



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

## **ZONING BOARD OF APPEALS REGULAR MEETING AGENDA MONDAY, APRIL 1, 2024, 7:00 PM**

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

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

### **II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):**

### **III. PUBLIC HEARING(S):** *(Notice requirements met, hearing may commence unless otherwise noted)*

1. V202401 – Richard DeCarli, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9.C-Rear Lot Requirement: to allow a driveway serving a proposed rear lot to be outside of the fee simple accessway at 189 Sadds Mill Road, APN 100-008-0002 in a Rural Agricultural Residential (RAR) zone.
2. V202402 – MCC Lake Properties Trust, owner/applicant, request for variance of Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 15ft to demolish and rebuild a home at 28 East Shore Road, APN 169-035-0000 in a Residential (R) zone.
3. V202403 – Lindsey Beaudry, owner/applicant, request for variance of Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 1ft, side yard setback from 10ft to 1ft, and rear yard setback from 10ft to 8ft to replace existing shed at 117 West Shore Road, APN 168-121-0000 in a Lake Residential (LR) zone.

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

1. Approval of the December 4, 2023, Regular Meeting Minutes.
2. Election of Officers for 2024.
3. Correspondence/Discussion:
  - a. Cease and Desist Order, dated March 14, 2024, 3 Jobs Hill Road, violation of the Ellington Zoning Regulations.

### **V. ADJOURNMENT:**

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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, Zoning Board of Appeals.

**Join Zoom Meeting via link:**

<https://us06web.zoom.us/j/83540700550>

**Meeting ID: 835 4070 0550**

**Passcode: 594227**

**Join Zoom Meeting by phone:**

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

**Meeting ID: 835 4070 0550**

**Passcode: 594227**

# Town of Ellington Zoning Board of Appeals Application

Application #  
V202401  
Date Received  
3/5/2024

Type of Application:  Variance  Appeal of Decision  Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

**Owner's Information**

Name: Richard J. DeCarli  
Mailing Address: 189 Sadds Mill Road  
Ellington, CT 06029  
Email: joeryan0480@gmail.com

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?  Yes  No

Primary Contact Phone #: 860-463-0480  
Secondary Contact Phone #: 860-878-9274

Owner's Signature: Richard DeCarli Date: 3/5/24

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations; and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

Notices associated with this application will be sent to the applicant unless otherwise requested.

**Applicant's Information** (if different than owner)

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email: \_\_\_\_\_

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?  Yes  No

Primary Contact Phone #: \_\_\_\_\_  
Secondary Contact Phone #: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted.

**RECEIVED**  
**MAR - 5 2024**

**TOWN OF ELLINGTON  
PLANNING DEPARTMENT**

Street Address: 189 Sadds Mill Road  
Assessor's Parcel Number (APN): 100 - 008 - 000203 Zone: RAR

Public Water:  Yes  No Public Sewer:  Yes  No  
*If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).*

Is parcel within 500' to any municipal boundary?  Yes  No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin?  Yes  No

Is the project in a public water supply watershed area?  Yes  No  
*If yes, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application (§8-3i(b)). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.*

Previous Variances related to this property?  Yes  No If yes, specify date \_\_\_\_\_

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 7.9.C

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)  
Variance of Sec. 7.9.C To permit driveway serving proposed lot 2A  
To be outside of the accessway of lot 2A, a proposed Rear Lot

**Hardship:** Describe hardship and indicate why other options are unacceptable. (For Variance Application only)

The driveway presently exists outside of the proposed Rear lot  
accessway and eliminates the need for an additional curb cut  
on the State highway where Topography is difficult.

# 189 Sadds Mill Road



**Property Information**

**Property ID** 100 008 0002  
**Location** 189 SADDs MILL RD  
**Owner** DECARLI RICHARD J



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town of Ellington, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/11/2021  
Data updated daily

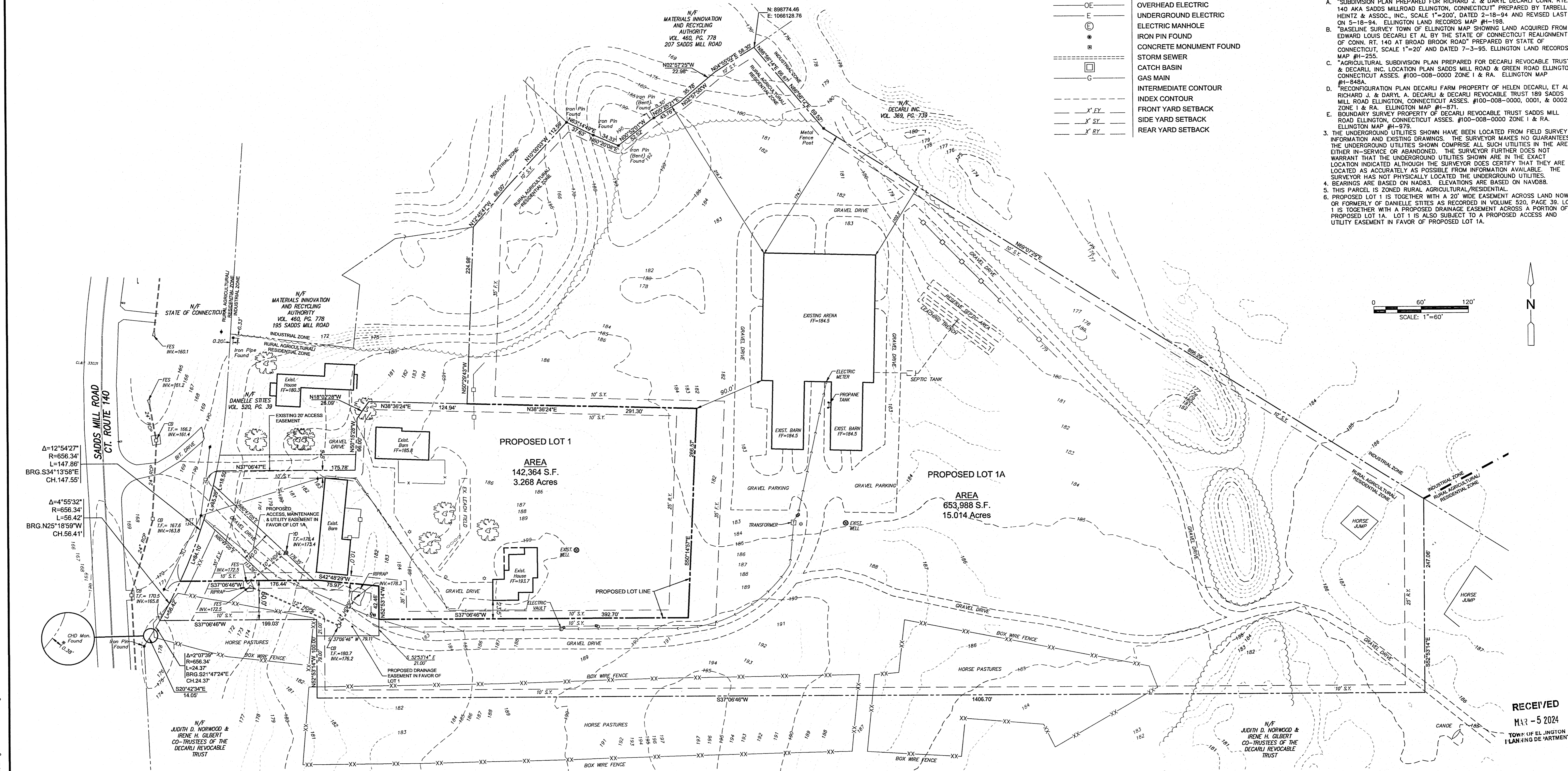
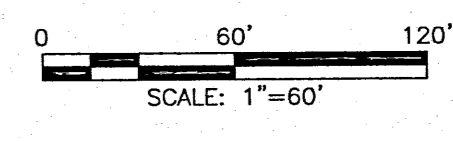
Print map scale is approximate.  
Critical layout or measurement activities should not be done using this resource.

**LEGEND**

- ADJACENT PROPERTY/STREET LINE
- EXISTING PROPERTY/STREET LINE
- PROPOSED PROPERTY LINE
- EASEMENT LINE
- ZONE LINE
- BUILDING SETBACK LINE
- ⊕ UTILITY POLE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- ⊖ ELECTRIC MANHOLE
- ⊙ IRON PIN FOUND
- ⊙ CONCRETE MONUMENT FOUND
- STORM SEWER
- CATCH BASIN
- GAS MAIN
- INTERMEDIATE CONTOUR
- INDEX CONTOUR
- FRONT YARD SETBACK
- SIDE YARD SETBACK
- REAR YARD SETBACK

**SURVEY NOTES:**

1. THIS SURVEY AND MAP WERE PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THRU 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. IT IS A PROPERTY AND TOPOGRAPHIC SURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS T-3. IT IS INTENDED TO DEPICT THE DEED LINES, LINES OF OCCUPATION, EASEMENTS AND ENCROACHMENTS AFFECTING THE PROPERTY. THE PROPERTY/BOUNDARY DETERMINATION OPINION PRESENTED HEREON IS BASED ON A FIRST SURVEY.
2. REFERENCE IS HEREBY MADE TO THE FOLLOWING MAPS ENTITLED:
  - A. "SUBDIVISION PLAN PREPARED FOR RICHARD J. & DARYL DECARLI CONN. RTE. 140 AKA SADDIS MILLROAD ELLINGTON, CONNECTICUT" PREPARED BY TARBELL, HENTZ & ASSOC., INC., SCALE 1"=200', DATED 2-18-94 AND REVISED LAST ON 5-18-94. ELLINGTON LAND RECORDS MAP #H-198.
  - B. "BASELINE SURVEY TOWN OF ELLINGTON MAP SHOWING LAND ACQUIRED FROM EDWARD LOUIS DECARLI ET AL BY THE STATE OF CONNECTICUT REALIGNMENT OF CONN. RT. 140 AT BROAD BROOK ROAD" PREPARED BY STATE OF CONNECTICUT, SCALE 1"=20' AND DATED 7-3-95. ELLINGTON LAND RECORDS MAP #H-255.
  - C. "AGRICULTURAL SUBDIVISION PLAN PREPARED FOR DECARLI REVOCABLE TRUST & DECARLI, INC. LOCATION PLAN SADDIS MILL ROAD & GREEN ROAD ELLINGTON, CONNECTICUT ASSES. #100-008-0000 ZONE 1 & RA. ELLINGTON MAP #H-848A.
  - D. "RECONFIGURATION PLAN DECARLI FARM PROPERTY OF HELEN DECARLI, ET AL. RICHARD J. & DARYL A. DECARLI & DECARLI REVOCABLE TRUST 189 SADDIS MILL ROAD ELLINGTON, CONNECTICUT ASSES. #100-008-0000, 0001, & 0002 ZONE 1 & RA. ELLINGTON MAP #H-871.
  - E. "BOUNDARY SURVEY PROPERTY OF DECARLI REVOCABLE TRUST SADDIS MILL ROAD ELLINGTON, CONNECTICUT ASSES. #100-008-0000 ZONE 1 & RA. ELLINGTON MAP #H-979.
3. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. BEARINGS ARE BASED ON NAD83. ELEVATIONS ARE BASED ON NAVD83.
5. THIS PARCEL IS ZONED RURAL AGRICULTURAL/RESIDENTIAL.
6. PROPOSED LOT 1 IS TOGETHER WITH A 20' WIDE EASEMENT ACROSS LAND NOW OR FORMERLY OF DANIELLE STITES AS RECORDED IN VOLUME 520, PAGE 39. LOT 1 IS TOGETHER WITH A PROPOSED DRAINAGE EASEMENT ACROSS A PORTION OF PROPOSED LOT 1A. LOT 1 IS ALSO SUBJECT TO A PROPOSED ACCESS AND UTILITY EASEMENT IN FAVOR OF PROPOSED LOT 1A.



RECEIVED  
MAR -5 2024  
TOWN OF ELLINGTON  
PLANNING DEPARTMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON

*Jonathan Tarbox*  
JONATHAN TARBOX  
LICENSED LAND SURVEYOR

	PROJECT NO.: 23272	PREPARED FOR: <b>RICHARD J. DECARLI &amp; DARYL A. DECARLI</b> 189 SADDIS MILL ROAD ELLINGTON, CT 06029	PREPARED BY: <b>ZUVIC</b> INFRASTRUCTURE SOLUTIONS 40 Cold Spring Road, Suite 1, Rocky Hill, CT 06067 (860)436-4901 ■ ZUVIC.COM	PROPOSED LOTS 1 & 1A  189 SADDIS MILL ROAD ELLINGTON, CT 06029	RESUBDIVISION OF LOT 1 LAND NOW OR FORMERLY OF RICHARD J. DECARLI VOL. 381, PAGE 1142	SHEET NO. <b>RSM-1</b>
REV. NO.	DATE	DRWN	CHKD	REMARKS		

# Town of Ellington Zoning Board of Appeals Application

Application #  
V202402  
Date Received  
3-6-2024

**Type of Application:**  Variance  Appeal of Decision  Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

**Owner's Information**

Name: MCC Lake Property Trust

Mailing Address: 1 Pinnacle Road  
Ellington, CT 06029

Email: mccouzens@gmail.com

**WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?**  Yes  No

Primary Contact Phone #: 860-214-4738

Secondary Contact Phone #: \_\_\_\_\_

Owner's Signature:  Date: 2/29/24

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

Notices associated with this application will be sent to the applicant unless otherwise requested.

**Applicant's Information** (if different than owner)

Name: Same

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

**WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?**  Yes  No

Primary Contact Phone #: \_\_\_\_\_

Secondary Contact Phone #: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted.

RECEIVED  
MAR - 6 2024

TOWN OF ELLINGTON  
PLANNING DEPARTMENT

Street Address: 28 East Shore Road

Assessor's Parcel Number (APN): 169 - 035 - 0000 Zone: R

Public Water:  Yes  No Public Sewer:  Yes  No  
*If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).*

Is parcel within 500' to any municipal boundary?  Yes  No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin?  Yes  No

Is the project in a public water supply watershed area?  Yes  No  
*If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-3i(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.*

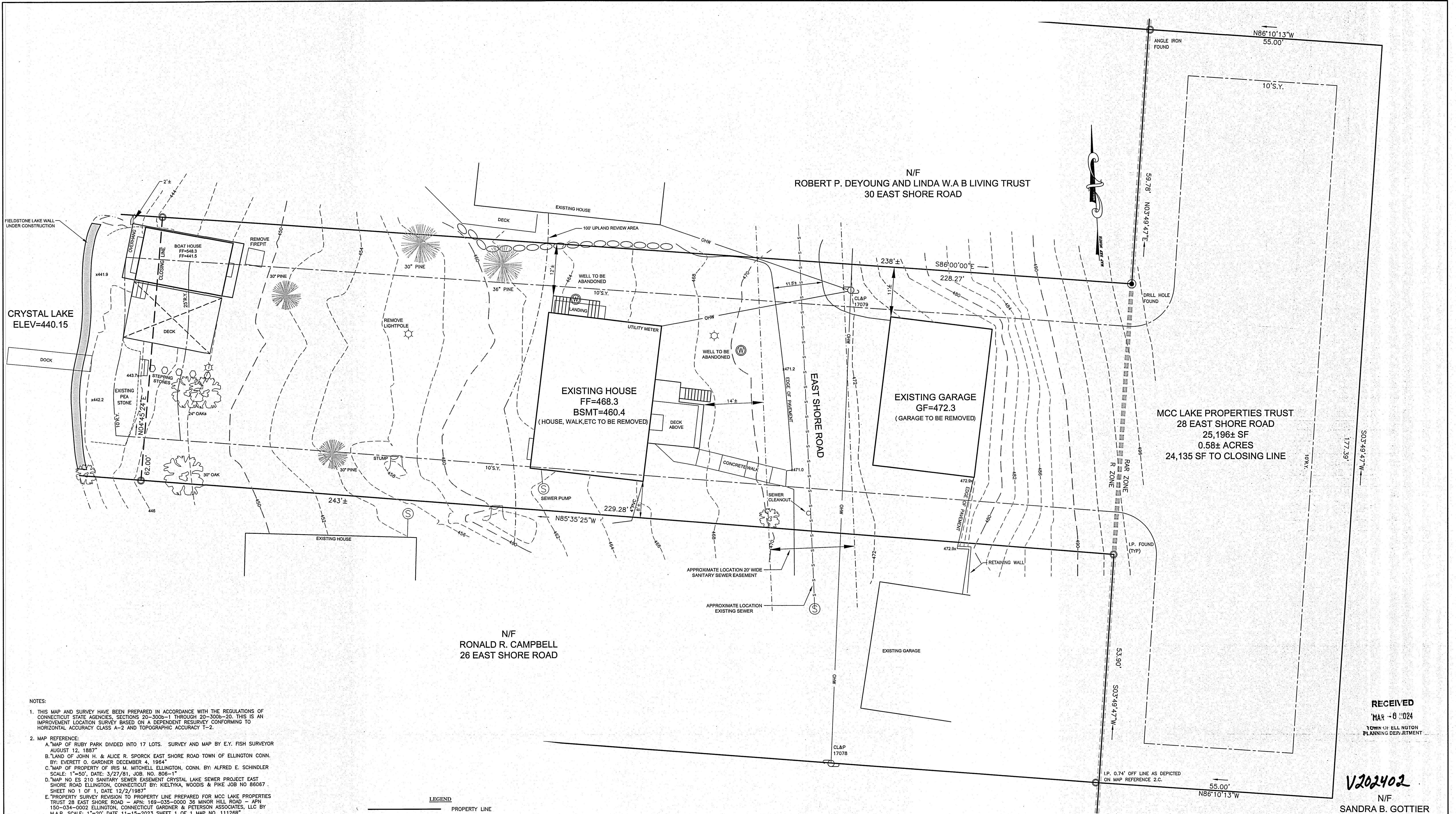
Previous Variances related to this property?  Yes  No If yes, specify date Sept. 30, 1974

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.3 Front Yard

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)  
Proposed variance to tear down and build a new home 15' from the sewer easement where the existing home is 14' away. The proposed home will comply with the side yard setback as it is in violation today.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)  
The hardship is the size/slope of the property and the location of the private road.

Please forward correspondence to: Mark Peterson, Gardner & Peterson, Assoc.  
178 Hartford Tpke., Tolland, CT 06084



CRYSTAL LAKE  
ELEV=440.15

N/F  
ROBERT P. DEYOUNG AND LINDA W.A B LIVING TRUST  
30 EAST SHORE ROAD

MCC LAKE PROPERTIES TRUST  
28 EAST SHORE ROAD  
25,196± SF  
0.58± ACRES  
24,135 SF TO CLOSING LINE

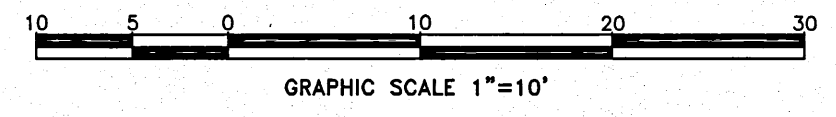
N/F  
RONALD R. CAMPBELL  
26 EAST SHORE ROAD

RECEIVED  
MAR -0 11:02A  
TOWN OF ELLINGTON  
PLANNING DEPARTMENT

V202402  
N/F  
SANDRA B. GOTTIER  
36 MINOR HILL ROAD

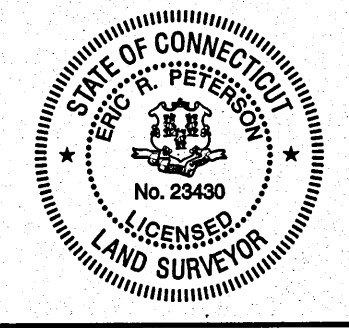
- NOTES:
- THIS MAP AND SURVEY HAVE BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300b-1 THROUGH 20-300b-20. THIS IS AN IMPROVEMENT LOCATION SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY T-2.
  - MAP REFERENCE:  
A. "MAP OF RUBY PARK DIVIDED INTO 17 LOTS. SURVEY AND MAP BY E.Y. FISH SURVEYOR AUGUST 12, 1887"  
B. "LAND OF JOHN H. & ALICE R. SPORCK EAST SHORE ROAD TOWN OF ELLINGTON CONN. BY: EVERETT O. GARDNER DECEMBER 4, 1964"  
C. "MAP OF PROPERTY OF IRIS M. MITCHELL ELLINGTON, CONN. BY: ALFRED E. SCHINDLER SCALE: 1"=50', DATE: 3/27/81, JOB. NO. 806-1"  
D. "MAP NO ES 210 SANITARY SEWER EASEMENT CRYSTAL LAKE SEWER PROJECT EAST SHORE ROAD ELLINGTON, CONNECTICUT BY: KIELTYKA, WOODS & PIKE JOB NO 86087 SHEET NO 1 OF 1, DATE 12/2/1987"  
E. "PROPERTY SURVEY REVISION TO PROPERTY LINE PREPARED FOR MCC LAKE PROPERTIES TRUST 28 EAST SHORE ROAD - APN: 169-035-0000 36 MINOR HILL ROAD - APN: 150-034-0002 ELLINGTON, CONNECTICUT GARDNER & PETERSON ASSOCIATES, LLC BY M.A.P. SCALE: 1"=20' DATE 11-15-2023 SHEET 1 OF 1 MAP NO. 11126R"
  - BEARINGS DEPICTED ON THIS PLAN ARE BASED ON MAP REFERENCE 2A. ELEVATIONS ARE BASED ON AN ASSUMED BASE.
  - PROPERTY IS SUBJECT TO A SANITARY SEWER EASEMENT.
  - THE EXISTING LOT COVERAGE IS 17.1% WHICH INCLUDES BUILDINGS, PAVEMENT, CONCRETE, WALKS (DECKS & PEA STONE NOT INCLUDED).
  - UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING, OR OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO GARDNER & PETERSON ASSOCIATES, LLC. THE EXISTENCE, SIZE AND LOCATION OF ALL SUCH FEATURES MUST BE DETERMINED AND VERIFIED IN THE FIELD BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-922-4455.

- LEGEND
- — — — — PROPERTY LINE
  - EXISTING IRON PIPE
  - ⊙ EXISTING DRILL HOLE
  - - - - - EXISTING CONTOUR
  - ⊙ EXISTING MANHOLE
  - ☆ EXISTING LIGHTPOLE
  - PINE TREE
  - OAK TREE
  - STONEMALL
  - - - - - EDGE OF PEA STONE
  - — — — — UTILITY POLE/OVERHEAD WIRE
  - — — — — EDGE OF WATER
  - WELL



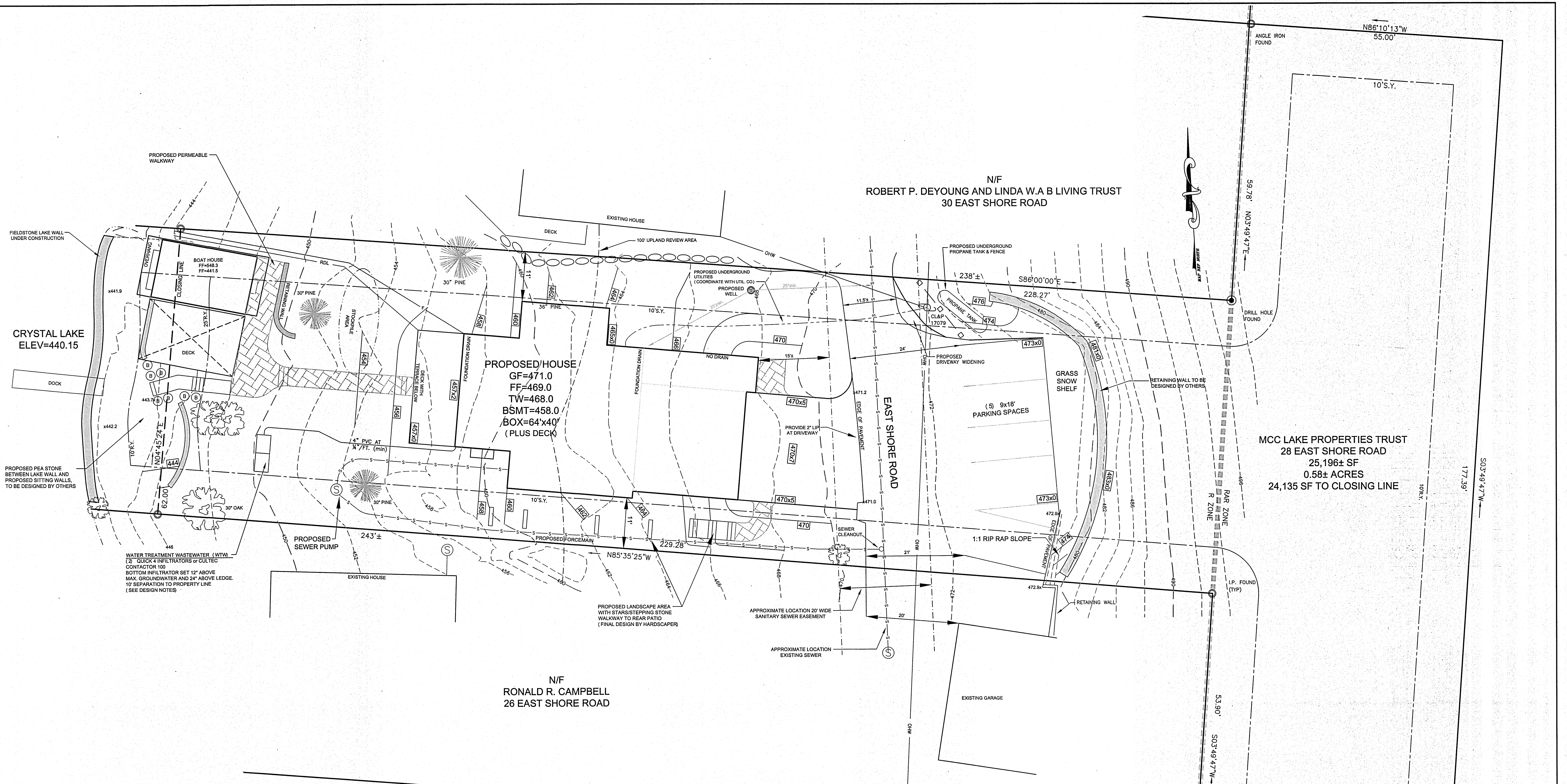
I HEREBY DECLARE THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

*Eric R. Peterson*  
ERIC R. PETERSON  
L.S. 23430  
REGISTRATION NO.



<b>IMPROVEMENT LOCATION SURVEY</b> <b>EXISTING CONDITION SURVEY</b> <b>PREPARED FOR</b> <b>MCC LAKE PROPERTIES TRUST</b> <b>APN: 169-035-0000</b> <b>28 EAST SHORE ROAD</b> <b>ELLINGTON, CONNECTICUT</b> <b>GARDNER &amp; PETERSON ASSOCIATES, LLC</b> 178 HARTFORD TURNPIKE TOLLAND, CONNECTICUT PROFESSIONAL ENGINEERS LAND SURVEYORS				
REVISIONS 01-30-2024 02-27-2024 WELL	SCALE 1"=10'	DATE 11-08-2022	SHEET NO. 1 OF 3	MAP NO. 11126A

6:45:00 11/28/2024 27-2024A 28 East Shore Rd.PDF  
 11/28/2024 11:28:00 AM



- LEGEND**
- PROPERTY LINE
  - EXISTING IRON PIPE
  - EXISTING DRILL HOLE
  - - - 470 - - - EXISTING CONTOUR
  - ⊙ SEWER MANHOLE
  - ⊙ EXISTING LIGHTPOLE
  - ⊙ PINE TREE
  - ⊙ OAK TREE
  - STONEWALL
  - - - - - EDGE OF PEA STONE
  - OHW - - - UTILITY POLE/OVERHEAD WIRE
  - - - - - EDGE OF WATER
  - ⊙ WELL
  - - - - - PROPOSED CONTOUR
  - - - - - PROPOSED FOUNDATION DRAIN
  - - - - - PROPOSED SILTFENCE
  - - - - - PROPOSED HAYBALES
  - - - - - PROPOSED WALL
  - ⊙ PROPOSED BOULDERS

**BUILDING HEIGHT CALCULATION**

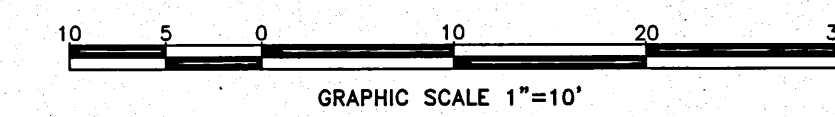
TOP OF WALL TO PEAK	25'-1"	(SUPPLIED BY OTHERS)
NORTHEAST CORNER	26'-1"	
SOUTHEAST CORNER	26'-1"	
NORTHWEST CORNER	39'-9"	
SOUTHWEST CORNER	39'-9"	

AVERAGE 32'-11"  
 MAXIMUM ALLOWED 38'

**ZONING TABLE**

R ZONE	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE *	40,000 SQ.FT.	25,196± SQ.FT.	25,196± SQ.FT.
MIN. LOT WIDTH*	100 FEET	62± FEET	62± FEET
FRONT YARD	35 FEET	14± FEET	15± FEET
SIDE YARD	10 FEET	8± FEET-PRINCIPLE 2± FEET-ACCESSORY	11± FEET-PRINCIPLE 2± FEET-ACCESSORY
REAR YARD	25 FEET-PRINCIPLE 10 FEET-ACCESSORY	105± FEET-PRINCIPLE 9± FEET-ACCESSORY	70± FEET-PRINCIPLE 9± FEET-ACCESSORY
MAX. BUILDING HEIGHT	38 FEET		33 FEET
MAX. LOT COVERAGE	25%	17.1%	**24.0%

\*EXISTING NON-CONFORMING PARCEL  
 \*\* PROPOSED LOT COVERAGE INCLUDES: HOUSE, ROAD, PARKING AREA, DRIVEWAY, STEPS, RETAINING WALLS, BOATHOUSE  
 (WALKWAYS SHALL BE PERMEABLE PAVERS AND PEASTONE NOT COUNTED IN LOT COVERAGE)



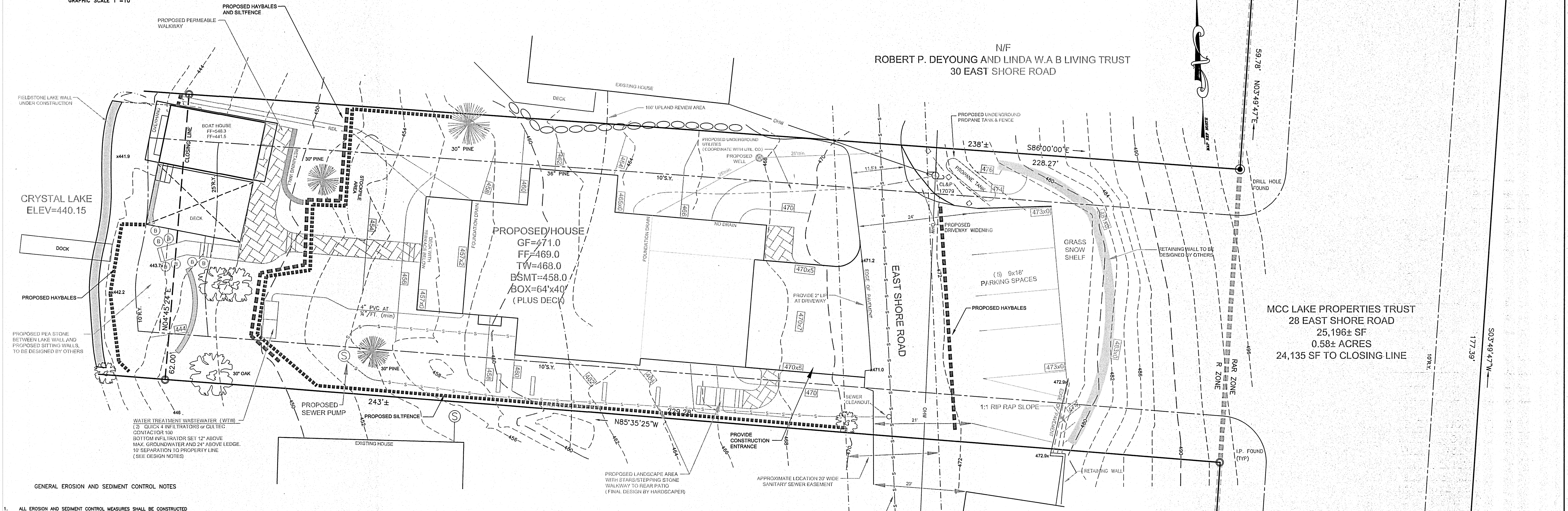
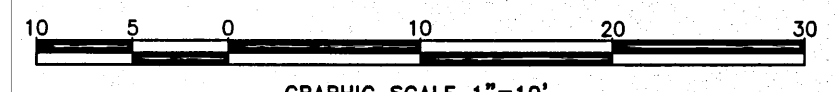
**IMPROVEMENT LOCATION SURVEY**

**PERMIT PLAN**  
**PREPARED FOR**  
**MCC LAKE PROPERTIES TRUST**  
 APN: 169-035-0000  
 28 EAST SHORE ROAD  
 ELLINGTON, CONNECTICUT

**GARDNER & PETERSON ASSOCIATES, LLC**  
 178 HARTFORD TURNPIKE  
 TOLLAND, CONNECTICUT  
 PROFESSIONAL ENGINEERS LAND SURVEYORS

REVISIONS 01-30-2024 02-27-2024 WELL	SCALE 1"=10'	DATE 11-08-2022	SHEET NO. 2 OF 3	MAP NO. 11126A
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11126A.dwg 11/12/24 chg



**GENERAL EROSION AND SEDIMENT CONTROL NOTES**

- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE "GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL" BY THE CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION.
- ALL SEDIMENT CONTROL PRACTICES AND MEASURES SHALL BE CONSTRUCTED, APPLIED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED SEDIMENT CONTROL PLAN.
- TOPSOIL REQUIRED FOR THE ESTABLISHMENT OF VEGETATION SHALL BE STOCKPILED IN THE AMOUNT NECESSARY TO COMPLETE THE FINISHED GRADING OF ALL EXPOSED AREAS.
- AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIAL.
- ALL FILLS SHALL BE COMPACTED AS REQUIRED TO MINIMIZE EROSION, SLIPPAGE, AND SETTLEMENT. FILL INTENDED TO SUPPORT STRUCTURES, DRAINAGE, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH THE APPROPRIATE STATE AND/OR LOCAL SPECIFICATIONS.
- FILL MATERIAL SHALL BE FREE OF BRUSH, RUBBISH, LARGE ROCKS, LOGS, STUMPS, BUILDING MATERIAL, COMPRESSIBLE MATERIAL, AND OTHER MATERIALS WHICH MAY INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY FILLS.
- FROZEN MATERIAL OR SOFT MUCKY OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED INTO FILLS.
- FILL SHALL NOT BE PLACED ON A FROZEN FOUNDATION.
- ALL BENCHES SHALL BE KEPT FREE OF SEDIMENT DURING ALL PHASES OF DEVELOPMENT.
- SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED IN ACCORDANCE WITH SOUND CONSTRUCTION PRACTICE.
- ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY FOLLOWING FINISH GRADING. IF FINISH GRADING IS TO BE DELAYED FOR MORE THAN 30 DAYS AFTER RESTORANCE IS COMPLETE, TEMPORARY SOIL STABILIZATION MEASURES SHALL BE APPLIED. AREAS LEFT OVER 30 DAYS SHALL BE CONSIDERED "LONG TERM" AND SHALL RECEIVE TEMPORARY SEEDING WITHIN THE FIRST 15 DAYS.
- SITE IS TO BE GRADDED TO PERMIT THE USE OF CONVENTIONAL EQUIPMENT FOR SEEDING PREPARATION, SEEDING, MULCHING, AND MAINTENANCE UNLESS OTHERWISE SPECIFIED IN THE PLANS.
- CUT AND FILL SLOPES SHALL NOT BE STEEPER THAN 2:1. TOPSOIL SHALL BE SPREAD TO A MINIMUM DEPTH OF 4" ADDITIONAL TOPSOIL MAY BE REQUIRED TO MEET MINIMUM DEPTHS. NO TOPSOIL SHALL BE REMOVED FROM THIS SITE.
- APPLY SEED UNIFORMLY BY HAND, CYCLONE SEEDER, DRILL, CULTIPACKER TYPE SEEDER, OR HYDROSEEDER (SLURRY INCLUDING SEED AND FERTILIZER). NORMAL SEEDING DEPTH IS FROM 1/4" TO 1/2" INCH. HYDROSEEDING WHICH IS MULCHED MAY BE LEFT ON THE SOIL SURFACE.
- WHERE FEASIBLE EXCEPT WHERE EITHER A CULTIPACKER TYPE SEEDER OR HYDROSEEDER IS USED, THE SEEDBED SHOULD BE FIRMS FOLLOWING SEEDING WITH A ROLLER OR LIGHT DRAG.
- FERTILIZER AND LIME ARE TO BE WORKED INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH A DISC, SPRING TOOTH HARROW OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISC OPERATION SHOULD BE ALONG THE CONTOUR.
- REMOVE FROM THE SURFACE ALL STONES TWO INCHES OR LARGER. REMOVE ALL OTHER DEBRIS SUCH AS WIRE, TREE ROOTS, PIECES OF CONCRETE, OR OTHER UNSUITABLE MATERIALS.
- INSPECT SEEDBED BEFORE SEEDING. IF TRAFFIC HAS LEFT THE SOIL COMPACTED, THE AREA MUST BE RETILLED BEFORE SEEDING, THEN FIRMS AS DESCRIBED ABOVE.
- WHERE GRASSES PREDOMINATE, FERTILIZE ACCORDING TO SOIL ANALYSIS, OR SPREAD 300 POUNDS OF 10-10-10 OR EQUIVALENT PER ACRE (2.5 POUNDS PER 1000 S.F.).
- CALCIUM CHLORIDE WILL BE AVAILABLE FOR DUST CONTROL ON GRAVEL TRAVEL SURFACES.

**CONSTRUCTION SCHEDULE & EROSION & SEDIMENT CONTROL CHECKLIST**

PROJECT NAME: MCC LAKE PROPERTIES TRUST  
 LOCATION: 28 EAST SHORE RD ELLINGTON, CT  
 PROJECT DESCRIPTION: SINGLE FAMILY HOUSE CONSTRUCTION  
 PARCEL AREA: 0.58± ACRES  
 RESPONSIBLE PERSONNEL: MATTHEW COUZENS

WORK DESCRIPTION	EROSION & SEDIMENT CONTROL MEASURES	DATE INSTALLED	INITIALS
CONTACT CBYD			
PHASE I CONSTRUCT LAKESIDE IMPROVEMENTS	INSTALL SILTFENCE AND HAYBALES AS SHOWN		
REMOVE GARAGE, CONSTRUCT WALL & PARKING AREA	INSPECT E&S MEASURES BEFORE ANTICIPATED STORMS AND AFTER - MAINTAIN E&S MEASURES AS NECESSARY		
PHASE II REMOVE EXISTING UTILITIES			
REMOVE EXISTING HOUSE, GARAGE, DRIVEWAY AND WALK	INSTALL ANTI-TRACKING PAD		
ABANDON WELLS AND SEWER PUMP			
REMOVE TREES AS NECESSARY	INSTALL HAYBALES/SILTFENCE		
CONSTRUCT HOUSE AND UTILITIES			
CONSTRUCT WALK & DRIVEWAY			
FINAL GRADE ALL DISTURBED AREAS			
LOAM AND SEED ALL DISTURBED AREAS	REMOVE EROSION CONTROLS WHEN SITE IS STABILIZED		

PROJECT DATES:  
 DATE OF CONSTRUCTION START: SPRING 2024  
 DATE OF CONSTRUCTION COMPLETION: TWO YEARS FROM START

EROSION AND SEDIMENT CONTROL PROCEDURES SHALL ESSENTIALLY BE IN ACCORDANCE WITH THESE PLANS, AS REQUIRED BY TOWN REGULATIONS, AND THE MANUAL "GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL" FOR CONNECTICUT, BY THE COUNCIL ON SOIL AND WATER CONSERVATION, 1985, REVISED TO 2002.

**TEMPORARY SEEDING SCHEDULE:**

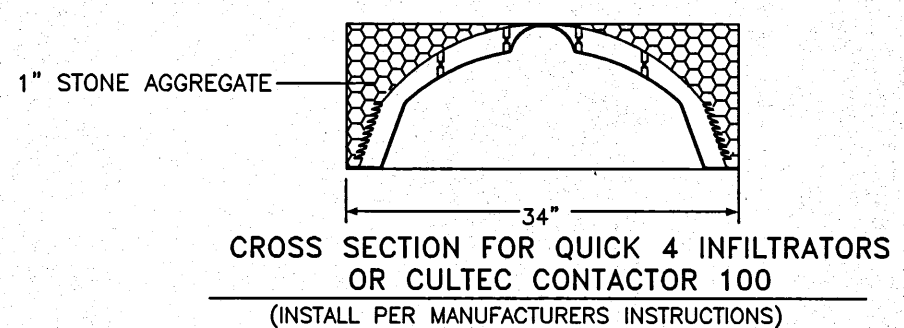
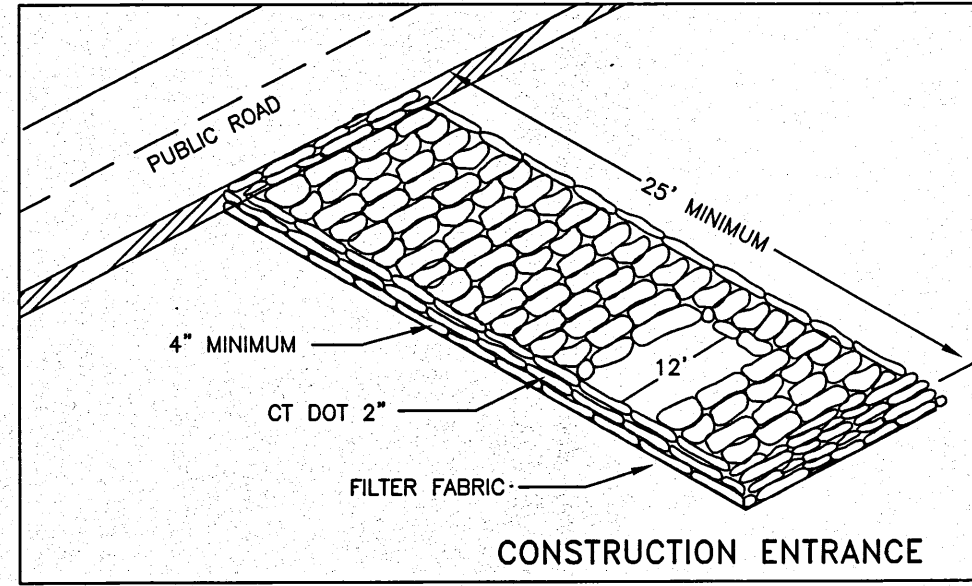
SPECIES	LBS/ACRE	LBS/1000SF	SEEDING DATES
ANNUAL RYEGRASS	40	0.9	2/1-6/15, 8/1-10/1
WINTER RYE	40	0.9	4/15-6/15, 8/15-10/1
SUDANGRASS	11	0.25	

TEMPORARY SEEDING IS NOT LIMITED TO THE SPECIES SHOWN. OTHER SPECIES RECOMMENDED BY THE SCSS OR AS LIMITED BY SITE CONDITIONS MAY BE USED.

STRAW MULCH IS TO BE APPLIED TO SEEDBED AT THE RATE OF 1-1/2 TO 2 TONS PER ACRE, 70 TO 90 LBS. PER 1000 SQ. FT.

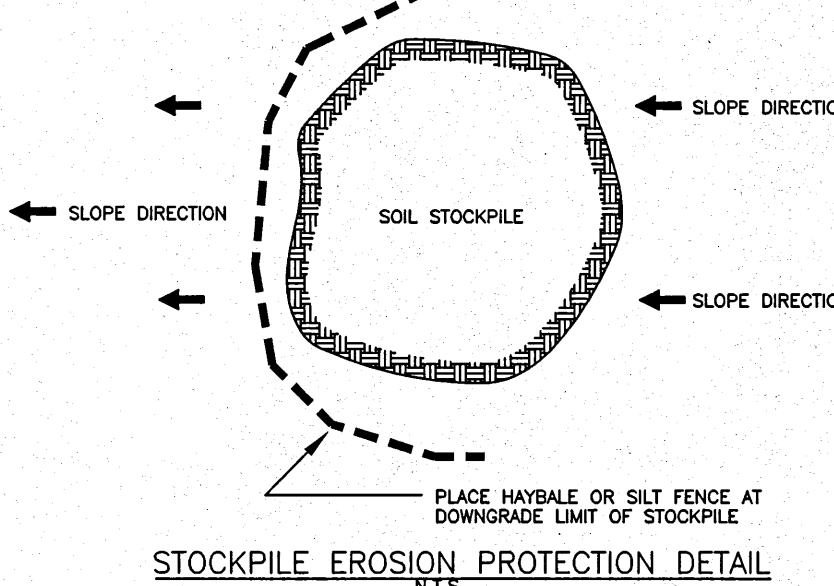
**FINAL SEEDING SCHEDULE:**

SPECIES	LBS/ACRE	LBS/1000SF	SEEDING DATES
KENTUCKY BLUEGRASS	40	0.90	4/15-6/15, 8/15-9/15
CREeping RED FESCUE	120	2.75	
PERENNIAL RYEGRASS	40	0.90	

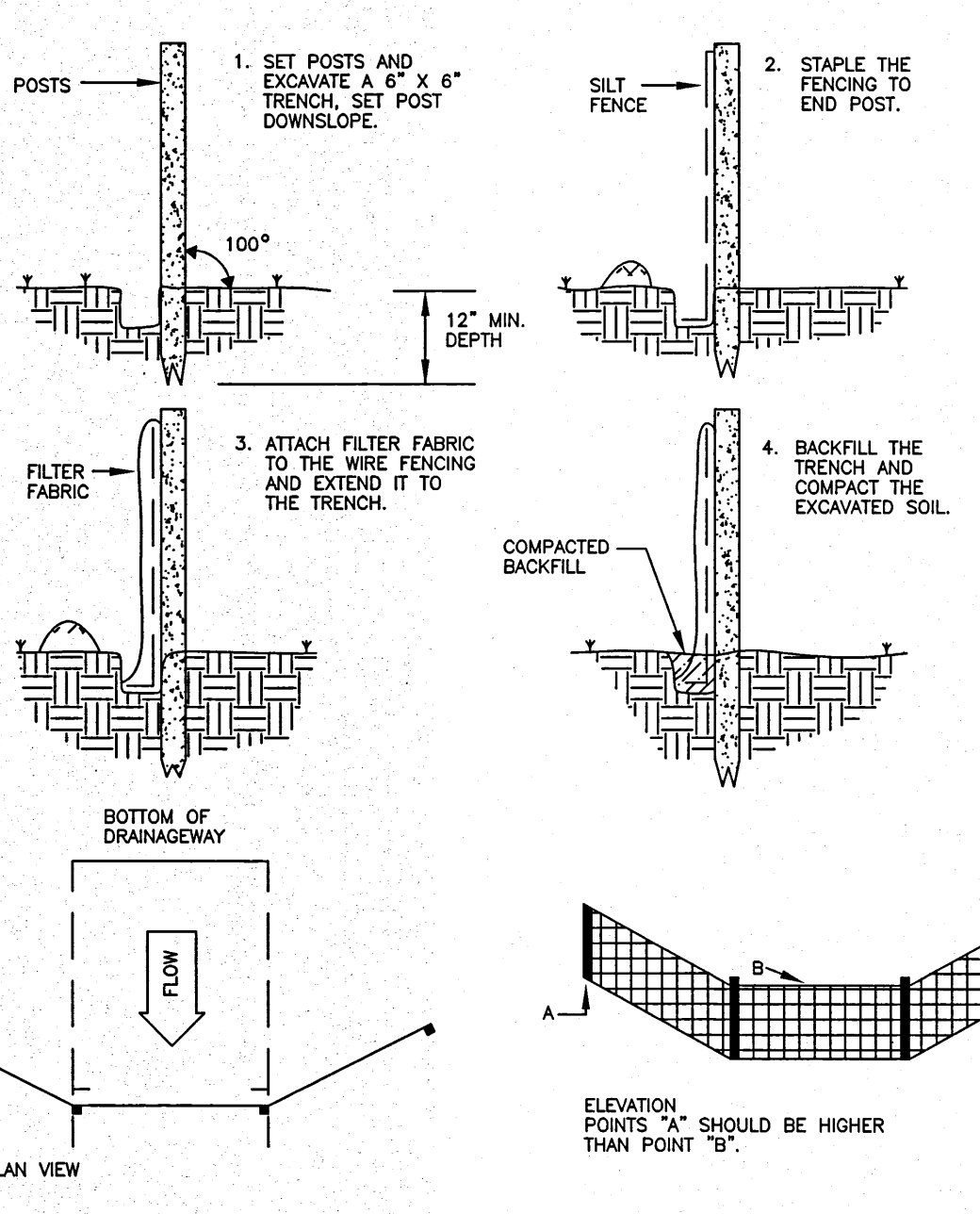


**WATER TREATMENT WASTEWATER (WTW)**  
 ANY WASTEWATER FROM A DEVICE USED FOR THE TREATMENT OF WELL WATER THAT ENHANCES THE QUALITY OF WATER AND/OR PROVIDES FOR THE REMOVAL OF IRON, MANGANESE, RADIONUCLIDES OR OTHER SUBSTANCES SHALL DISCHARGE TO A WTW SYSTEM.

WTW BASED ON A MAXIMUM DISCHARGE OF 50 GPD.  
 STORAGE VOLUME REQUIRED: 50 GPD x 1.5 = 75 gallons  
 STORAGE VOLUME PROVIDED: 2 units x 43 gallons/unit = 86 gallons



**PLACEMENT AND CONSTRUCTION OF A SYNTHETIC FILTER BARRIER**



**HAY BALE APPLICATIONS**  
 Sheet Flow Applications

- Bales shall be placed in a single row, lengthwise on the contour, with ends of adjacent bales tightly abutting one another.
- All bales shall be either wire-bound or string-tied. Bales shall be installed so that bindings are oriented around the sides rather than along the tops and bottoms of the bales to prevent deterioration of the bindings.
- The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches. After the bales are staked and chinked, the excavated soil shall be backfilled against the barrier. Backfill soil shall conform to the ground level on the downhill side and shall be built up to 4 inches against the uphill side of the barrier. Ideally, bales should be placed 10 feet away from the toe of slope.
- Each bale shall be securely anchored by at least two stakes or rebars driven through the bale. The first stake in each bale shall be driven toward the previously laid bale to force the bales together. Stakes or re-bars shall be driven deep enough into the ground to securely anchor the bales.
- The gaps between bales shall be chinked (filled by wedging) with straw to prevent water from escaping between the bales. (Loose straw scattered over the area immediately uphill from a straw bale barrier tends to increase barrier efficiency.) In sloping areas where surface flow follows the bale line, perpendicular bale checks shall be installed at appropriate intervals (100 feet Maximum).
- Inspection shall be frequent and repair or replacement shall be made promptly as needed.
- Bale barriers shall be removed when they have served their usefulness, but not before the upslope areas have been permanently stabilized.

**LEGEND**

○	PROPERTY LINE
●	EXISTING IRON PIPE
○	EXISTING DRILL HOLE
---	EXISTING CONTOUR
⊙	SEWER MANHOLE
☆	EXISTING LIGHTPOLE
⊙	PINE TREE
⊙	OAK TREE
⊙	STONEWALL
---	EDGE OF PEA STONE
---	UTILITY POLE/OVERHEAD WIRE
---	EDGE OF WATER
---	PROPOSED CONTOUR
---	PROPOSED FOUNDATION DRAIN
---	PROPOSED SILTFENCE
---	PROPOSED HAYBALES

**IMPROVEMENT LOCATION SURVEY**

**EROSION & SEDIMENT CONTROL PLAN**  
 PREPARED FOR  
**MCC LAKE PROPERTIES TRUST**  
 APN: 189-035-0000  
 28 EAST SHORE ROAD  
 ELLINGTON, CONNECTICUT

**GARDNER & PETERSON ASSOCIATES, LLC**  
 178 HARTFORD TURNPIKE  
 TOLLAND, CONNECTICUT

PROFESSIONAL ENGINEERS LAND SURVEYORS

BY	SCALE	DATE	SHEET NO.	MAP NO.
M.A.P.	1"=10'	11-08-2022	3 OF 3	11126A

REVISIONS  
 01-30-2024  
 02-27-2027 WELL



# Town of Ellington Zoning Board of Appeals Application

Application #  
**V202403**  
Date Received  
**03-07-2024**

**Type of Application:**  Variance  Appeal of Decision  Auto Dealer / Repairer License

**Notices associated with this application will be sent to the applicant unless otherwise requested.**

**Owner's Information**

Name: Lindsey Beaudry  
Mailing Address: 116 W Shore Rd  
Ellington, CT 06029  
Email: Lindsey.Beaudry@PrattWhitney.com

**Notices associated with this application will be sent to the applicant unless otherwise requested.**

**Applicant's Information (if different than owner)**

Name: \_\_\_\_\_  
Mailing Address: Same as owner  
Email: \_\_\_\_\_

**RECEIVED**  
**MAR - 7 2024**  
TOWN OF ELLINGTON  
PLANNING DEPARTMENT

**WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?**  Yes  No

Primary Contact Phone #: 860-597-9357  
Secondary Contact Phone #: 860-748-7520

Owner's Signature: [Signature] Date: 3/5/24

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

**WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?**  Yes  No

Primary Contact Phone #: \_\_\_\_\_  
Secondary Contact Phone #: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted.

Street Address: 117 W Shore Rd, Ellington, CT 06029  
Assessor's Parcel Number (APN): 168-121-0000 Zone: LR

Public Water:  Yes  No Public Sewer:  Yes  No  
If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).

Is parcel within 500' to any municipal boundary?  Yes  No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin?  Yes  No

Is the project in a public water supply watershed area?  Yes  No  
If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-31(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.

Previous Variances related to this property?  Yes  No If yes, specify date \_\_\_\_\_

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) 3.2.3

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)  
Reduce front yard set back from 35' to 1' and side yard set back from 10' to 1' for shed and porch. Rear yard set back from 10' to 8'.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)  
Aesthetics and safety. Existing non-conforming shed being replaced. Non-conforming lot side. Length will be 2' less than existing but 2' wider to square off side structure.

Existing

117 W. Shore

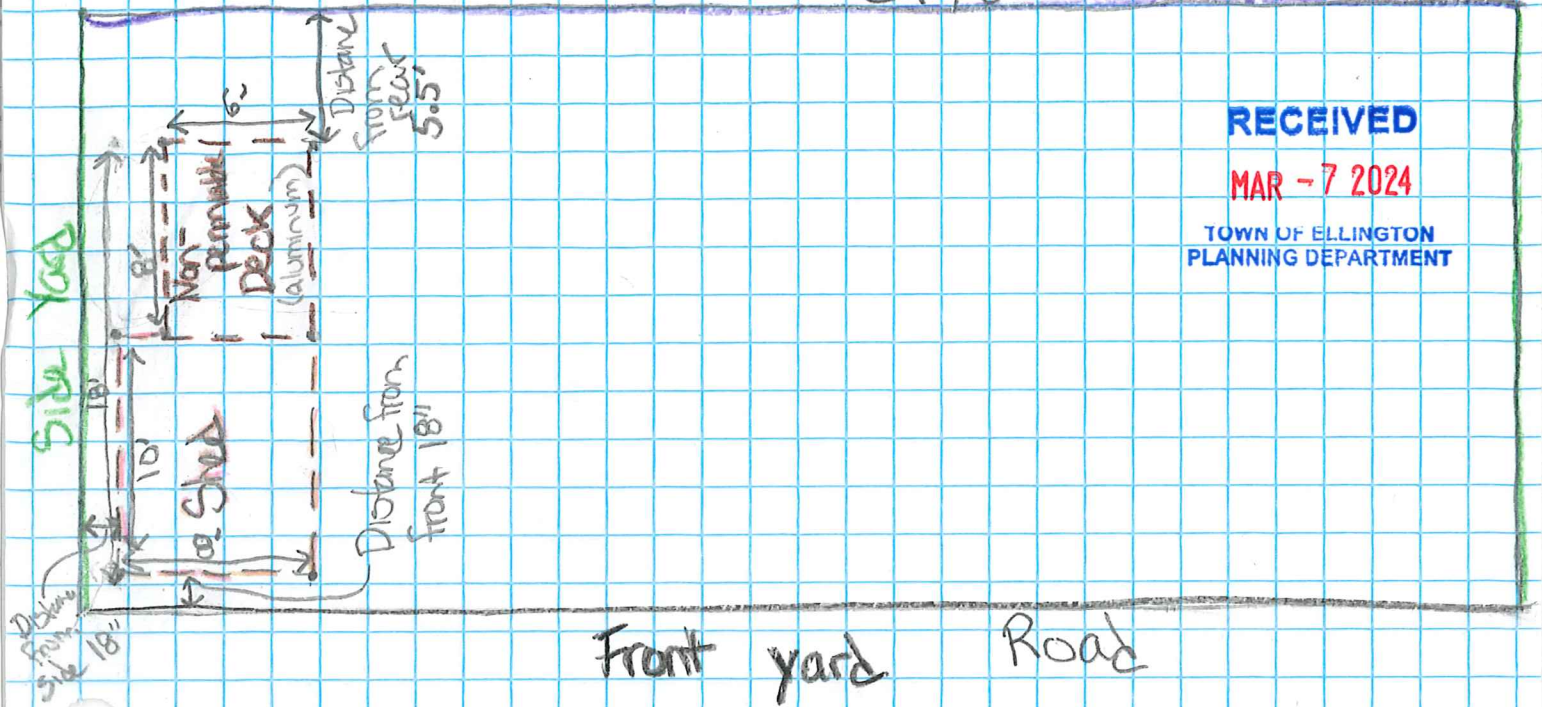
Rear Yard

Crystal Lake

RECEIVED

MAR - 7 2024

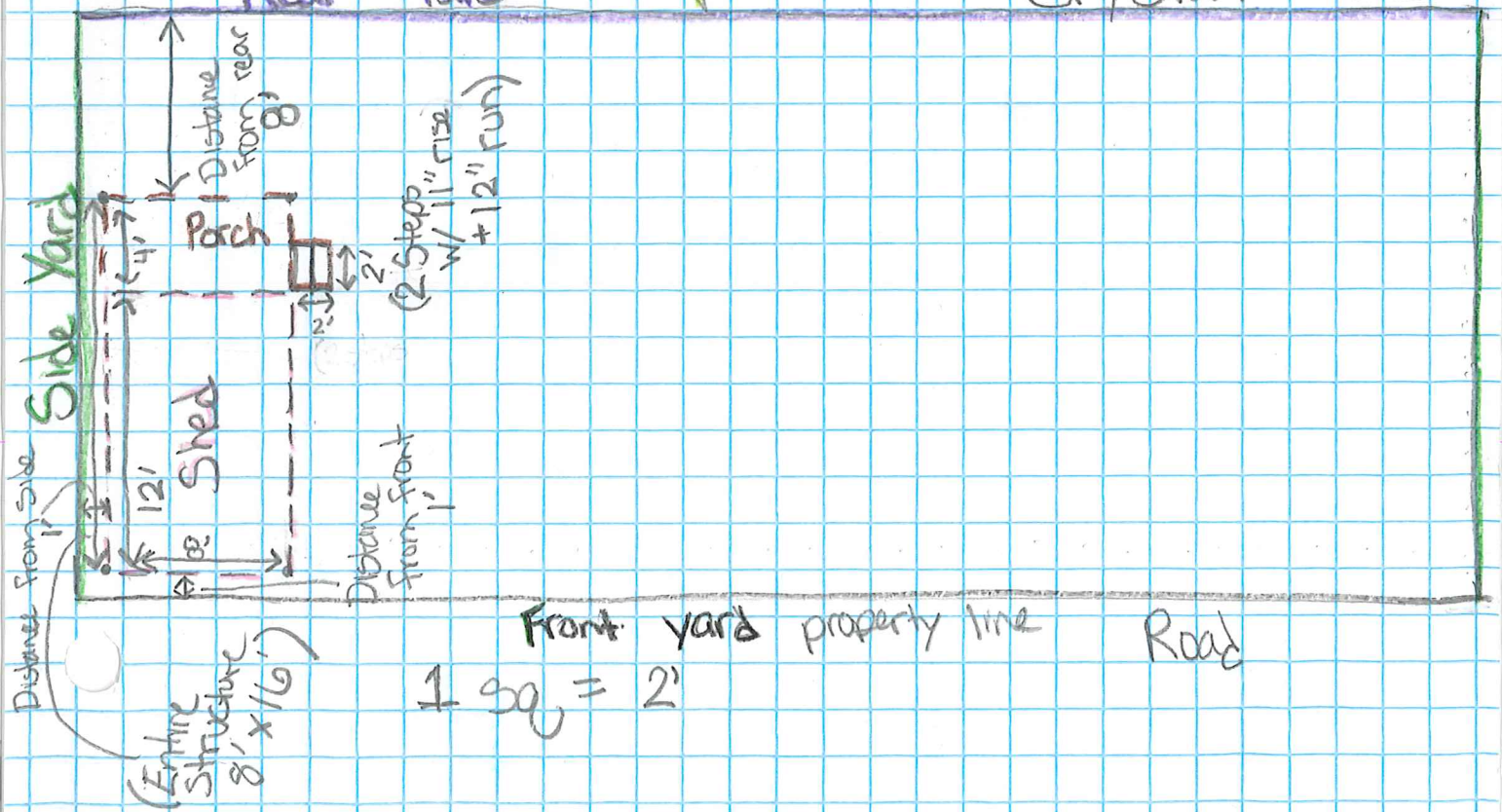
TOWN OF ELLINGTON  
PLANNING DEPARTMENT



Proposed

Rear Yard

Crystal Lake



**RECEIVED**

**MAR -7 2024**

**TOWN OF ELLINGTON  
PLANNING DEPARTMENT**



RECEIVED

MAR -7 2024

TOWN OF ELLINGTON  
PLANNING DEPARTMENT





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

## ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, DECEMBER 4, 2023, 7:00 PM

**IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**  
**REMOTE ATTENDANCE: ZOOM MEETING**  
**(ATTENDEES BELOW WERE IN PERSON UNLESS OTHERWISE NOTED)**

**PRESENT:** Vice Chairman Sulakshana Thanvanthri, Regular members Ken Braga, Katherine Heminway Subhra Roy, Alternates Ron Brown and Rodger Hosig

**ABSENT:** Chairman Art Aube and Alternate Ron Stomberg

### STAFF

**PRESENT:** John Colonese, Assistant Town Planner/Zoning Enforcement Officer, and Barbra Galovich, Recording Clerk

**I. CALL TO ORDER:** Chairman Art Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 pm.

**II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):** None

### III. PUBLIC HEARINGS:

Barbra Galovich read a statement of conduct and appeal procedural statement.

1. V202311 – Stephen D. Williams, owner/applicant, to appeal a decision of the Zoning Enforcement Officer in letter dated October 10, 2023, Section 3.2.2(3)-Lot Requirements and Section 7.9(C)-Rear Lot Requirements of the Ellington Zoning Regulations pertaining to property located south of Hawks Nest Trail known as APN 004-002-0000.

**Time:** 7:01 pm

**Seated:** Thanvanthri, Braga, Heminway, Roy, and Hosig

Stephen Williams, 36 Buff Cap Road, Tolland, CT and Russell Heintz, 50 Spak Road, Willington, CT were present to represent the appeal.

John Colonese, Assistant Town Planner, stated Stephen William, the owner of the property known as APN 004-002-0000 south of Hawks Nest Trail, presented the Planning Department with the Lot Split Perimeter Boundary Survey by Russell Heintz dated September 12, 2023, showing the property divided into two lots, and a letter from Attorney Muska dated February 8, 2023, noting there has been no division or conveyance of the parcel since prior to the adoption of the Ellington Subdivision Regulations, therefore the division of the parcel into 2 pieces is a first division and exempt from subdivision regulations.

John Colonese said he did not dispute the property owner's entitlement to divide the property into two parcels without subdivision approval based on Attorney Muska's letter. John said the proposed two lots as shown in the Lot Split Survey do not comply with the zoning regulations, so a response letter dated October 10, 2023, was sent to Stephen Williams.

John Colonese noted, the original lot does not have any lot width (defined as width of a lot taken at the street line) hence it is nonconforming to the zoning regulations and is protected as a Non-conforming Lot of Record pursuant to Section 2.2.5. Should the owner want to construct one dwelling on the lot, it would be allowed pursuant to this section. However, if the lot is divided this protection is lost, and the lots must comply with the zoning regulations. The two proposed lots do not have any lot width and consequently do not comply with Section 3.2.2(3)-Lot Requirements and Section 7.9(C)-Rear Lot Requirements. Section 3.2.2(3) requires a lot to have a minimum lot width of 125 feet in the Rural Agricultural Residential (RAR) zone. Section 7.9(C) requires a rear lot have a minimum of a 25-foot-wide fee simple access fronting on a private street. Also, if the lot contains enough area such that it may, in the future, be further divided into additional building lots, the fee simple access strip shall be a minimum of 50 feet wide.

John Colonese referenced his memorandum dated November 28, 2023, which disputes the part of the Appeal stating, "...that each parcel would be eligible for building permits as a pre-existing lot of record with ingress, egress and utilities to be provided to the site within the existing permanent easement and right of way running from Hawk's Nest Trail to the subject property." After the parcels are divided into two lots, they are no longer a pre-existing lot of record, and the erection of a dwelling cannot be permitted pursuant to Section 2.2.5. John added that the Appeal at the top of Page 2 seems to support the October 10, 2023, letter by noting that the property, if divided, will not meet all the rear lot requirements as the two lots will not have a "25-foot-wide fee simple access fronting on a...private street". Lastly, the Appeal references a court Stipulated Judgement which states in Paragraph 8, "All development work in the subdivision performed by Mr. Williams shall be done in accordance with the inland wetlands and zoning regulations of the Town of Ellington, and all applicable laws and regulations." John reiterated that the proposed two lots as shown on the Lot Split Survey do not comply with the zoning regulations.

Stephen Williams stated that the property was purchased around a year ago. When conducting research on the property within the Town records Stephen found that a highway was noted within the deeds for the property. Stephen disagrees with John Colonese's interpretation and noted the parcel is overlaid with a highway and that it is already two pieces because the highway runs through it. Stephen Williams handed out a deed from 1859 noting the highway laid over the parcel, as well as two additional maps. Vice Chairman Thanvanthri stated the lot of record survey does not show the overlaid highway.

Russell Heintz said the previous Town Engineer had concerns with the 1980 Planning and Zoning Commission subdivision application, recommending the subdivision not block off access to this parcel and that it should continue Hayes Avenue towards Wapping Wood Road. Russell Heintz reconfirmed that the deed states the parcel is overlaid with a highway and that Tripp Road was intended to pass through this parcel.

Stephen Williams reviewed his right to split the lot into two pieces based on the definition of subdivision pursuant to state statute and that the Planning and Zoning Commission should have left ownership access to the parcel with their 1980 subdivision approval.

Commissioner Hosig stated that the Tripp Road issue is not part of the Appeal. Commissioner Heminway agreed with Commissioner Hosig.

No one from the public spoke regarding the appeal.

**MOVE (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR THE APPEAL V202311.**

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO WHOLLY AFFIRM V202311** – Decision of the Zoning Enforcement Officer in letter to Stephen D. Williams dated October 10, 2023, Section 3.2.2(3)-Lot Requirements and Section 7.9(C)-Rear Lot Requirements of the Ellington Zoning Regulations pertaining to property located south of Hawks Nest Trail known as APN 004-002-0000.

**REASON FOR DECISION:** Proposed lots do not comply with the zoning regulations. Historical records are not adequate to dispute the zoning regulations.

2. V202311 – Stephen D. Williams, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9(C)-Rear Lot Requirements: to allow access over an easement for two proposed rear lots on property located south of Hawks Nest Trail known as APN 004-002-0000 in a Rural Agricultural Residential (RAR) zone.

**Time:** 7:38 pm

**Seated:** Thanvanthri, Braga, Heminway, Roy, and Hosig

Stephen Williams, 36 Buff Cap Road, Tolland, CT and Russell Heintz, 50 Spak Road, Willington, CT were present to represent the application.

Stephen Williams referenced the reasoning in the variance application narrative. Stephen noted the 1980 Planning and Zoning Commission subdivision approval did not allow frontage and instead established the 50 foot right of way. Stephen explained the outcome of the court Stipulated Judgement, giving access to the parcel over the Kupferschmid and Gates properties. The North Central District Health Department approved soil data for the proposed lot split. Stephen noted the court decision stated the parcel can only be divided into two lots and is therefore requesting a variance to allow access to the two lots over the existing easement.

Commissioner Heminway asked if the right of way frontage is 50 feet on Hawks Nest Trail. Russell Heintz confirmed that it is 50 feet. Stephen Williams says attorneys have commented that easement access is as good as owning the 50-foot-wide strip.

Commissioner Braga asked Stephen Williams if they have access rights over Hawks Nest Trail. Stephen Williams confirmed they acquired rights over the portion of Hawks Nest Trail to Hayes Avenue.

Stephen Williams believes the hardship is that 1980 subdivision approval should have asked for an extension of the road as opposed to a right of way.

John Colonese stated should the variance be granted; the applicant will need to apply to the Planning and Zoning Commission to request a Special Permit for the two rear lots.

No one from the public spoke regarding the request for a variance.

**MOVE (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202311.**

**MOVED (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE W/CONDITION(S) V202311** – Stephen D. Williams, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9(C)-Rear Lot Requirements: to allow access over an easement for two proposed rear lots on property located south of Hawks Nest Trail known as APN 004-002-0000 in a Rural Agricultural Residential (RAR) zone.

**Conditions:**

- 1) Easement shall allow access for no more than two rear lots.
- 2) Two rear lots shall obtain any other permits or approvals required by law or regulation.

**Hardship:** Property landlocked by previous zoning decisions which cut off access to the lot.

**IV. ADMINISTRATIVE BUSINESS:**

1. Approval of the October 2, 2023, Regular Meeting Minutes.

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE OCTOBER 2, 2023, REGULAR MEETING MINUTES AS WRITTEN.**

2. Approval of the 2024 Zoning Board of Appeals Meeting Schedule

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE 2024 ZBA MEETING SCHEDULE AS PROPOSED.**

3. Correspondence/Discussion:
4. Commissioner training pursuant to Public Act 21-29.

**V. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:58 PM.**

Respectfully submitted,

---

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  
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TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

## CEASE AND DESIST ORDER

March 14, 2024

Wittig Properties LLC  
c/o David Wittig  
95 Colton Road  
Somers, CT 06071

BY HAND DELIVERY

Re: 3 Jobs Hill Road (Assessor Parcel No. 072-003-0000), Planned Commercial (PC) Zone  
Violation of the Ellington Zoning Regulations

Dear David Wittig:

The Ellington Planning Department recently received a complaint regarding a constructed and occupied dwelling at 3 Jobs Hill Road. A recent inspection by the Ellington Fire Marshal found a second floor living unit currently occupied by one tenant. Based on this inspection the subject property is in violation of the following Ellington Zoning Regulations:

- Pursuant to **Section 2.1.1(A) – Zoning Compliance**: “...every building, structure, premises or land used, rearranged, designed or intended for any use shall be so built or used only as is permitted in the zone in which such building, structure, land or use is located.” A dwelling unit or residence is not a use allowed in the PC zone therefore the subject property is in violation.
- Pursuant to **Section 2.1.1(D) – Zoning Compliance**: “All uses not specifically permitted are prohibited.” A dwelling unit or residence is not permitted in the PC zone therefore the subject property is in violation.
- Pursuant to **Section 4.1 – Permitted Uses and Uses Requiring Special Permit**: A dwelling unit or residence is not a Permitted use or Special Permit use in the PC zone therefore the subject property is in violation.

By the powers vested in me, you are hereby **ORDERED TO CEASE AND DESIST** the above violations and take proper corrective action to bring your property into compliance with the Town of Ellington Zoning Regulations within thirty (30) days of receipt of this order. **To remedy this situation, remove the dwelling from the structure and cease using the property as a dwelling or residence**, certifying agreement with the Town of Ellington’s Zoning Regulations.

Pursuant to Section 8-7 of the Connecticut General Statutes, you may appeal this Order to the Zoning Board of Appeals (hereinafter "ZBA"), specifying the grounds of your appeal, within thirty (30) days of receipt of this Order.

If compliance to this Order is not met or an appeal to the ZBA is not taken within thirty (30) days from the day of receipt of this Order, **A CITATION AND FINE CAN BE ISSUED TO YOU** in accordance with Town of Ellington Code Chapter 48: Citations for Wetland and Zoning Violations in addition to any other legal remedies as prescribed by law. Citations can include fines of one hundred and fifty dollars (\$150.00) for each day a zoning violation continues.

Questions regarding this Order may be directed to the Planning Department at (860) 870-3120.

Thank you in advance for your prompt attention to this matter.

Respectfully,



John D. Colonese, CZEO  
Assistant Town Planner/Zoning Enforcement Officer

cc. Zoning Board of Appeals