



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

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

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, APRIL 1, 2024, 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: Acting Chairman Sulakshana Thanvanthri, Regular members Ken Braga, Katherine Heminway, Subhra Roy and Miranda Graziani and Alternate Ron Stomberg

ABSENT: Alternates Ron Brown and Rodger Hosig

STAFF

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

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

Acting Chairman Thanvanthri introduced Miranda Graziani as a new member of the Zoning Board of Appeals.

Commissioner Braga stated Art Aube passed away in late December. Art was a dedicated member of the Zoning Board of Appeals. He had been a member since 2007, holding the Vice Chairman position from 2016 to 2019 and Chairman position from 2020-2023. Art was also a member of the Inland Wetlands Agency since 2015. As a member, Art was fair and took the responsibilities of his position very seriously. The Zoning Board of Appeals is deeply saddened by his passing. He will be missed.

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

III. PUBLIC HEARINGS:

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.

Time: 7:02 pm

Seated: Thanvanthri, Braga, Heminway, Roy and Graziani

Attorney Atherton Ryan, 16 Virginia Drive, Richard and Darryl DeCarli, 189 Sadds Mill Drive were present to represent the application.

Attorney Ryan stated the owners of the property are planning to re-subdivide the parcel. 189 Sadds Mill Road was previously subdivided in 1994, however now they are planning to create a rear lot and will be requesting a special permit for the rear lot from the Planning & Zoning Commission on April 22nd. Attorney Ryan stated the owners are looking for a variance to allow the existing driveway serving the proposed rear lot to be outside of the fee simple accessway. The proposed rear lot will include the riding arena that was approved in 2008. Attorney Ryan noted there is a proposed access easement over the house lot that will be filed with the Town Clerk contingent upon approval from the Planning & Zoning Commission. Attorney Ryan noted the difficulty with locating a separate driveway for the rear lot due to existing slopes and the need for an additional curb cut on a state highway.

Richard DeCarli stated there is currently one driveway that leads to the existing dwellings and riding arena. Richard stated they have no intention of requesting another curb cut from the state Department of Transportation due to the location of the parcels and the Route 140 reconfiguration that took place in the past. Richard noted there currently are drainage components under the existing driveway and adding another driveway would be problematic to the drainage in the area. No one from the public spoke regarding the application.

MOVE (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202401.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE 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.

HARDSHIP: Lot configuration

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.

Time: 7:17 pm

Seated: Thanvanthri, Braga, Heminway, Roy and Graziani

Mark Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT and Matthew Couzens, MCC Lake Properties Trust, 1 Pinnacle Road, were present to represent the application.

Mark Peterson reviewed the plan to demolish the existing dwelling and construct a new dwelling with an attached two car garage. Mark stated the request is to reduce the front yard setback from 35 feet to 15 feet to rebuild the dwelling. Mark explained since East Shore Road does not have a town right of way, the Zoning Board of Appeals have in the past granted variances to the edge of the road pavement or to the edge of the sewer easement. Mark pointed out the proposed house will comply with the side yard setback requirement to the south where the current house does not.

Alternate Stomberg asked what style dwelling is proposed to be built. Matthew Couzens replied that the style will be colonial with a two-car garage. John Colonese read the Water Pollution Control Authority comments, "The plan shows a relocation of the grinder pump. The homeowner will assume all responsibilities for the grinder pump after relocation. WPCA must be contacted & scheduled for inspections, permits & disconnection of existing grinder pump." No one from the public spoke regarding the application.

MOVE (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202402.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE 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.

HARDSHIP: Slope of the property and location of lake; Proposed house to comply with side yard setback requirements.

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.

Time: 7:24 pm

Seated: Thanvanthri, Braga, Heminway, Roy and Graziani

Edward and Lindsey Beaudry, 117 West Shore Road were present to represent the application.

Edward Beaudry explained there was a 10'x8' shed on the lot when they purchased the property. The shed was dilapidated and unsafe and needed to be removed. They also removed an 8'x6' deck abutting the shed. Edward stated the plan is to replace the old shed and deck with a new 12'x8' shed with a 4'x8' covered porch area. Edward noted the request is to reduce the front yard setback from 35ft to 1ft, side yard setback from 10ft to 1ft, and the rear yard setback from 10ft to 8ft. The previous shed was 1ft from the front and side property lines and the existing decking was 6ft from the rear property line where the new covered porch will be 8ft from the rear line.

Acting Chairman Thanvanthri asked if any of the property would be paved, Edward replied that there would be no paving. No one from the public spoke regarding the application.

MOVE (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202403.

MOVED (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE 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.

HARDSHIP: Safety; Replacing dilapidated nonconforming shed.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the December 4, 2023, Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE DECEMBER 4, 2023, REGULAR MEETING MINUTES AS WRITTEN.

2. Election of Officers for 2024.

- a. Chairman

MOVED (BRAGA) TO NOMINATE COMMISSIONER THANVANTHRI FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2024.

COMMISSIONER THANVANTHRI ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (BRAGA), SECONDED (ROY) TO ELECT COMMISSIONER THANVANTHRI FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2024.

- b. Vice Chairman

MOVED (BRAGA) TO NOMINATE COMMISSIONER HEMINWAY FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2024.

COMMISSIONER HEMINWAY ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (THANVANTHRI), SECONDED (GRAZIANI) TO ELECT COMMISSIONER HEMINWAY FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2024.

3. Correspondence/Discussion:

John Colonese stated the two correspondence items listed below are for informational purposes for the Board.

- a. Cease and Desist Order, dated March 14, 2024, 3 Jobs Hill Road, violation of the Ellington Zoning Regulations.
- b. Cease and Desist Order, dated March 27, 2024, 83 West Road, violation of the Ellington Zoning Regulations.

V. ADJOURNMENT:

MOVED (HEMINWAY), SECONDED (THANVANTHRI) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:37 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk