



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, JANUARY 6, 2025, 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 Katherine Heminway, Regular members Ken Braga, Subhra Roy, Miranda Graziani, Alternates Ron Brown and Rodge Hosig

**ABSENT:** Chairman Sulakshana Thanvanthri and Alternate Ron Stomberg

### **STAFF**

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

**I. CALL TO ORDER:** Vice Chairman Katherine Heminway 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. V202411 – Ronald and Bonnie Bahler, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9.C-Rear Lot Requirement: to allow one driveway to serve two rear lots within a fee simple accessway less than 50ft wide, and to allow driveways outside of the accessway at 18 Elderberry Lane, APN 181-016-0000 in a Rural Agricultural Residential (RAR) zone. (*Decision continued from the December 2, 2024, meeting*)

Time: 7:01 pm

Seated: Heminway, Braga, Roy, Brown and Hosig

Commissioner Braga asked should the application be denied, can an individual of the Board get personally sued, John Colonese explained it's the decision of the Board that is appealed to Superior Court as stated within the Connecticut General Statutes.

Vice Chairman Heminway noted at the December meeting the Board decided to continue the decision to the January meeting and asked for draft language for a future road right-of-way easement agreement as a condition of approval.

John Colonese read the possible conditions the Board may consider when rendering the decision as follows: To provide a 50-foot future road right-of-way easement agreement covering the following: Shall begin at the end of Elderberry Lane and continue west over a portion of 17 Elderberry Lane and 18 Elderberry Lane; Shall allow for development of a road, right-of-way, and associated improvements in accordance with the Ellington Subdivision Regulations as approved by the Ellington Planning and Zoning Commission; Shall require the

road, right-of-way, and associated improvements to be transferred to the Town of Ellington if it becomes a public road; Shall be reviewed by the Ellington Planning Department prior to filing on the Ellington Land Records; Shall be filed on the Ellington Land Records with a first division of property map approved by Ellington Planning Department for 18 Elderberry Lane. John asked the Board to consider the hardship and reason for their decision.

Commissioner Braga stated the application should be approved with the proposed conditions, Commissioners Roy and Alternate Brown agreed with Commissioner Braga. Alternate Hosig said at the last meeting, it was noted Elderberry Lane could not be extended and asked if Elderberry Lane could be extended. John Colonese said any future development would need subdivision approval through the Planning & Zoning Commission for a proposed road as an extension of Elderberry Lane, which is not currently being requested. The 50-foot road right-of-way easement would be on the Land Records should a developer or land owner want to proceed with applying for a subdivision in the future. Vice Chairman Hemingway stated concerns about the future road, which may never be developed and agrees with the other members to approve with the conditions. Vice Chairman Heminway sees the hardship of 18 Elderberry Lane because of the topography of the land. Vice Chairman Heminway added that the conditions would be on paper, and 18 Elderberry Lane should have the ability to develop their land.

Alternate Hosig asked if the abutting property owner received the possible conditions, John Colonese noted the possible conditions were shared with no response.

**MOVED (HEMINWAY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) FOR V202411** – Ronald and Bonnie Bahler, owner/applicant, request for variance of the Ellington Zoning Regulations Section 7.9.C-Rear Lot Requirement: to allow one driveway to serve two rear lots within a fee simple accessway less than 50ft wide, and to allow driveways outside of the accessway at 18 Elderberry Lane, APN 181-016-0000 in a Rural Agricultural Residential (RAR) zone.

**CONDITION(S): Provide a 50-foot future road right-of-way easement agreement covering the following:**

- **Shall begin at the end of Elderberry Lane and continue west over a portion of 17 Elderberry Lane and 18 Elderberry Lane.**
- **Shall allow for development of a road, right-of-way, and associated improvements in accordance with the Ellington Subdivision Regulations as approved by the Ellington Planning and Zoning Commission.**
- **Shall require the road, right-of-way, and associated improvements to be transferred to the Town of Ellington if it becomes a public road.**
- **Shall be reviewed by the Ellington Planning Department prior to filing on the Ellington Land Records.**
- **Shall be filed on the Ellington Land Records with a first division of property map approved by Ellington Planning Department for 18 Elderberry Lane.**

**HARDSHIP: Topography and configuration of parcel.**

2. V202413 – Michael and Nancy Hurlburt, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 4ft for a garage addition at 21 Glenwood Road, APN 071-028-0000 in a Rural Agricultural Residential (RAR) zone.

Time: 7:12 PM

Seated: Heminway, Braga, Roy, Graziani and Hosig

Michael Hurlburt, 21 Glenwood Road, was present to represent the application.

Vice Chairman Heminway stated North Central District Health Department (NCDHD) noted, "The garage addition plan does not include or reference the locations of the onsite septic system or private water supply well separation distances in relation to the proposed expansion. Additional B-100a review by NCDHD may be required as this proposal appears to differ from the building addition plan reviewed/approved by our department." Since then, John Colonese spoke with the Health Official and it seems the proposed addition will not interfere with the septic system or well, but additional Health Department review may still be required. Michael stated Avery Septic is the pump service that cleans out the tank, and the proposed garage would not interfere with the septic tank or well.

John Colonese stated within the meeting packet is Micheal Hurlburt's written hardship. John noted should the variance be granted; it will be the owner's responsibility to obtain NCDHD approval prior to obtaining a building permit. Commissioner Roy asked if the proposed garage would have an impact on the neighbor who lives at 23 Glenwood Road. Michael stated the neighbor to the left doesn't have an issue with the proposed location of the garage and submitted a letter from 21 & 18 Glenwood Road in favor of the application for the record.

Alternate Brown stated the main concern is having enough space without encroaching onto the neighbor's property and asked if 4-foot would be enough to maintain the garage closest to 23 Glenwood Road. Michael Hurlburt responded that the garage will only be 12 feet in height and that 4 feet would be sufficient to maintain the garage from the west and east sides of the structure. Commissioner Braga stated that 4 feet is sufficient for a ladder to access the roof should repairs be needed, others agreed. No one from the public spoke regarding the application.

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202413** – Michael and Nancy Hurlburt, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 4ft for a garage addition at 21 Glenwood Road, APN 071-028-0000 in a Rural Agricultural Residential (RAR) zone.

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) FOR V202413** – Michael and Nancy Hurlburt, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the side yard setback from 10ft to 4ft for a garage addition at 21 Glenwood Road, APN 071-028-0000 in a Rural Agricultural Residential (RAR) zone.

**CONDITION(S): Shall obtain Health Department approval.**

**HARDSHIP: Lot configuration and non-conforming lot.**

3. V202414 – Timothy and Dana Schneider, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.3(1)-Private Property Driveways: to reduce the 15ft wide driveway requirement to 12ft to install guiderails along the existing Abbey Brook crossing at property on Somers Road, APN 182-001-0002 in a Rural Agricultural Residential (RAR) zone.

Time: 7:22 pm

Seated: Heminway, Braga, Roy, Graziani and Hosig

Tim Schneider, 479 Somers Road was present to represent the application. Vice Chairman Heminway stated after receiving comments from the Ellington Volunteer Fire Department's

Chief Robert Smith dated 12/24/2024, the applicant asked if a 14-foot driveway width would be acceptable. The Planning Department received an email dated 1/3/2025 from Chief Smith stating. "I think a compromise of 1 foot will work for both parties. 14-foot width allows for passage during winters with snow build up and any other unforeseen issues."

Tim Schneider noted the property was bought around ten years ago for a future home for retirement. Tim noted the area of concern has been utilized as a farm road for over 75 years for trucks and tractors as a means of passage. There are wetlands and Abby Brook on the parcel. Tim would like to install guiderails on either side of the existing culvert for safety reasons and provided pictures to the Board. Tim noted the requirement for a private driveway is 15 feet and originally requested the 3-foot variance. Upon receipt of Chief Smith's comments, now would like to obtain the 1-foot variance as noted by the Chief's compromise of a 14-foot width. Tim noted the hardship is the wetlands and floodplain on the property and there is about an 8-foot drop at the culvert.

Vice Chairman Heminway stated the request for the driveway to be at 14 feet width is better than a 12-foot width which is too narrow. Alternate Brown asked what materials are to be used to construct the guiderails, Tim Schneider said no final decision has been made on the materials, but they may be constructed similar to the rails installed at the Big Y Express carwash. Alternate Brown confirmed no hazards would be inflicted on any emergency vehicles. Alternate Hosig asked if any work would be done to the brook within the area of concern. Tim noted that there will be no work proposed in the brook and the driveway will be gravel rather than asphalt. Alternate Hosig confirmed with Tim that there will be a 14-foot clearance.

Vice Chairman Heminway confirmed all seated members agree with the 14-foot clearance. John Colonese read the following possible condition of the driveway width along Abbey Brook crossing shall be verified by a licensed land surveyor after the installation of guiderails and prior to the issuance of a certificate of occupancy for the single-family home, Tim agreed. No one from the public spoke regarding the application.

**MOVED (ROY), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202414** – Timothy and Dana Schneider, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.3(1)-Private Property Driveways: to reduce the 15ft wide driveway requirement to 12ft to install guiderails along the existing Abbey Brook crossing at property on Somers Road, APN 182-001-0002 in a Rural Agricultural Residential (RAR) zone.

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) FOR V202414** – Timothy and Dana Schneider, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 2.1.3(1)-Private Property Driveways: to reduce the 15ft wide driveway requirement to 14ft to install guiderails along the existing Abbey Brook crossing at property on Somers Road, APN 182-001-0002 in a Rural Agricultural Residential (RAR) zone.

**CONDITION(S): Driveway width along Abbey Brook crossing shall be verified by a licensed land surveyor after the installation of guiderails and prior to the issuance of a certificate of occupancy for the single-family home.**

**HARDSHIP: Wetlands and floodplain.**

4. V202415 – Andrew Johnson, owner/applicant, request for a variance of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback on Somers Rd (Route 83) from 60ft to 30ft for a shed at 12 Foster Drive, APN 105-007-0012 in a Rural Agricultural Residential (RAR) zone.

Time: 7:32

Seated: Heminway, Braga, Roy, Graziani and Hosig

Andrew Johnson, 12 Foster Drive, was present to represent the application. Vice Chairman Heminway noted there are no staff comments pertaining to the application.

Commissioner Braga asked if Foster Drive would be the front yard setback, John Colonese stated the parcel is a through lot that has two front yard setbacks. Andrew Johnson explained the property does have two front yards and the proposed location for the shed is the most ideal due to the sloped topography of the property. The proposed location is around 30 feet from Somers Road. Commissioner Braga asked in which direction the shed door would face on the property, Andrew noted the entrance would be facing Foster Road. No one from the public spoke regarding the application.

**MOVED (BRAGA), SECONDED (HOSIG) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202415** – Andrew Johnson, owner/applicant, request for a variance of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback on Somers Rd (Route 83) from 60ft to 30ft for a shed at 12 Foster Drive, APN 105-007-0012 in a Rural Agricultural Residential (RAR) zone.

**MOVED (BRAGA), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO APPROVE FOR V202415** – Andrew Johnson, owner/applicant, request for a variance of the Ellington Zoning Regulations Sections 2.1.10-Highway Clearance Setback & 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback on Somers Rd (Route 83) from 60ft to 30ft for a shed at 12 Foster Drive, APN 105-007-0012 in a Rural Agricultural Residential (RAR) zone.

**HARDSHIP: Two front yard setbacks and lot configuration.**

#### **IV. ADMINISTRATIVE BUSINESS:**

1. Approval of December 2, 2024, Regular Meeting Minutes.

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE DECEMBER 2, 2024, REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. CT Bar Association Education & Training Webinar, Saturday, March 22, 2025 – Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions.

After a brief discussion pertaining to the webinar training, Vice Chairman Heminway, Commissioners Roy, Graziani and Alternate Brown requested to be signed up to attend.

#### **V. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:40 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk