The solar company reduced the proposal from 4 megawatts to 3 megawatts, which eliminated some panels and reduced the size for the project to 19.2 acres of the parcel. Lisa explained the CSC has sole jurisdiction over the proposal and explained how the public can access the CSC's website and get involved. Chairman Arlo Hoffman noted as a board they are concerned about the reduction of prime agricultural land. Arlo also noted the town extended the sewer line to the airport for industrial uses and suggested residents contact State Representative, Jaime Foster with their concerns. Alternate Mary Cardin noted the CSC just voted on 24 Middle Road project, and it passed to move forward unanimously.

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

1. Z202319 – Jose Negron, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 50x50 accessory detached garage at 71 Sadds Mill Road, APN 079-003-0000, in a Rural Agricultural Residential (RAR) Zone.

Time: 7:11 pm

Seated: Hoffman, Hogan, Francis, Swanson and Cardin

Jose Negron, 71 Sadds Mill Road, was present to represent the application. Jose explained that he is looking to have a garage for the storage of his vehicles and personal property. Lisa Houlihan noted Jose received approval from the Zoning Board of Appeals for a front yard setback variance to keep the location of the proposed garage in line with the front line of the existing house and received approval from North Central District Health Department finding the location to meet separation distance to the well. The commission members did not have any concerns with the proposal. Chairman Arlo Hoffman explained to Jose the garage may not be used for a business

or converted into an accessory dwelling, unless otherwise permitted by regulation and additional approvals obtained. No one from the public spoke regarding the application.

**MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202319** – Jose Negron, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 50x50 accessory detached garage at 71 Sadds Mill Road, APN 079-003-0000, in a Rural Agricultural Residential (RAR) Zone.

**MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR Z202319** – Jose Negron, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 50x50 accessory detached garage at 71 Sadds Mill Road, APN 079-003-0000, 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.

2. Z202320 – ARJI Ellington, LLC, owner/ applicant, request for a Special Permit for an urgent medical facility at 135 West Road, APN 037-005-0086, in a Planned Commercial (PC) Zone.

Time: 7:17 pm

Seated: Hoffman, Hogan, Francis, Swanson and Cardin

Reggie Kronstadt (via Zoom) and Perry Gold, ARJI Ellington, LLC, both of 100 Jericho Quad., Suite 220, Jericho, NY were present to represent the application. Reggie stated they have been working with an urgent medical facility that would like to rent 3,250 sf of the building. He noted the medical facility is Go Health, which is affiliated with Hartford Health Care. Reggie said if they are granted approval for the change in use that will leave 1,462 sf vacant for possibly another food retailer. Commissioner Michael Francis asked if the design of the exterior would be changed, Reggie confirmed there will be no changes to the building design. Tom Modzelewski, Director of Public Works, stated they met with the Water Pollution Control Authority (WPCA) and are all set to move forward with the project. No one from the public spoke regarding the application.

**MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202320** – ARJI Ellington, LLC, owner/ applicant, request for a Special Permit for an urgent medical facility at 135 West Road, APN 037-005-0086, in a Planned Commercial (PC) Zone.

**MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE FOR Z202320** – ARJI Ellington, LLC, owner/ applicant, request for a Special Permit for an urgent medical facility at 135 West Road, APN 037-005-0086, in a Planned Commercial (PC) Zone.

**IV. OLD BUSINESS: NONE**

**V. NEW BUSINESS:**

1. Letter from Ellington Water Pollution Control Authority (dated July 21, 2023) requesting projects within the sewer service district to be presented to the WPCA before reviewed by any other commissions.

Tom Modzelewski, Director of Public Works, sent the letter dated July 21, 2023, addressed the Department Heads and Board members as requested by the WPCA. The WPCA requests applicants be reviewed by them before any other board, especially for commercial projects, such as the Starbuck building. Lisa Houlihan, Town Planner, explained the standard staff review

process for applications received by the Commission. The Starbucks application may have fell through the cracks given turnover within the Public Works Director position. Chairman Hoffman expressed concern with not letting an applicant apply to one board before the other. After a short round table discussion, it was agreed that applicants could apply simultaneously, and the Planning Department will direct applicants within the sewer district to contact Tom. There's the opportunity to request applicants to present to WPCA through the staff review process too.

## **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the July 24, 2023, Regular Meeting Minutes.

**MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED (HOFFMAN AND CARDIN – ABSTAINED) TO APPROVE THE JULY 24, 2023, REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. Pursuant to a memo dated July 18, 2023, review sample mixed-use regulations pursuant to discussion on March 27, 2023, for a potential mixed-use development at 105 West Road, APN 028-013-0000, Planned Commercial (PC) Zone.

Lisa Houlihan, Town Planner, thanked Bill Hogan for his comments and suggestions for the possible mixed-use regulation. The commission should review the Plan of Conservation and Development recommendations. Lisa noted an overlay district regulation could be created. Reggie Kronstadt (via Zoom) ARJI Ellington, LLC, one of the new owners of the Big Y Plaza, mentioned the possibility of having residential on the property as a mixed-use. He noted they have built a few residential developments in the area and sees the need for housing in Ellington. Traditionally, you don't see many residential uses over commercial uses. Commercial tenants don't want their business to be in the back of a parcel, and residential would rather be further away from any main road for privacy. Chairman Hoffman noted there is a policy in place that residential is not allowed in the commercial and industrial zones unless the dwelling is non-conforming prior to the zoning regulations. The commission round tabled and agreed to add the discussion to next month's agenda under New Business.

- b. Robinson + Cole letter (dated August 3, 2023) Notice of Exempt Modification to install two interference mitigation filters on existing cellular tower at 101 Burbank Road, Ellington, CT.
- c. Connecticut Siting Council Petition No. 1558 Decision and Order (dated August 3, 2023) – Community Power Group, LLC, 24 Middle Road, construction of 4.0 MW Solar Photovoltaic Project on approximately 28.4 acres.
- d. Email (dated August 16, 2023) from UConn Extension regarding Upcoming Land Use Commissioner Training Opportunities.

## **VII. ADJOURNMENT:**

**MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING AND ZONING COMMISSION MEETING AT 8:05 PM.**

Respectfully submitted by,

---

Barbra Galovich, Recording Clerk



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

September 20, 2023

Thomas Modzelewski, Ellington WPCA Administrator  
55 Main Street, PO Box 187  
Ellington, CT 06029

Sent via: [t.modzelewski@ellington-ct.gov](mailto:t.modzelewski@ellington-ct.gov)

RE: Proposed Expansion of the Hockanum Sanitary Sewer Service Area  
Portions of Properties on Jobs Hill Road, Tomoka Avenue, Pinney Street, and Frog Hollow Road

Dear Tom,

This is in response to your letter and the letter from Marshall Gaston of Fuss and O'Neill dated August 17, 2023. Marshall's letter includes six attachments referenced as Figures #1 through #6. The proposed Sewer Service Area (SSA) expansion shown in Figure #1 is generally consistent with the sewer expansion map presented to the Ellington Planning and Zoning Commission in 2021, but Figure #1 does not include 16 Tomoka Avenue and APN 062-014-0000 (copy of 2021 map attached). However, both parcels are partially zoned PC - Planned Commercial and expanding sewers to support commercial development is consistent with the Planning and Zoning Commission's chief policy document the Ellington Plan of Conservation and Development (POCD).

The SSA expansion shown in Figure #1 depicts the northern portion of 11 Jobs Hill Road, but the 2021 sewer expansion map does not. 11 Jobs Hill Road is owned by Oakridge Dairy and supports The Modern Milkman operations. The POCD recognizes agriculture as an economic sector and expanding the SSA to include the northern portion of 11 Jobs Hill Road is consistent with long term planning goals.

Figure #4 proposes to expand the SSA to include town-owned land on Middle Road. This parcel is commonly referred to as the T-parcel and was purchased for a future municipal complex. Expanding the SSA to serve the T-parcel is consistent with the POCD.

I hope this letter provides adequate information. If you have any questions or I may be of additional assistance, please let me know.

Best regards,

Lisa M. Houlihan, AICP  
Ellington Town Planner

cc: Ellington Planning and Zoning Commission  
M. Gaston, P.E. Fuss & O'Neill ([MGaston@fando.com](mailto:MGaston@fando.com))

1. Approval of Planning and Zoning Commission March 22, 2021 Regular Meeting Minutes.  
**MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 22, 2021 REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence:

- a. Memo from Timothy W. Webb, Director of Public Works/Water Pollution Control Authority Administrator for a potential expansion to the sanitary sewer district to include Planned Commercial and agricultural properties along Jobs Hill Road and Tomoka Avenue.

**BY CONSENSUS, SUPPORT THE POTENTIAL SANITARY SEWER DISTRICT EXPANSION AND USE OF AMERICAN RESCUE PLAN FUNDS TO INCLUDE PLANNED COMMERCIAL AND OAKRIDGE DAIRY/AGRICULTURAL PROPERTIES ALONG JOBS HILL ROAD AND TOMOKA AVENUE.**

- b. Discussion: draft text to add Low Impact Development to the Ellington Zoning Regulations.

Ms. Houlihan said the draft incorporates an initiative from the POCD and ties into the MS4 requirements that have to be adopted this year. The proposed text was shared with Tim Webb, Director of Public Works and Dana Steele, Town Engineer for their comments. Mr. Webb suggested adding curbless roads as a LID technique.

**BY CONSENSUS, AGREED TO REVIEW DRAFT PROPOSAL AND DISCUSS AT THE NEXT REGULAR MEETING ON MAY 24, 2021.**

- c. Discussion: Public Act 21-3 an Act Concerning the Outdoor Sale of Goods and Provision of Food and Beverage Service.

Ms. Houlihan briefly explained the Act, noting it's effective through March 31, 2022. She asked the commission if they support staff continuing to oversee plans to expand outdoor dining improvements for existing food establishments.

**BY CONSENSUS, DELEGATED REVIEW OF SITE PLAN MODIFICATIONS FOR EXPANSION OF OUTDOOR DINING FOR EXISTING FOOD ESTABLISHMENTS TO PLANNING DEPARTMENT STAFF, PURSUANT TO SPECIAL ACT 21-3.**

- d. Letter from Pullman & Comley, dated April 6, 2021, for petition for declaratory ruling for a solar array at 277 Sadds Mill Road, Ellington, CT, for CTEC Solar, LLC.

Ms. Houlihan reviewed the proposed solar project at 277 Sadds Mill Road. They are looking to develop approximately 30 acres of the land near the existing composting business and will be cutting some trees. The project is exempt from local oversight and is under the jurisdiction of the Connecticut Siting Council. The Board of Selectmen (BOS) has the right to hold public hearings if they choose to.

**V. ADJOURNMENT:**

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

Respectfully submitted,

\_\_\_\_\_  
Barbra Galovich, Recording Clerk





August 17, 2023

Ms. Lisa M. Houlihan, Town Planner  
Town of Ellington  
55 Main Street,  
Ellington, CT 06029

RE: Sanitary Sewer Service Area Expansion  
Jobs Hill Road, Tomoka Street, Pinney Street, and Frog Hollow Road  
Ellington, Connecticut

Dear Ms. Houlihan,

The Town of Ellington through its Water Pollution Control Authority (WPCA) is in the process of expanding the current Sewer Service Area to the west of the current boundary. As was noted in the May 20, 2015, letter from Denise Ruzicka concerning the “Review of wastewater infrastructure plans and specifications for locally funded projects,” we have prepared the acknowledgement below. Since the Connecticut Department of Energy and Environmental Protection issued the 2015 guidance, their policy has change and the reviews are to be done on the local level. Therefore, we are submitting for your review the acknowledgement as paraphrased below:

1. Maps depicting the existing and proposed Sewer Service Area. (Provided in Fuss & O’Neill’s recommendation letter dated August 17, 2023)
2. Statement from the municipal entity having regulatory authority that all aspects of the project meet, at a minimum, the requirements of the current New England Interstate Water Pollution Control Commission “Guides for the Design of Wastewater Treatment Works” (also known as TR-16).
3. A statement that the local entity having regulatory authority has determined that the project is consistent with the requirements of current state and local plans of conservation and development.

Ms. Lisa M. Houlihan  
August 17, 2023  
Page 2 of 2

## **Sewer Service Area**

As directed by the items above we have attached mapping depicting the existing Sewer Service Area (SSA), bounded in red and the proposed SSA expansion area (Plan Code Areas 100 & 130 bounded in a purple color. Plan Code Area 100 expansion will serve an area of approximately 150 acres that is zoned for mixed Agricultural/Residential, Planned Commercial, and Residential use. Plan Code Area 130 expansion will serve an area of approximately 75 acres that is zoned for Agricultural/Residential use. They lie adjacent to existing sanitary sewer lines and will expand the SSA west of the Town center.

## **Conformance with State and Local Plans of Conservation and Development (POCD)**

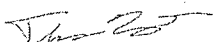
A review of the 2018 - 2023 State POCD Locational Guide Map and 2019-29 Ellington POCD was conducted by our consultant, Fuss and O'Neill Inc. and the proposed sewer service area expansion plan conforms to requirements of both POCDs.

## **Municipal Statement Regarding Authority**

The Ellington WPCA is the responsible authority for management and operation of all aspects of the Ellington wastewater collection system. All sanitary sewer designs within the planned expansion of the Sewer Service Area will conform, at a minimum, with the most current revision of the New England Interstate Water Pollution Control Commission "Guidelines for the Design of Wastewater Treatment Works" (TR-16).

Please contact me with any concerns.

Regards,







Thomas Modzelewski,  
WPCA Administrator  
Town of Ellington

Enclosures: Fuss & O'Neill letter to Thomas Modzelewski, dated August 11, 2023.

c: Marshall Gaston, Fuss and O'Neill



## Legend

- |   |  |
|---|--|
|  Sewershed     |  Sewer Main         |
|  Sewer Manhole |  Proposed Sewershed |

Disclaimer: This map is not the product of a Professional Land Survey. It was created by Fuss & O'Neill, Inc. for general reference, informational, planning and guidance use, and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. Fuss & O'Neill, Inc. makes no warranty, express or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.



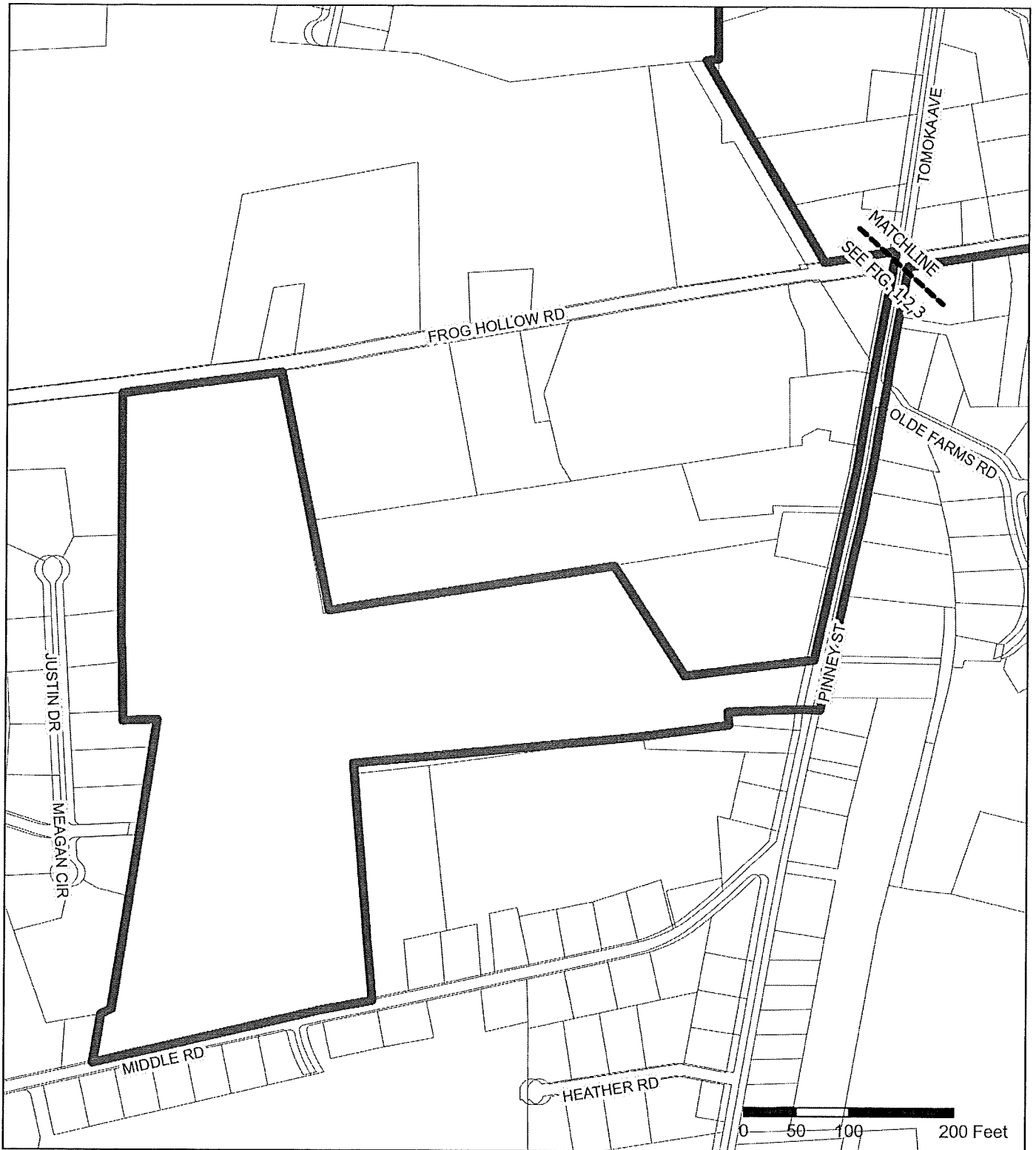
## Town of Ellington SSA Expansion Plan Code Area 100

Location Map  
Ellington Connecticut



**FUSS & O'NEILL**  
146 Hartford Road  
Manchester, CT 06040  
860.646.2469 | [www.fando.com](http://www.fando.com)

**Figure  
# 1**



## Legend

- |   |  |
|---|--|
|  Sewershed     |  Sewer Main         |
|  Sewer Manhole |  Proposed Sewershed |

Disclaimer: This map is not the product of a Professional Land Survey. It was created by Fuss & O'Neill, Inc. for general reference, informational, planning and guidance use, and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. Fuss & O'Neill, Inc. makes no warranty, express or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.



Town of Ellington SSA Expansion  
Plan Code Area 130

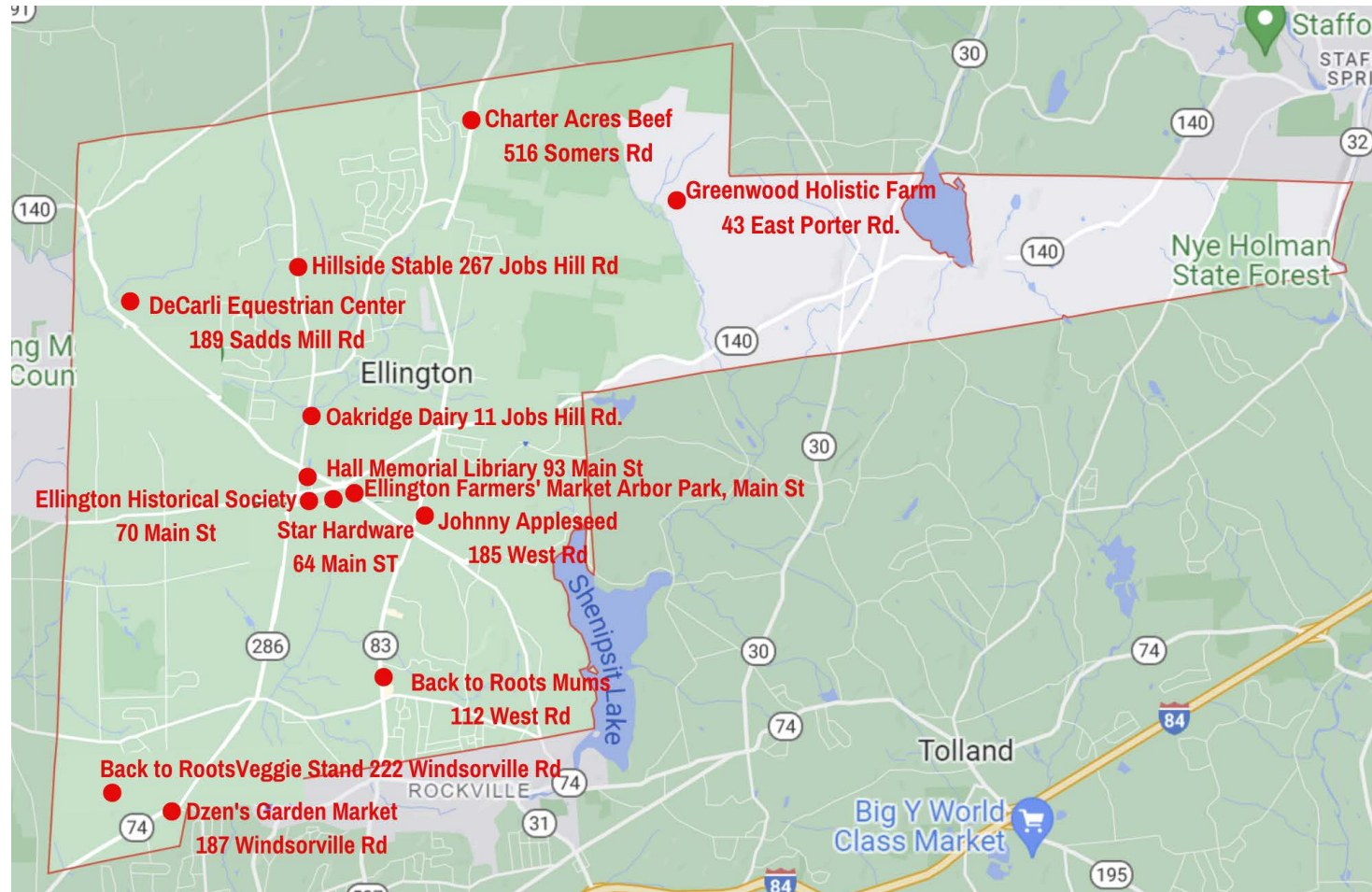
Location Map  
Ellington Connecticut



**FUSS & O'NEILL**  
146 Hartford Road  
Manchester, CT 06040  
860.646.2469 | www.fando.com

**Figure  
# 4**

# Participants



Back to Roots Mum Farm - 112 West Rd  
Back to Roots Veggie Stand - 222 Windsorville Rd  
Charter Acres Beef - 516 Somers Rd  
DeCarli Equestrian Center - 189 Sadds Mill Rd  
Dzen Garden Market - 187 Windsorville Rd  
Ellington Farmers Market - Arbor Park, Main St (9am-noon)  
Ellington Historical Society - 70 Main St  
Greenwood Holistic Farm - 43 East Porter Rd  
Hall Memorial Library - 93 Main St  
Hillside Stable - 267 Jobs Hill Rd  
Johnny Appleseed Farm Fruit Store - 185 West Rd  
Oakridge Dairy & The Modern Milkman - 11 Jobs Hill Rd  
Star Hardware - 64 Main St

**ELLINGTON FARM DAY**  
**SEPTEMBER 23, 2023**  
**10AM - 3PM**



Sponsored by the Ellington Planning Department  
&  
Ellington Economic Development Commission



The 2nd annual Ellington Farm Day is Saturday, September 23, 2023, from 10AM to 3PM. Help celebrate farming in Ellington and learn what Ellington farms have to offer. Start the day off with a visit to the Ellington Farmers' Market at Arbor Park on Main Street (9AM-Noon), then stroll to the Nellie McKnight Museum at 70 Main Street to see the Farm Exhibit and walk to Hall Memorial Library at 93 Main Street to see live chicks hatching and create chicken-related crafts. Cruise around town and tour participating farms like Oakridge Dairy (The Modern Milkman) at 11 Jobs Hill Road to see how a modern-day dairy farm operates, visit Hillside Stable at 267 Jobs Hill Road for a pony ride and learn about riding lessons and boarding opportunities, stop at the farm stand and tour the riding arena at DeCarli Equestrian Center at 189 Sadds Mill Road, and see chickens, pigs, and goats at Greenwood Holistic Farm at 43 East Porter Road. Visit the farm store at Johnny Appleseed's Farm Fruit Stand at 185 West Road and shop farm products at Dzen Garden Market at 187 Windsorville Road and enjoy their 2 for 1 ice cream cone (please bring a copy of this flyer with you). Buy farm-fresh veggies at Back to Roots Vegetable Stand at 222 Windsorville Road, purchase Ellington beef at Charter Acres at 516 West Road, buy fresh eggs and beef at Star Hardware at 64 Main Street, and visit Back to Roots Mum Patch at 112 West Road.

In the event additional farms sign-up after the printing and circulation of this flyer, a final list of participating farms will be posted on the Town of Ellington's website under Things to Do. On the day of the event, September 23, 2023, participating farms will display an Ellington Farm Day yard sign like the one pictured on the front of this flyer. Thank you for helping to celebrate farming in Ellington.

