



**TOWN OF ELLINGTON**

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**PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, AUGUST 26, 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 F. MICHEAL FRANCIS, JON MOSER, AND  
MICHAEL SWANSON**

**MEMBERS ABSENT: CHAIRMAN ARLO HOFFMAN, REGULAR MEMBER WILLIAM HOGAN,  
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 7:00 pm.

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

**III. NEW BUSINESS:**

1. Pursuant to correspondence from Rashid Hamid, Naek Construction, dated August 5, 2024, request to accept public improvements and portions of Birch View Drive and Brook Crossing, and release of performance bond for S200509 Highfield Estates Phase III subdivision.

Vice Chairman Kelly noted the Town Engineer and the Zoning Enforcement Officer need to complete an inspection and provide a report before the commission can act on the request.

**MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO TABLE TO MONDAY, SEPTEMBER 30, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR S200509** request to accept public improvements and portions of Birch View Drive and Brook Crossing, and release of performance bond for Highfield Estates Phase III subdivision, pursuant to correspondence from Rashid Hamid, Naek Construction, dated August 5, 2024.

2. Z202407 – David Wittig, owner/applicant, request to modify site plan to install dormers, a covered exterior stairway, and second-story office space and Special Permit for office, auto repair, auto detailing, carpenter shop, plumbing, warehousing, wholesale, HVAC, electrician, sheet metal shop, and screen printing at 3 Jobs Hill Road, APN 072-003-0000, in a Planned Commercial (PC) Zone. *(For receipt and scheduling of a public hearing.)*

**By CONSENSUS, RECEIVED AND SCHEDULED A PUBLIC HEARING FOR SEPTEMBER 30, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR Z202407** – David Wittig, owner/applicant, request to modify site plan to install dormers, a covered exterior stairway, and second-story office space and Special Permit for office, auto repair, auto detailing, carpenter shop, plumbing, warehousing, wholesale, HVAC, electrician, sheet metal shop, and screen printing at 3 Jobs Hill Road, APN 072-003-0000, in a Planned Commercial (PC) Zone.

## VI. ADMINISTRATIVE BUSINESS:

1. Approval of the July 29, 2024, Special Meeting Minutes.

**MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED, (SANDBERG – ABSTAINED) TO APPROVE THE JULY 29, 2024, SPECIAL MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. Discuss Airbnb's and the Ellington Zoning Regulations.

The commission continued round table discussion from last month's meeting. Vice Chairman Kelly noted a research report provided by the Office of Legislative Research, dated February 15, 2024, and copy of Senate File No. 426, An Act Concerning Short-term Rental Properties (Effective October 1, 2024) within the agenda packet.

Lisa Houlihan, Town Planner, said she found some Airbnb listings online for properties in Town and explained staff interprets the Zoning Regulations to prohibit short-term rentals. Lisa reviewed the research report and the Act and stated the Town may want to consider adopting an ordinance or regulation for short-term rentals. Lisa mentioned a court case in Milford. She said each case needs to be considered on its own merits because each town has their own zoning regulations and ways of enforcement. As for Milford, an enforcement order was issued to a property owner for using their home for short-term rental based on the definition of a family. The enforcement was appealed, the Zoning Board of Appeals upheld the decision, but ultimately the Court said the town could not prevent the owner from using their property for short-term rental. Ellington has a Bed & Breakfast regulation, but it stipulates the owner of must stay on the property which is different than how short-term rentals typically operate. Lisa explained the nature of complaints about short-term rentals are generally about the transient nature of occupants, noise, parking issues, and excessive refuse.

Secretary Sandberg would like to see less government oversight for short-term rentals. Commissioner Francis is open to discussion. Commissioner Moser is in favor of creating a regulation or ordinance to allow short-term rentals and supports a permitting process that allows permits to be revoked if a property is subject to repeat violations. Commissioner Swanson is ok with the concept but doesn't like the idea of renting out campers. Lisa clarified that existing regulations allow campers to be stored on property but restrict them from being occupied, inhabited or used for cooking or sleeping purposes. Commissioner Swanson liked the idea of permitting short-term rentals, requiring a registration once a year, and establishing a specific tax. Lisa noted the State of Massachusetts allows a state room occupancy tax and/or a community impact fee. Under the Act, short-term rentals are dwelling units or portions of them rented for 30 days or less.

**BY CONSENSUS, THE COMMISSION REQUESTED THE TOWN ATTORNEY REVIEW THE ACT AND THE TOWN'S REGULATIONS BEFORE FURTHER DISCUSSION.**

- b. Pursuant to Connecticut General Statute Section 8-30j, review and amend Chapter 5 Housing and Residential Development and the Housing Needs Assessment from the 2019 Plan of Conservation and Development.

**BY CONSENSUS, THE COMMISSION AGREED TO TABLE DISCUSSION TO THE NEXT PLANNING AND ZONING COMMISSION MEETING ON MONDAY, SEPTEMBER 30, 2024.**

- c. North Central District Health Dept. Ellington Annual Report July 1, 2023 – June 30, 2024.

Lisa noted this is the first year that North Central District Health Department provided an annual report.

**NO MOTIONS OR DECISIONS.**

- d. Denial letter for Petition No. 1589R - USS Somers Solar, LLC, request for declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility at 360 Somers Road, Ellington.

**NO MOTIONS OR DECISIONS.**

- e. Journal Inquirer article, August 21, 2024, Solar facility at Ellington Airport denied.

**NO MOTIONS OR DECISIONS.**

**VIII. ADJOURNMENT:**

**MOVED (SWANSON) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING AND ZONING COMMISSION MEETING AT 7:35 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk