



TOWN OF ELLINGTON

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PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

MONDAY, FEBRUARY 26, 2024, 7:00 PM

N-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. (VIA ZOOM), REGULAR MEMBERS WILLIAM HOGAN, F. MICHAEL FRANCIS, AND MICHAEL SWANSON

MEMBERS ABSENT: REGULAR MEMBER JON MOSER AND ALTERNATES RACHEL DEARBORN AND JEREMIAH WILLIAMS

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 7:06 pm.

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

III. PUBLIC HEARING(S):

BY CONSENSUS, THE COMMISSION WENT OUT OF THE AGENDA ORDER TO REVIEW ITEM 2 OF THE PUBLIC HEARINGS.

2. 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.

Time: 7:07 pm

Seated: Hoffman, Kelly, Sandberg, Hogan, Francis, and Swanson

Paul Misbach, 58 Pinney Road, was present to represent the application. Paul stated he plans to replace a rotted unsafe shed with a 30X40 detached building with a 10-foot lean-to for his personal items. Vice Chairman Kelly asked if there would be any utilities installed. Paul noted no water will be installed but electricity could be installed in the future. Commissioner Hogan asked what the color of the structure is, Paul noted it will be black and charcoal. Commissioner Hogan inquired about the large tree on the left of the property. Paul replied no trees will be removed from the site and he would like to add more at some point.

Karl and Caroyne Henkel, 2 Settlers Way, were present. Karl asked what the location of the structure will be, and Paul explained it will be located directly at the end of the driveway near the turnaround. The lean-to will be on the west side of the structure, and he intends on adding a downlit gooseneck style light on the side of the building that faces the road. Caroyne asked if he would be running a business out of the garage. Paul noted there will be no business, but he will be storing a boat, lawn mower, and tools in the garage. It was noted the structure will be at least 22 feet from the side yard.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

CONDITION(S):

Structure shall not be used for commercial operations or as an independent dwelling unless otherwise permitted by regulation and all applicable approvals have been obtained.

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

1. Z202328 – Stephen D. Williams, owner/applicant, request for Special Permit and Site Plan Approval for two rear lots off Hawks Nest Trail, APN 004-002-0000, Rural Agricultural Residential (RAR) Zone. (Continued from January 29, 2024)

Time: 7:19 pm

Seated: Hoffman, Kelly, Sandberg, Hogan, Francis, and Swanson

Stephen Williams, 36 Buff Cap Road, Tolland was present to represent the application.

Lisa Houlihan read Dana Steele's comments dated February 21, 2024, along with suggested conditions of approvals. Lisa noted some of the changes to the plans since the last meeting including a reduction in the proposed size of homes, shorter driveways, and much less tree cutting. Stephen apologized to the commission for the outburst at last month's meeting and noted the plans have been revised to minimize any runoff from the property.

Chairman Hoffman noted the conceptual plan is what was submitted with the application and asked if additional dwellings could be added to the parcel. Stephen stated only two lots were approved through the court judgment.

Dennis Kupferschmid, 2 Hawk's Nest Trail, raised concern about increased drainage with two more dwellings being constructed to the southwest of his property. Dennis asked about any drainage basins to be constructed on the parcel. The existing basins in the area do clog up. Vice Chairman Kelly stated the construction of the drainage basin will be overseen by the applicant's engineer. The applicant's engineer will also be required to provide a report confirming construction complies with the proposed plan.

Stephen pointed out Item 6a from the Superior Court Judicial District of Tolland's Stipulation to Judgement dated January 13, 2023, which stated, "The Gateses are not concealing any defects with the Hawk's Nest Trail Easement Area and have no current plans to repair the Hawk's Nest Trail Easement Area. Williams will not make any requests that the Gateses repair any existing conditions or problems with the Hawk's Nest Trail Easement Area. Mr. Williams has seen photographs and videos of heavy rainfall and is aware of the existing drainage problems in the Hawk's Nest Trail Easement Area and adjacent land during severe weather events." Chairman Hoffman reiterated that Stephen noted the drainage for the two lots is being addressed and improving the two lots will not add to the existing drainage problem within the area.

Chairman Hoffman asked Stephen if he accepts the proposed conditions read earlier by the Town Planner. Stephen acknowledged receipt of the proposed conditions of approval and his acceptance of them.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z202328 – Stephen D. Williams, owner/applicant, request for Special Permit and Site Plan Approval for two rear lots off Hawks Nest Trail, APN 004-002-0000, Rural Agricultural Residential (RAR) Zone.

MOVED (HOGAN) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z202328 – Stephen D. Williams, owner/applicant, request for Special Permit and Site Plan Approval for two rear lots off Hawks Nest Trail, APN 004-002-0000, Rural Agricultural Residential (RAR) Zone.

CONDITIONS:

1. The development is subject to meeting the requirements of Ellington Zoning Regulations Section 9.6 Post Approval Requirements.
2. Prior to the boundary survey being recorded on the land records, the ownership for 2 Hawks Nest Trail shall be updated.
3. The 50' easement shall be assigned a new street name, as approved by town officials.
4. The plans shall be revised to reflect the street name, the assessor parcel numbers, and house numbers prior to being recorded on the Ellington Land Records.
5. The developer shall be responsible for the cost and installation of the street name sign. The street name sign is subject to approval by the Ellington Department of Public Works and shall be installed prior to issuance of a certificate of occupancy.
6. An agreement for the 50' right-of-way and ingress/egress/utility easement defining provisions for ownership, maintenance, and other legalities recommended by the Ellington Town Attorney, shall be recorded on the Ellington Land Records.
7. Property pins shall be installed prior to lot transfer or issuance of certificate of occupancy, whichever comes first.
8. Special Permit and Site Plan Approval is based on plans C-1.2, C-1.1, C-1.0, SV.03 & SV.01 dated Dec 2023 and SV.02 dated Dec 2023, revised 1/31/24 and 2/1/2024, and Stormwater Management Memorandum issued February 1, 2024, prepared by Alfred Benesch & Company. Deviation to the site development plan that propose to increase impervious surface or change land cover may require the developer/property owner to revise to the Stormwater Management Memorandum and demonstrate to the town that onsite stormwater management facilities adequately manage the stormwater runoff and do not increase peak flows.
9. Specify the depth of soil mix on the detention basin detail (sheet C-1.2).
10. Provide a dimensioned detail of the basin weir outlet and apron. The weir should be designed to retain runoff to the top of the weir without drainage through the riprap voids.
11. Provide two temporary sediment traps, one for each lot upstream from the detention basin (infiltration Best Management Practices) to avoid clogging the detention basin during construction. Indicate the minimum storage capacity of each trap based on the watershed area in accordance with the CT Soil Erosion & Sedimentation Guidelines.
12. The Engineer shall observe the construction of the detention basin and shall provide a report confirming conformance with the design specifications and adequacy of the receiving soils for infiltration prior to issuance of a certificate of occupancy.
13. The plans shall include a maintenance schedule for the detention basin to ensure the basin continues to drain between storm events.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Pursuant to referral from the Board of Selectmen on February 12, 2024, request for Connecticut General Statute §8-24 review for purchase of 79 Kibbe Road as open space.

Vice Chairman Kelly stated the commission is in receipt of an CGS §8-24 Referral from the Board of Selectmen requesting a positive referral for the acquisition of 79 Kibbe Road. Vice Chairman Kelly noted the property was once accessible to the public as the main point of access in Ellington to the Shenipsit State Forest for recreation and emergency services. Access to the property was blocked off in 2011 when ownership was taken over by the estate of the former owner. Chairman Kelly mentioned the Town has been speaking with the property owner for some time now about regaining access. Lisa stated the Town and the property owner are currently in negotiations.

MOVED (HOGAN), SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO ISSUE A POSITIVE REFERRAL TO THE BOARD OF SELECTMEN FOR THE ACQUISITION OF LAND KNOWN AS 79 KIBBE ROAD, ASSESSOR PARCEL NUMBER APN 142-002-0000, NOW OR FORMERLY OWNED BY SCOTT J. BRADY, TRUSTEE OF JAMES W. BRADY LIVING TRUST, CONSISTING OF APPROXIMATELY 27 ACRES, PURSUANT TO CONNECTICUT GENERAL STATUTE SECTION 8-24. IN SO RECOMMENDING, THE COMMISSION FINDS THE ACQUISITION OF SAID PARCEL CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT BY INCREASING THE AMOUNT OF OPEN SPACE IN TOWN AND PROTECTING LAND IDENTIFIED BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AS HABITAT FOR ENDANGERED, THREATENED, AND/OR SPECIAL CONCERN SPECIES.

2. **BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MARCH 25, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR Z202403** – West Meadow Associates, LLC, owner/applicant, request for Site Plan Approval to relocate and widen driveway access at 106 West Road, APN 028-011-0000, and create shared access with 100 West Road, APN 028-010-0000, in the Commercial (C) and Planned Commercial (PC) Zones.
3. **BY CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR MARCH 25, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR Z202404** – Fifty (50) West Road, LLC, owner/applicant, request for Special Permit Uses Pursuant to Zoning Regulations 4.1 and 4.1.1 as listed in Narrative dated February 22, 2024, and Site Plan Approval to construct three buildings, fenced outside storage, parking, stormwater management system, access over a portion of 43 Lower Butcher Road, and related site improvements to the rear of 50 West Road within the Industrial (I) Zone, APN 019-005-0000, a property zoned Industrial (I) and C (Commercial) Zones.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the January 29, 2024, Regular Meeting Minutes.

MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE JANUARY 29, 2024, REGULAR MEETING MINUTES AS WRITTEN.

2. Election of Officers.

CHAIRMAN POSITION:

MOVED (SWANSON) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO NOMINATE COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING

COMMISSION FOR THE YEAR OF 2024. COMMISSIONER (HOFFMAN) ACCEPTED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (HOFFMAN) FOR CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2024.

VICE-CHAIRMAN POSITION:

MOVED (SANDBERG) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO NOMINATE COMMISSIONER (KELLY) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2024. COMMISSIONER (KELLY) ACCEPTED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, MOVED (SWANSON) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (KELLY) FOR VICE-CHAIRMAN OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2024.

SECRETARY POSITION:

MOVED (KELLY) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO NOMINATE COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2024. COMMISSIONER (SANDBERG) ACCEPTED THE NOMINATION.

HEARING NO FURTHER NOMINATIONS, MOVED (SWANSON) SECONDED (HOGAN) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER (SANDBERG) FOR SECRETARY OF THE PLANNING & ZONING COMMISSION FOR THE YEAR OF 2024.

3. Correspondence/Discussion:

- a. Request from CRCOG seeking Regional Planning Commission appointments.

BY CONSENSUS, THE COMMISSION APPOINTED JON MOSER TO SERVE AS PRIMARY REPRESENTATIVE AND MICHAEL SWANSON AS ALTERNATE REPRESENTATIVE FOR THE ELLINGTON PLANNING AND ZONING COMMISSION ON THE CAPITOL REGION COUNCIL OF GOVERNMENTS REGIONAL PLANNING COMMISSION THROUGH DECEMBER 31, 2025.

- b. Pursuant to May 2023 discussion for Z202303, review plans for press box at field M2 Robert Tedford Memorial Park.

Lisa Houlihan shared the new location of the press box at Tedford Memorial Park which will be moved from field M1 to field M2. Moving the announcer's booth was suggested by neighbors and recommended by the commission during review of athletic lighting proposed in May of 2023 to address noise issues.

- c. Discuss status of commissioner training pursuant to PA 21-29.

Barbra Galovich reported all the commissioners have completed the four-hour training required by PA 21-29. A memo will be sent to the Board of Selectmen confirming commissioners' completion of training.

- d. Ellington Parks & Recreation Help Shape Our Parks Survey and Master Plan Virtual Meeting for Tuesday, February 27, 2024.

Vice Chairman Kelly noted there is a virtual meeting for the parks on Tuesday.

- e. Letter from CT Siting Council dated February 5, 2024, declaratory ruling not issued for Petition 1589, USS Solar, 360 Somers Road, Ellington Airport.

Commissioner Swanson noted this application was the first failed vote from the CT Siting Council.

Chairman Hoffman stated the Road Runner recently installed new electronic fuel price signs without approval or permits. John Colonese, Assistant Planner Enforcement Officer, will investigate the activity and issue enforcement. Secretary Sandberg requested the Planning & Zoning Commission be notified if application is submitted to the Zoning Board of Appeals.

VIII. ADJOURNMENT:

MOVED (FRANCIS) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING AND ZONING COMMISSION MEETING AT 8:07 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk