



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, JULY 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: Chairman Sulakshana Thanvanthri, Vice Chairman Katherine Heminway, Regular members Ken Braga, Subhra Roy, Miranda Graziani, and Alternate Ron Brown

ABSENT: Alternates Ron Stomberg and Rodger Hosig

STAFF

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

I. CALL TO ORDER: Chairman Sulakshana Thanvanthri 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:

1. V202406 – Stephen D. Williams, owner/applicant, request for variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 9ft on Wendell Road and the rear yard setback from 25ft to 11ft to construct a single-family dwelling at 37 Wendell Road, APN 169-019-0000 in a Residential (R) zone.

Time: 7:01 pm

Seated: Thanvanthri, Heminway, Braga, Roy and Graziani

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

Stephen Williams explained at the last meeting that the Board is looking for comments from the Water Pollution Control Authority. Stephen received an email from Eric Peterson, Gardner & Peterson Associates, LLC dated July 1, 2024, stating that Eric spoke with Tom Modzelewski, Director of Public Works, and the Water Pollution Control Authority (WPCA) will need a note and detail that the sewer connection needs to be outside the manhole because the sewer is a pressure sewer. Stephen also referred to a letter dated June 24, 2024, from Andrew Morin of Hinckley Allen, in favor of the application providing court cases pertaining to variances and wetlands.

Chairman Thanvanthri said the parcel is a lot of record and the documentation received from Andrew Morin references different court cases where properties have been granted variances due to the wetlands on a particular parcel.

Commissioner Braga asked about the hatchway and crawl space noted on the plan. Stephen Williams responded that the WPCA wants the pump inside within the foundation and the crawl space made the most sense.

Chairman Thanvanthri explained the Zoning Board of Appeals responsibility is to look at setback requirements for this application along with the natural features of the wetlands on the site, the hardship is that the applicant will not be able to construct within the wetlands. Chairman Thanvanthri also noted the applicant will need approval from North Central District Health Department, WPCA and the Inland Wetland Agency.

David Freckleton, 33 Pine Street, stated it was his understanding that the applicant was going to the Inland Wetlands Agency first for approval of the project. John Colonese stated the applicant has decided to continue with the Zoning Board of Appeals first and has submitted an Inland Wetland Agency application to the Planning Department, which will be received next week and most likely set for a public hearing in August. The Zoning Board of Appeals is reviewing setbacks for this application. David Freckleton is concerned about where the sewer will be connected. Mr. Freckleton was advised to contact the WPCA with sewer questions.

Kevin Paradis, 82 Country View Drive, South Windsor, CT, is speaking on behalf of his son who lives at 39 Wendell Road. Kevin's concern is the disruption from the installation of the sewer lateral. Mr. Paradis was also referred to the WPCA. Kevin Paradis asked about the removal of invasive species as shown on the revised plan. John Colonese stated this information relates to the wetlands permit application, explained the process for the wetlands permit application and reviewed the authority of the Zoning Board of Appeals for granting variances to building setback regulations.

Maura Freckleton, 33 Pine Street, noted concerns regarding the wetlands, the stream that runs into a lake, and possible habitat disturbance. Maura added that the crawl space of the dwelling will get flooded. Chairman Thanvanthri explained that the hardship is the wetlands, and the owner has the right to request a variance and will still need additional approvals from other agencies.

John Colonese noted the applicant is asking for a front yard setback from 35 feet to 9 feet on Wendall Road and a rear yard setback from 25 feet to 11 feet. It was explained that the parcel has two front yard setbacks and one rear yard setback.

Chairman Thanvanthri reviewed the possible conditions for the Board to consider. John Colonese verified the applicant is proposing a one-story dwelling and if subsequent changes to the plan are proposed, the applicant may need to re-apply to the Zoning Board of Appeals.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202406 – Stephen D. Williams, owner/applicant, request for variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 9ft on Wendell Road and the rear yard setback from 25ft to 11ft to construct a single-family dwelling at 37 Wendell Road, APN 169-019-0000 in a Residential (R) zone.

MOVED (ROY), SECONDED (HEMINWAY) AND PASSED (BRAGA – NAY) TO APPROVE W/CONDITIONS V202406 – Stephen D. Williams, owner/applicant, request for variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 9ft on Wendell Road and the rear yard setback from 25ft to 11ft to construct a single-family dwelling at 37 Wendell Road, APN 169-019-0000 in a Residential (R) zone.

Conditions of Approval:

- 1) Shall obtain North Central District Health Department approval.
- 2) Shall obtain Water Pollution Control Authority approval.
- 3) Approval based on Improvement Location Survey Permit Plan prepared for Stephen D. Williams dated 2-23-1996 revised through 6-4-2024 by Gardner & Peterson Associates, LLC.
- 4) Shall be limited to a one-story dwelling.
- 5) Shall obtain Inland Wetland Agency approval.

Hardship: Presence of extensive wetlands on the property.

2. V202404 – Gondal Corporation, owner/applicant, to appeal a decision from the Zoning Enforcement Officer dated March 27, 2024, of Section 6.3.2-General, Section 6.3.9-Illumination, and Section 6.3.10-Prohibited Signs at 83 West Road, APN 028-056-0000 in a Commercial (C) zone.

Chairman Thanvanthri noted an email was received from the owner requesting the Zoning Board of Appeals postpone the opening of the public hearing to next month's Zoning Board of Appeals meeting.

MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO EXTEND THE OPENING OF THE PUBLIC HEARING TO MONDAY, AUGUST 5, 2024, IN THE ELLINGTON TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR V202404 – Gondal Corporation, owner/applicant, to appeal a decision from the Zoning Enforcement Officer dated March 27, 2024, of Section 6.3.2-General, Section 6.3.9-Illumination, and Section 6.3.10-Prohibited Signs at 83 West Road, APN 028-056-0000 in a Commercial (C) zone.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the June 3, 2024, Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE JUNE 3, 2024, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion: None

V. ADJOURNMENT:

MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:30 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk