



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES MONDAY, JANUARY 29, 2024, 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: VICE CHAIRMAN SEAN KELLY, SECRETARY ROBERT SANDBERG, JR.,
REGULAR MEMBERS WILLIAM HOGAN, F. MICHAEL FRANCIS,
MICHAEL SWANSON, JON MOSER, AND ALTERNATE JEREMIAH
WILLIAMS**

MEMBERS ABSENT: CHAIRMAN ARLO HOFFMAN AND ALTERNATE RACHEL DEARBORN

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

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

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

III. PUBLIC HEARING(S): (Notice requirements met, hearings may commence)

1. Z202327 – Danielle Stites, Irene Gilbert, Rick DeCarli, and Judy Norwood, owners/Rick and Daryl DeCarli, applicants, request for zone change from Industrial (I) Zone to Rural Agricultural Residential (RAR) Zone for APN 100-008-0000, 191 Sadds Mill Road APN 100-008-0001 and 189 Sadds Mill Road APN 100-008-0002.

Time: 7:00 pm

Seated: Kelly, Sandberg, Hogan, Francis, Swanson, Moser, and Williams

Attorney Joseph Ryan, 16 Virginia Drive, was present to represent the application.

Attorney Ryan explained the properties are located on Sadds Mill Road on the right-hand side going towards East Windsor just beyond Powder Hill Gravel. Currently there is a zone boundary that crosses over the property splitting it between Rural Agricultural Residential (RAR) and Industrial (I). The owners of the property are asking for the agricultural boundary to be moved to include all three properties, APN 100-008-0000, 191 Sadds Mill Road APN 100-008-0001, and 189 Sadds Mill Road APN 100-008-0002.

Attorney Ryan stated the reason for the request is the owners were looking for assistance from the Department of Agriculture, but they denied their request due to portions of the properties being zoned industrial. The farm has been in operation going on 5 generations. Up to now, they have relied upon the exemption in the subdivision section for agriculture splits. Attorney Ryan noted the family would like to be able to comply with the subdivision regulations, which is the ultimate plan of subdividing the house lot from the horse facility. The old farmhouse is already a lot, and then the rear lot should be the arena property. Attorney Ryan said part of the problem with being under the industrial zone is meeting the minimum lot frontage for each lot.

Attorney Ryan explained the history of the properties. Back in the 1960s a couple of guys named Parker and Sweet had a sand business and when the business was diminished, they wanted to use it for refuse disposal area and had the zone changed to industrial. The Capitol Region of

Governments Commission, at that time, wanted parcels from Jobs Hill Road to the Enfield and East Windsor town lines to be zoned industrial to align with an old plan to extend Route 291 to the area. It's been 55 years with the parcels being zoned industrial without the highway extension or industrial development so it's time to move the parcels back to a residential zone.

Secretary Sandberg inquired how many total lots would be affected. Attorney Ryan noted there will be 3 lines, but that's not part of this application. This is just a zone change request to support the large riding arena, multiple agricultural structures, paddocks, and two existing homes that are there for the family members.

Lisa Houlihan noted Attorney Ryan's 35 to 37 years working with the town as the Town Attorney and before that being seated on the Planning and Zoning Commission. Lisa shared there is no public water or sewer on these parcels.

Secretary Sandberg stated normally the Commission doesn't look to change an industrial zone back to residential zone but given the history of these properties and the history of farmland, he is fine with the request. Jon Moser is in support of the application given the history of the property.

All other seated commissioners were good with the application and no one from the public had any comments.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202327 – Danielle Stites, Irene Gilbert, Rick DeCarli, and Judy Norwood, owners/Rick and Daryl DeCarli, applicants, request for zone change from Industrial (I) Zone to Rural Agricultural Residential (RAR) Zone for APN 100-008-0000, 191 Sadds Mill Road APN 100-008-0001 and 189 Sadds Mill Road APN 100-008-0002.

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE Z202327 – Danielle Stites, Irene Gilbert, Rick DeCarli, and Judy Norwood, owners/Rick and Daryl DeCarli, applicants, request for zone change from Industrial (I) Zone to Rural Agricultural Residential (RAR) Zone for APN 100-008-0000, 191 Sadds Mill Road APN 100-008-0001 and 189 Sadds Mill Road APN 100-008-0002, **AS SHOWN ON MAP FOR RICHARD J. & DARYL A. DECARLI AS PREPARED BY ZUVIC INFRASTRUCTURE SOLUTIONS DATED NOVEMBER 15, 2023. EFFECTIVE DATE: FEBRUARY 15, 2024**

2. S202401 - Tymac Holdings, LLC, owner/Craig Webb, applicant, request for re-subdivision to convey and combine APN 023-001-0000 with 12 Garnet Lane, APN 023-001-0015, Ridge Crossing Subdivision, Rural Agricultural Residential (RAR) Zone.

Time: 7:14 pm

Seated: Kelly, Sandberg, Hogan, Francis, Swanson, Moser, and Williams

Craig Webb, 12 Garnet Lane, was present to represent the application.

Lisa Houlihan noted the Commission members have a copy of the applicant's narrative, and comments from the Public Works Director and Town Attorney.

Craig Webb stated about a year ago he purchased one of the lots on Garnet Lane. The parcel is 38-acres and combining it with the abutting lot will allow it to be used for its full potential as agricultural farmland. There's already some fields and meadow areas and the lot is very wet with poorly drained soil. Next to Mr. Webb's parcel is a 2.15-acre lot with a detention basin constructed on it as part of the subdivision plan approved by the Planning & Zoning Commission. This parcel is intended to be conveyed to the Town of Ellington when construction is complete. Mr. Webb is requesting to have the small parcel conveyed to him, rather than the Town. Mr. Webb is proposing to eliminate the boundary lines and incorporate the entire land into 12 Garnet Lane.

Craig Webb noted that right now the rest of the acreage on his parcel can only be accessed by the driveway to the basin area or going across his yard and down a steep embankment. Craig has been maintaining the detention basin and brush hogging as necessary since the installation.

Craig would like to install an accessory barn onto the property in the future. By combining the lots Craig hopes to provide a little level of security and eliminate ATV's and dirt bikes from entering the parcel.

Lisa Houlihan explained Ellington does not own the detention basin yet and maintenance is still the developer's responsibility. Lisa reviewed the Public Works Director's comments and noted the Town Attorney has reviewed the proposal. Tymac still owns the 2.15-acre parcel and if this application is approved it will be conveyed to Craig Webb. The easement agreement between Craig Webb and the Town will need to be filed on the land records.

Commissioner Hogan asked who will be maintaining the detention basin since the 2.15-acre parcel will not be deeded to the Town of Ellington. Craig Webb noted that he will continue to maintain the detention basin and the Town will have an easement with rights to access for any reason. If the parcel is owned by the Town, then the Town is totally responsible for the maintenance of the basin.

No one from the public spoke regarding the application.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO CLOSE THE HEARING FOR S202401 - Tymac Holdings, LLC, owner/Craig Webb, applicant, request for re-subdivision to convey and combine APN 023-001-0000 with 12 Garnet Lane, APN 023-001-0015, Ridge Crossing Subdivision, Rural Agricultural Residential (RAR) Zone.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITIONS - S202401 - Tymac Holdings, LLC, owner/Craig Webb, applicant, request for re-subdivision to convey and combine APN 023-001-0000 with 12 Garnet Lane, APN 023-001-0015, Ridge Crossing Subdivision, Rural Agricultural Residential (RAR) Zone.

CONDITIONS:

- 1. THE OWNER SHALL PROVIDE THE TOWN WITH A FORMAL EASEMENT WITH UNRESTRICTED RIGHTS TO DRAIN, ACCESS, MAINTENANCE AND REPAIR OF DRAINAGE FACILITIES FOR APN 023-001-0000.**
 - 2. SUBJECT TO APPROVAL BY THE TOWN ATTORNEY.**
3. Z202328 – Stephen D. Williams, owner/applicant, request for Special Permit and Site Plan Approval for two rear lots off of Hawks Nest Trail, APN 004-002-0000, Rural Agricultural Residential (RAR) Zone.

Time: 7:26 pm

Seated: Kelly, Sandberg, Hogan, Francis, Swanson, Moser, and Williams

Stephen Williams, 36 Buff Cap Road, Tolland, CT was present to represent the application. Stephen purchased the parcel 13 months ago, while there was a lawsuit pending. Stephen noted there is a stipulated agreement for the 50' access to the parcel between 55 Hayes Avenue and 2 Hawk's Nest Trail to be used as a driveway with the construction of no more than two dwellings. Stephen is looking for a special permit approval to have two rear lots and noted receipt of North Central District Health's septic and well approvals.

Lisa Houlihan explained the parcel is eligible for exemption from the Subdivision Regulations, but it's not exempt from the Zoning Regulations. Stephen previously provided a different plan to John Colonese, Zoning Enforcement Officer, for a permit to build which John had denied. Stephen appealed John's decision to the Zoning Board of Appeals. The Board upheld John's decision but granted Stephen a variance to allow access over an easement for two proposed rear lots. Stephen's attorney provided John Colonese with the deed history to show that the parcel is eligible for a free cut. Lisa Houlihan stated today's PZC application needs to show compliance to the rear lot requirements along with site development standards. Lisa shared comments from EMS and

Fire Services requesting that adequate width be provided for the driveway. The easement area from Hawk's Nest Trail to the border of his property is 50 feet wide, but it is only going to be improved 18 feet wide up to where the driveway splits and then it scales to 12 feet. Ms. Houlihan noted the plans will have to be changed to be 15 feet wide to comply with zoning standard. Lisa noted there are some drainage concerns as noted in the memo from the Town Engineer.

Lisa Houlihan stated a neighbor that resides at 55 Hayes Avenue reached out to the Planning Department within the last couple of days. The neighbor mentioned a complaint about drainage back in 2020 with John Colonese. There has been some increase in precipitation and water sheet flowing across her property. The owner of 55 Hayes Avenue asked for her letter and video to be part of Stephen Williams' file. Lisa noted the neighbor's concern now is that she doesn't want this site development increasing the issue she already has. Dana Steele provided a memo to the commission and requested more details.

Stephen Williams said the drainage letter from Benesch should be sufficient and is within the buffer areas and after determination of the square foot of the proposed dwelling, you would need to address drainage. It's almost impossible not knowing the size of the house, the bedrooms and everything, it really can't be done. There's a detention pond shown on the map, it is proposed and should take care of any drainage issues. Stephen mentioned the Town Engineer's comments about a low impact development standard versus huge detention basin, but he feels he needs more details.

Lisa Houlihan noted the requirements are part of the zoning regulations which was provided to Mr. Williams on January 4, 2024, in a memo, citing the specific sections of the zoning regulations including a plan that shows existing and proposed topography, storm water facilities, and erosion and sediment control measures. Lisa stated the information that was provided is inadequate to review drainage and to determine what will be built will not increase or cause any more drainage off site.

After an abrupt and vulgar comment from Stephen Williams, the Commission voted to continue the public hearing to the February 26, 2024, meeting and advised audience members that public comment would be taken in February.

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO MONDAY, FEBRUARY 26, 2024, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR Z202328 – Stephen D. Williams, owner/applicant, request for Special Permit and Site Plan Approval for two rear lots off of Hawks Nest Trail, APN 004-002-0000, Rural Agricultural Residential (RAR) Zone.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Request to accept public improvements (Garnet Lane), release of performance bond, and establishment of maintenance bond for S202004 Ridge Crossing Subdivision, pursuant to a letter from Tymac Holding, LLC, dated December 5, 2023.

Lisa Houlihan explained Town Engineer Dana Steele, Assistant Planner Enforcement Officer John Colonese, and Director of Public Works Tom Modzelewski conducted an inspection of the subdivision and Mr. Steele provided a letter dated January 24, 2024, with their concerns. The project is not ready for acceptance, noting some conditions have not been completed. Mr. Steele recommended the performance bond be reduced to \$85,341.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO GRANT A REDUCTION OF PERFORMANCE BOND TO \$85,341, IN ACCORDANCE WITH THE TOWN ENGINEER'S LETTER DATED JANUARY 24, 2024, for a request to accept public improvements (Garnet Lane), release of performance bond, and establishment of maintenance bond for S202004 Ridge Crossing Subdivision, pursuant to a letter from Tymac Holding, LLC, dated December 5, 2023.

2. **BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING ON FEBRUARY 26, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR Z202401**– Paul Misbach, owner/applicant, pursuant to Section 3.1.3 of the Ellington Zoning Regulations request for Special Permit for the construction of a 30X40 accessory detached garage at 58 Pinney Road, APN 015-010-0000, in a Rural Agricultural Residential (RAR) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the December 18, 2023, Regular Meeting Minutes.

MOVED (HOGAN) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE DECEMBER 18, 2023, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Discuss status of Land Use Commissioner Training, Pursuant to Public Act No. 21-29... Training for Certain Land Use Officials.

VII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING AND ZONING COMMISSION MEETING AT 7:53 PM.

Respectfully submitted by,

Barbra Galovich, Recording Clerk