

TOWN OF ELLINGTON
Planning and Zoning Commission
Ellington, Connecticut

MINUTES

DATE: March 2, 1987

TIME: 7:30 p.m.

PRESENT: Chairman Edwin Lavitt, Emery Zahner, Francis Prichard, Francis Shea, Michael Gagnon, Robert Wallace, Alternate James Goodman and Alternate William Hogan.

Also present was Town Planner Steven Kushner.

PUBLIC OPINIONS: None

CONTINUED PUBLIC HEARING-CLIFTON AND SUMNER CHAPMAN-ZONE CHANGE.

[Handwritten mark] Francis Prichard disqualified himself.

TIME: 7:35 p.m.

PRESENT: Chairman E. Lavitt, E. Zahner, M. Gagnon, R. Wallace, F. Shea, Alt. J. Goodman and Alt. W. Hogan.

[Handwritten mark] Attorney John D. LaBelle came forward as representative for the Chapmans. He described the property and said that the best use would be multi-family as the property has a very steep grade. The existing peach orchard will not be good beyond fifteen years and new ones cannot be planted in the same ground. He called on Michael Horne, an engineer with A. R. Lombardi who detailed the water, sewage and traffic with regard to the apartments proposed for the site. If granted the zone change, Mr. Chapman proposes to build 96 apartments (77 single bedroom, 19 two bedroom) on 27.2 acres of the 39.46 acre tract of land on West Road (Ct. Rt. 83). The shape of the terrain lends itself to putting garages in the front of the apartments with the first floor at ground level to the rear. The second level will contain the bedroom. He observed that the garages, where located, will take away a lot of pavement.

Chairman Lavitt read letters that had been sent to the Commission, stating that Attorney LaBelle can respond to them when he makes his concluding statements. The letters were from CEE; Town Engineer James Thompson; Robert J. Harvey, Dogwood Lane; Diane Wood, Ludwig Road; Edward & Jean Bracken, David Drive and Tessa Gutowski, Abbott Road.

Attorney LaBelle said that most letters came from people who do not live near the site of the proposed apartments. He argued that apartments are a better use of the land, a higher density use, make more sense and do not cost the Town nearly as much

Chairman Lavitt asked Mr. LaBelle how the proposed zone change and higher density use ^{is} better for the Town of Ellington?

Mr. LaBelle answered that it permits a higher density use but it also permits a better utilizing of space, suggested to the Commission that it will only use half the space that single family development would.

Chairman Lavitt asked Mr. LaBelle why this isn't spot zoning?

Attorney LaBelle answered that they are simply asking for a different type of residence.

Mr. LaBelle noted that there is no storm water problem on the property whether they build apartments or houses, that there is a 4" culvert and an easement across the highway to get to the brook.

Mathew Allen asked to make a comment. He noted that he and his family moved to Ellington in 1955 when the population was 4800, and that the complaints of those people who have moved in since, that Ellington should control its growth, is not valid cause for judging this application.

Neil Ducharme, 9 Sunset Road, asked where the access would be on Sunset Road if 45 houses were to be built on Mr. Chapman's property.

Bruce Charbonneau, 85 Maple Street found it difficult to believe that single homes would produce 10 trips per day vs 2 trips per day in an apartment, that the sewer flow rate would be that great on a single family home vs an apartment and he said that no school children in the apartments may be true in Mr. Chapman's case but he wondered what the figure would be in all of the apartments in Town. He asked that the engineer answer those questions again.

Michael Horne, engineer, A. Richard Lombardi, said that the number of trips from the apartments average about 5 per unit per day or 480 trips per day while those from 45 single family homes average about 450 trips per day.

Chairman Lavitt asked Mr. Horne if he had studied the area and determined that 45 homes could be put there. He was told that they could.

Alt. William Hogan asked if they were applying those figures to the entire 39 acres or to the area of the apartments? Mr. Horne answered that Mr. Chapman planned to develop the entire area as residential.

Chairman Lavitt asked if that meant the 96 apartments only with a permanent easement to the rest of the land so that it could never be built on again so long as there was land there.

Mr. LaBelle answered that if the zone change is granted, they only plan to use the 27 acres. He said further development would be hampered by the lack of sewer capacity at this time.

Mr. Lavitt asked how many units Mr. Chapman could legally put into the property if the zone were changed? He was told about 190. He asked Mr. Chapman if he would be willing to give up the right to develop the 12 remaining acres and never to build more than the 96 apartments requested.

Mr. Chapman answered that that is asking a lot but that he has no plans to use the

12 acres in the next 15 or 20 years.

Chairman Lavitt asked Mr. Chapman to show him where the zone change is in the best interest of the Town of Ellington other than in the economics.

Mr. Chapman answered that if Mr. Lavitt were looking for an apartment it would be in his best interest, but that he has "a roof over his head so the hell with everybody else but everybody else doesn't have a roof over his head".

Atty. LaBelle mentioned that they just opened 120 units across the street and they were rented before they were finished. He observed that these/^{will} not cost the Town one dime, that the demand for apartments is there.

Bob Harvey, 45 Dogwood Lane, asked if there was other land available in Ellington zoned properly? He wondered why that couldn't be developed first.

Mr. Horne's
Bruce Charbonneau, 85 Maple Street, said that according to / calculations, 45 single homes will create 450 trips a day so two additional streets must be opened to handle the traffic compared to 96 apartments which would generate 470 trips per day, all of which will use the single access road to Route 83. He doesn't understand why 45 houses could not use that one access road, that the argument is that 96 apartments will not use the side streets.

Mr. Lavitt answered that the topography would necessitate using the side streets. Mr. Charbonneau concluded that it is a matter of economics for Mr. Chapman rather than any overriding need in terms of the community.

Margaret Gilmartin, 21 Sunset Road, said that her property does abut Mr. Chapman's property, objects, asked that the Commission vote against the zone change. She spoke of a brook that bounds her property which is not shown on any Town maps.

Ernest Boothroyd, Hare Road, spoke in opposition, arguing that we do not have a firm figure for the number of apartments to be developed at the site to determine the amount of traffic which will be generated from that one driveway. He noted that Route 83 is the only fairly quick way to get to I-84.

Tessa Gutowski, 1 Abbott Road, opposed, felt that allowing spot zoning on Route 83 will cause Ellington to lose its rural character.

Carolyn Bunick, 2 Overhill Road, stated that she has not lived in Ellington long enough to discuss its rural character but cited the assertion that apartments will not cost the Town anything is not true, that any zone change that permits more dwellings on smaller parcels of land will put a strain on Town services such as fire, police, etc.

Al Schindler, Davis Road, said that he has lived in Town for over 30 years, that he is only a "stone's throw" from the proposed development and that the homes in the area are serviced by artesian wells. The proposed parcel is a very wet one and he wondered whether there will be any impact on their water systems because of the storm drains, excavations and road changes.

Toni Guerin, 21 Stein Road, felt that Mr. Chapman is presenting an either/or situation with regard to apartments vs houses and questioned the access roads, the impact on side roads and the increased traffic on Route 83 and said that she is opposed to Mr. Chapman's application.

Chairman Lavitt asked to put this request in its correct perspective, stated that if Mr. Chapman came in with a request to build 45 houses, his request would be approved as that would be a permitted use, however if he is granted a zone change, he will have the right to construct 196 apartments on that tract of land although his present plan calls for 96 apartments. He did not feel that there exists an either/or situation.

Stuart King, Stein Road, asked if the total of 196 apartments were to be built, would another access be required, such as Stein Road? He wondered if there was any way that there could be buffering in that area for a particular time period?

Attorney LaBelle said that Mr. Chapman will put a restrictive covenant on the 12 acres and extra acreage for no building for a period of maybe 20 years.

Chairman Lavitt asked if they would also put a restrictive covenant that it would be limited forever to 96 apartments? He was told that that he had not considered.

Dr. Benjamin, Stein Road, asked if single homes were to be built, where would the access road be, would it connect with Jolly, back to Mountain? He was shown the proposed access roads by Mr. LaBelle.

Steven Kushner said that the Commission has control of the access roads and whether or not they would require an access on Stein Road, should apartments be built, will be up to this Commission. What is being presented by the applicant is how they would proceed and that no one should take that as a given.

Chairman Lavitt asked Mr. Kushner for his feelings about the proposed zone change and apartments.

Mr. Kushner said that the Plan of Development cites this parcel as a Residence A Zone, that there are some unresolved questions as regards the 1977 Facilities Plan. He questioned the methodology used for sewer flows since apartment units were estimated per bedroom and single homes per person flow.

Mr. Horne explained the way in which the comparison was determined.

A Stein Road residence expressed his fear of an increase in traffic should the 196 apartments be built. He said that it was the opinion of most of his neighbors that 96 apartments would be acceptable.

Maria King, 22 Stein Road said that she would accept 96 units otherwise she is opposed to the application. She asked Mr. Chapman for a firm commitment as to the number of apartments he plans to ultimately build.

Toni Guerin, 21 Stein Road inquired if Mr. Chapman's request for a zone change is not approved, will he have to come before the PZC again with his 45 single home proposal? She was told that he would.

Bob Harvey, 35 Dogwood Lane, asked if we are going to allow developers to come in and change zones for their own benefit?

Alt. James Goodman, agreed with Mr. Harvey, felt that a zone change has to be justified in terms of benefit to the Town. He did not feel that the presentation was relevant because it has to be based on the total capacity of the plot for the 200 or so units.

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Attorney LaBelle said that Mr. Chapman will put a restrictive covenant on this change of zone for fifteen years with respect to the 96 units. He concluded that they are willing to put a 20 year covenant on the remaining land and a 15 year covenant on the 96 units for the 27 acres. He then referred to figures on sewer flow with respect to the comparison of a private home vs an apartment and explained how their figures were arrived at. With respect to the traffic estimate, the figures used are taken from the traffic manual for both apartments and single houses. The utilization of this property in this manner allows a lot of open space, continuing what is there, especially some of the orchards to stay there on this 27 acres.

Bob McMullen, Hillside Drive, stated that the talk about the sewer capacity disturbs him as nothing has been presented to the Sewer Commission as yet.

Mr. LaBelle responded that he and his client will have to appear before the Commission again for a Special Permit. He noted that there is an allocation for a certain number of units and the request for 96 apartments would use exactly the same amount as 45 houses would.

Alt. William Hogan answered that none of those 27 acres have been designed into the sanitary sewer system. Mr. LaBelle disagreed.

Chairman Lavitt said that he will concede for the purpose of this discussion that there is adequate water, sewage and adequate traffic capacity, where is it in the best interest of the Town to change that piece of land from Residential A to 196 apartment units?

Steven Kushner said that we have at best a very sketchy plan and with regard to the single access drive for the 96 apartments, the Commission may require otherwise. He also questioned the traffic study. He noted that the Economic Development Commission has put together a committee to study property along Route 83, to take a long look and make some recommendations.

Bill Kelly, Pine Drive asked if a show of hands would have any influence?

Chairman Lavitt called for a show of hands and asked that the record show that a few hands appeared in favor and a large show of hands opposed.

The Chairman closed the hearing at 9:10 p.m.

NO DECISION
 UNTIL APRIL 6th

PUBLIC HEARING-JOHN AND CAROL STROM-3-LOT SUBDIVISION-PINNACLE ROAD.

TIME: 9:12 p.m.

PRESENT: Chairman Lavitt, F. Prichard, E. Zahner, F. Shea, R. Wallace,
 M. Gagnon and Alt. J. Goodman.

The Chairman read the Legal Notice into the record.

Kenneth Peterson of Gardner & Peterson Associates, representing the Stroms, stated that they propose to subdivide their land into three lots, two will have 150' frontage on Pinnacle Road and lot #3 which contains approx. 7 acres of land will have a house constructed by Mr. & Mrs. Strom for themselves. The access to this lot will be from Pinnacle Road. He explained that the Stroms lot will be served by the sanitary sewer with possibly an individual pump system.