



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES

MONDAY, OCTOBER 30, 2023, 7:00 PM

IN-PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT

REMOTE ATTENDANCE: ZOOM VIDEO CONFERENCING

(ATTENDEES BELOW WERE IN PERSON UNLESS OTHERWISE NOTED)

MEMBERS PRESENT: CHAIRMAN ARLO HOFFMAN, VICE CHAIRMAN SEAN KELLY, SECRETARY ROBERT SANDBERG, JR., REGULAR MEMBERS MICHAEL SWANSON, JON MOSER, ALTERNATES RACHEL DEARBORN AND MARY CARDIN

MEMBERS ABSENT: REGULAR MEMBERS WILLIAM HOGAN AND F. MICHAEL FRANCIS

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

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

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

III. PUBLIC HEARING(S):

1. S202302 – James W. Persano & Susan P. Haight, owner/ Gardner & Peterson Associates, LLC, applicant, request for a one lot subdivision on Jobs Hill Road, APN 139-019-0000, in a Rural Agricultural Residential (RAR) Zone.

Time: 7:02 pm

Seated: Hoffman, Kelly, Sandberg, Swanson, Moser, Dearborn, and Cardin

Eric Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT was present to represent the application.

Eric Peterson stated James Persano and Susan Haight own a seven-acre parcel on the east side of Jobs Hill Road. Eric said the parcel was created in 1983 by the distribution of the estate of Anthony Stolarz, of which the Stolarz parcel was divided into five parcels by a Certificate of Devise. In 1984 Alfred Schindler created a survey entitled "Map of Property of Evelyn M. Stolarz, Executor Ellington, Conn." and contained the following note: "Planning & Zoning Commission approval is granted for the purposes of allowing the division of the Estate of Anthony Stolarz among the heirs and does not constitute approval of building lots as such". The 1983 map was filed on the Ellington Land Records. The property did not go through the subdivision process and the lot is not considered a legal building lot. Eric reviewed the proposed site plan, showing compliance to setbacks, lot area, and lot frontage. He noted in 2017 one of the other five lots went through a similar process and has been developed. At that time, the Planning & Zoning Commission waived the open space requirement.

Eric stated, in accordance with the Town of Ellington's GIS, a wetland exists towards the east end of the parcel. Richard Zulick, Certified Soil Scientist, determined there are wetlands on the site, but the proposed development activity is outside of the Upland Review Area. Therefore, no wetlands permit is required and a positive referral from the Inland Wetland Agency has been

provided. The owner has applied to North Central District Health Department for approval of a septic system and well.

Chairman Hoffman asked the Town Planner why the open space requirement was waived in 2017. Lisa Houlihan noted the parcel was originally divided for family members and exempt. She explained this process, like the 2017 approval, is to legalize the division for building lots – this parcel can support one lot.

Donald Haight, 51 Whisper Woods Drive, Somers, CT. noted his wife, Susan, is the granddaughter of the estate and there will be five relatives in a row on Jobs Hill Road, with this being the last lot to be developed.

Lisa Houlihan reviewed possible conditions of approval and confirmed they were shared with Eric earlier in the day.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S202302 – James W. Persano & Susan P. Haight, owner/ Gardner & Peterson Associates, LLC, applicant, request for a one lot subdivision on Jobs Hill Road, APN 139-019-0000, in a Rural Agricultural Residential (RAR) Zone.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR S202302 – James W. Persano & Susan P. Haight, owner/ Gardner & Peterson Associates, LLC, applicant, request for a one lot subdivision on Jobs Hill Road, APN 139-019-0000, in a Rural Agricultural Residential (RAR) Zone.

CONDITIONS:

- **A RIGHT-OF-WAY PERMIT FOR THE PRIVATE DRIVEWAY MUST BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS.**
- **THE PLANS SHALL BE REVISED TO REFLECT A STREET NUMBER.**
- **THE ZONING TABLE ON PAGE 1 OF 2 OF THE PLANS SHALL BE REVISED TO REFLECT THE REAR YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES.**
- **IF THE DRIVEWAY WILL BE CONSTRUCTED IN EXCESS OF 100', THE STANDARDS OF SECTION 2.1.3 PRIVATE PROPERTY DRIVEWAYS FROM THE ELLINGTON ZONING REGULATIONS MUST BE MET.**

The Commission heard the following applications S202303 and Z202321 together. Commissioner Dearborn recused herself from applications.

2. S202303 – Walter Carlson, owner/ Tracy French, applicant, request for a two-lot subdivision (1 agricultural lot & 1 lot for development) on Lower Butcher Road, APN 018-020-0001, in an Industrial Park (IP) Zone.

Time: 7:12 PM

Seated: Hoffman, Kelly, Sandberg, Swanson, Moser, and Cardin

Tracy French, 19 Grand Boulevard, Ellington, CT; Mark Reynolds, Dutton Associates, LLC, 67 Eastern Boulevard, Glastonbury, CT; Jim Maitland, 31 Charter Road, Ellington, CT, Alan Lamson, FLB Architecture & Planning, Inc, 112 Spencer Street, Ste 1B, Manchester, CT and Shannon Hurbert (via Zoom), Legacy Builders Solutions, 19500 County Road 142, South Haven, MN, were present to represent the application.

Mark Reynolds presented a PowerPoint presentation explaining the site is on Lower Butcher Road and the property is roughly 14.9 acres. Mark noted the parcel is in the Industrial Park Zone. The applicant is looking to subdivide the parcel, the proposed project will be on 4.6 acres and the

remaining 10 acres will continue to be farmland. Mark stated the project will not be within one hundred feet of the river and provided updated plans dated October 26, 2023, showing approximately 1.5 acres of open space along the Hockanum River.

Lisa Houlihan stated the open space requirement can be fulfilled with an agricultural easement, noting the land has been used for crops over the years and now has livestock on the property. Lisa noted the commission received an email from the Trails Committee, dated October 25, 2023, stating there was originally a trail along the river, but passive recreation and keeping of livestock is not compatible. They requested the easement provide a provision that if activity changes to a non-agricultural use, then the open space requirement could be changed to a trail's easement.

Mark Reynolds said the Inland Wetland Agency provided a positive referral to the commission noting the topography of the land where the proposed development is to be is mildly sloped with well-drained soils. All activity for the project will be performed outside the upland review area. Access to the site will be from Lower Butcher Road with public sewer and water. They met with the Water Pollution Control Authority to obtain an allowance of 1,400 gallons of water per day.

Mark Reynolds described the proposed use of the 136'x330' structure for four tennis courts and four pickleball courts along the northeast side of the parcel. There will be 50 parking spaces available, an emergency service 20' wide 12" depth gravel access drive around the building which will accommodate the fire department access requirements. Mark said they provided a landscape plan that was reviewed by the Design Review Board. Most of the landscaping will be along the north and west sides of the structure. There will be a grass swale on each side of the 4.6 acres that will drain into a low 2' in depth wide basin to the rear of the parcel that will outlet to the wetlands. No catch basins will be required to be installed given the parcel is relatively flat. The structure will be 2.5 feet higher than the floodplain. Mark showed the design and location of the light poles, the proposed location of wall mounted lights, the detached sign location, and landscaped areas.

Mark Reynolds reviewed the changes made to the plans since the commission received the original plan set, that addresses most of the staff comments.

Vice Chairman Kelly asked about hosting any tournaments. Mark Reynolds responded there are only four tennis and four pickleball courts and there should be more than enough parking to accommodate the use.

Alan Lamson showed the pre-engineered building with two-layer fabric material that will be navy blue and tan colors. There are two separate fabrics, one inside and the other outside which is waterproof and insulated. Alan reviewed the layout of the interior of the structure, such as the reception area, bathrooms, locker room, break area, pro-shop, and office. There will be two means of egress from the structure. The mechanicals will be over the mezzanine portion and the condensers will be outside and screened. Alan stated a post and beam cover will be added over the front entryway of the building and they will add split rail fencing along the front side of the building. The proposed two-sided detached sign will be externally illuminated. Alan provided a colored sketch of the proposed entrance. Tracy French stated the gravel drive will be for emergency vehicles, but anyone could use it to enter and exit the site. Jim York, Fire Marshal, will work with Tracy on the proper signage required under the fire code for the 20' gravel drive.

Vice Chairman Kelly asked why the structure will be fabric. Shannon Humbert explained the fabric is durable and easily fixed should there be a rip in the fabric. The noise level is also lower than a steel building. Secretary Sandberg discussed different lighting styles and landscaping to soften up the side of the structure to be more appealing. They discussed landscaping close to Lower Butcher Road and the free-standing sign will be lit from the ground. Commissioner Swanson noted Tracy has considered the surrounding neighbors when designing the site and will do right by the Town. Commissioner Moser asked for the split rail fencing to be symmetrical with the fencing

down the road if possible. Vice-Chairman Kelly inquired about the lighting being contained on the site. Mark Reynolds provided the commissioners with a Photometric Plan which shows nominal spillage to the northwest of the parcel on the farm field.

John Chiarenza, 84 Windermere Avenue, stated the project looks like it will be great and asked for more arborvitae to be planted along the west side of the property where the parking and lighting will be located. Tracy acknowledged the request.

Jeff Cartell, 11 Quarry Street, has two children who play tennis, noting it would be nice not to travel to surrounding towns to play. He said the proposed racquet club will make Ellington a great destination place.

Roger Moser, 17 Hayes Avenue, complemented the applicant on the project and it looks well planned. Roger asked if the detention basin in the back of the parcel will be mowed grass.

Lisa Houlihan noted the Design Review Board gave a positive referral with suggestions. Chairman Hoffman inquired about the hours of operation, Tracy French noted 7:00 am to 10:00 pm, seven days a week. Commissioner Swanson asked about any proposed courts outside. Tracy said they hope to have pickleball courts outside in the future.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR S202303 – Walter Carlson, owner/ Tracy French, applicant, request for a two-lot subdivision (1 agricultural lot & 1 lot for development) on Lower Butcher Road, APN 018-020-0001, in an Industrial Park (IP) Zone.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR S202303 – Walter Carlson, owner/ Tracy French, applicant, request for a two-lot subdivision (1 agricultural lot & 1 lot for development) on Lower Butcher Road, APN 018-020-0001, in an Industrial Park (IP) Zone.

CONDITIONS:

- **THE PLANS SHALL BE REVISED TO REFLECT ASSESSOR PARCEL NUMBERS AND STREET NUMBERS.**
 - **THE OPEN SPACE IS SUBJECT TO AN AGRICULTURAL EASEMENT. IF AGRICULTURAL ACTIVITIES CEASE AND THE PARCEL IS PROPOSED FOR COMMERCIAL DEVELOPMENT THE EASEMENT SHALL BE REVISED TO ALLOW PASSIVE RECREATION.**
3. Z202321 – Walter Carlson, owner/ Tracy French, applicant, request for a Site Plan approval to construct a building, parking, and other site improvements for an indoor tennis/pickleball facility on Lower Butcher Road, APN 018-020-0001, in an Industrial Park (IP) Zone.

Time: 7:12 PM

Seated: Hoffman, Kelly, Sandberg, Swanson, Moser, and Cardin

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202321 – Walter Carlson, owner/ Tracy French, applicant, request for a Site Plan approval to construct a building, parking, and other site improvements for an indoor tennis/pickleball facility on Lower Butcher Road, APN 018-020-0001, in an Industrial Park (IP) Zone.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR Z202321 – Walter Carlson, owner/ Tracy French, applicant, request for a Site Plan approval to construct a building, parking, and other site improvements for an indoor tennis/pickleball facility on Lower Butcher Road, APN 018-020-0001, in an Industrial Park (IP) Zone.

CONDITIONS:

- **A RIGHT OF WAY PERMIT NEEDS TO BE APPLIED FOR THROUGH THE DEPARTMENT OF PUBLIC WORKS TO INSTALL THE PROPOSED DRIVEWAY AND THE SANITARY SEWER CONNECTION.**
- **SUBJECT TO APPROVAL BY THE TOWN ENGINEER AND COMMENTS DATED OCTOBER 24, 2023.**
- **SUBJECT TO APPROVAL BY THE TOWN FIRE MARSHAL.**
- **SCREEN THE DUMPSTER WITH FENCING AND/OR ARBORVITAE.**
- **SIGNAGE SUBJECT TO COMPLIANCE WITH ZONING REGULATIONS AND ISSUANCE OF A ZONING PERMIT AND SHALL BE EXTERNALLY LIT.**
- **PLANS SHALL BE REVISED TO INCORPORATE THE RECOMMENDATIONS FROM THE DESIGN REVIEW BOARD WITH THE EXCEPTION OF SIGNS AT THE END OF THE ACCESS DRIVE.**
- **ADD A SPLIT RAIL FENCE IN FRONT OF BUILDING FACING LOWER BUTCHER ROAD.**

Commissioner Dearborn was reseated.

4. Z202322 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendments 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.

Time: 8:26 PM

Seated: Hoffman, Kelly, Sandberg, Swanson, Moser, Dearborn, and Cardin

Lisa Houlihan recapped the proposed text amendment initiated by the Economic Development Commission. Pursuant to CGS requirements, a notice was sent to the Capitol Region Council of Governments. They reviewed the application and found no apparent conflict with regional plans and policies or the concerns of neighboring towns. The commissioners round tabled the proposed amendments.

No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202322 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendments 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.

MOVED (KELLY) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE Z202322 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendments 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. **EFFECTIVE DATE: NOVEMBER 15, 2023.**

5. Z202323 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendment for Section 7.15.7 Alternative Energy-Solar-Ground-Mounted Primary Use and Other – All Zones.

Time: 8:53 PM

Seated: Hoffman, Kelly, Sandberg, Swanson, Moser, Dearborn, and Cardin

Pursuant to CGS requirements, a notice was sent to the Capitol Region Council of Governments. They reviewed the application and found no apparent conflict with regional plans and policies or the concerns of neighboring towns. Lisa spoke with Ray Martin, Building Official, about the language and according to the Building Code transformers cannot be in an enclosed structures. Ray noted that inverters do not generally create noise. Lisa stated the Town of East Windsor is at 23% of solar projects in the state.

No one from the public spoke regarding the application.

MOVED (KELLY) SECONDED (CARDIN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202323 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendment for Section 7.15.7 Alternative Energy-Solar-Ground-Mounted Primary Use and Other – All Zones.

MOVED (KELLY) SECONDED (SWANSON) TO APPROVE AS AMENDED - Z202323 - Planning and Zoning Commission, applicant, for proposed Zoning Regulation Amendment for Section 7.15.7 Alternative Energy-Solar-Ground-Mounted Primary Use and Other – All Zones.
EFFECTIVE DATE: NOVEMBER 15, 2023

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Z202324 – Stick It Here Storage, LLC, owner/applicant, request for Special Permit and Site Plan Modification to construct a self-storage facility, fencing and gates, landscaping and related improvements at 25 West Road, APN 019-180-0000, in a C (Commercial) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING ON NOVEMBER 27, 2023, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR Z202324 – Stick It Here Storage, LLC, owner/applicant, request for Special Permit and Site Plan Modification to construct a self-storage facility, fencing and gates, landscaping and related improvements at 25 West Road, APN 019-180-0000, in a C (Commercial) Zone.

2. Z202325 – Steven Midford, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 50x60 accessory detached garage at 124 Middle Road, APN 041-002-0008, in a Rural Agricultural Residential (RAR) Zone.

BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING ON NOVEMBER 27, 2023, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR Z202325 – Steven Midford, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 50x60 accessory detached garage at 124 Middle Road, APN 041-002-0008, in a Rural Agricultural Residential (RAR) Zone

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the September 25, 2023, Regular Meeting Minutes.

MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 25, 2023, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Email from Peter Hany dated October 10, 2023, Ellington Ambulance responses.

Commissioners acknowledged receipt of the email. Lisa Houlihan noted that Peter Hany, Ellington Volunteer Ambulance Corp Chief, has been added to the Staff Review distribution for applications presented to the commission.

- b. FEMA Notice dated September 27, 2023, for the Draft Risk Map Project for the Thames and Shetucket Watersheds.

Lisa Houlihan stated John Colonese, Assistant Town Planner, is working with the town's GIS consultant to overlay the revised FEMA map to Ellington GIS mapping to identify affected properties. The Thames and Shetucket Watershed in Ellington is generally east of Crystal Lake School. Some properties around Crystal Lake may now have a Special Flood Hazard Area designation. This information has been sent to the Town Engineer for review. Additional information from FEMA will be forwarded to the Wetlands Agent as it becomes available.

- 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:

MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING AND ZONING COMMISSION MEETING AT 9:23 PM.

Respectfully submitted by,

Barbra Galovich, Recording Clerk