



STATE OF CONNECTICUT • COUNTY OF TOLLAND

INCORPORATED 1786

TOWN OF ELLINGTON

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TOWN PLANNER'S OFFICE

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March 11, 2011

Chairman Arlo Hoffman
Planning & Zoning Commission
55 Main Street
Ellington, CT 06029

Re: Protest Petition Against Proposed Zone Change
Planning & Zoning Commission (PZC) File Z201024

Dear Chairman Hoffman:

This letter is in regard to the list of signatures submitted in protest of the proposed zone change on Assessor Parcel Numbers (APN): 055-044-000, 055-043-0000, 046-004-0000, and 055-022-0000. The protest petition (copy attached) was filed at the public hearing of the Planning & Zoning Commission (File Z201024) on February 28, 2011 by Stacey Deiterle, a resident of Ellington.

In accordance with Connecticut General Statute 8-3(b) the protest must be signed by the owners of twenty percent or more of the area of the lots within five hundred feet in all directions of the property included in the proposed change. (Please see attached letter from the Town Attorney) The subsequent information is presented only in order to assist the commission in making a determination as to the validity of the protest petition at their next meeting on March 28, 2011 at 7PM in the Center School Gym. Should the commission consider this a valid protest petition and a motion is made to approve the application, then a vote of two-thirds of all regular commission members in support of the zone change would be required.

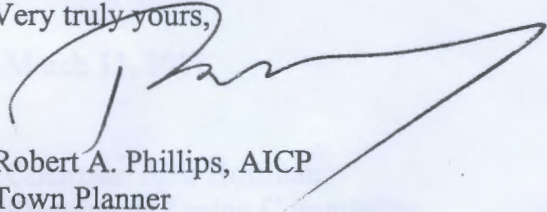
Using our best available information, the Planning Department determined the area of the lots within the prescribed area with the Town of Ellington's Geographic Information System (GIS). An inaccuracy in our GIS accounted for a strip of land connecting to Sunset Road and Jolly Road as the town's, however by deed it is owned by Gardner L. Chapman and is part of APN 055-022-0000. This inaccuracy would not allow us to use GIS to calculate partial areas of certain lots within five hundred feet of the strip of land, therefore one hundred percent of the areas of these lots were accounted for to conservatively estimate a total. In addition, there were no petitioner signatures for each of these properties. These properties are as follows: 10 Jolly Road, 11 Jolly Road, 12 Jolly Road, 251 Mountain Road, 253 Mountain Road, 255 Mountain Road, 261 Mountain Road, 263 Mountain Road and 22 Sunset Road.

The Assessor's data supplied the current property owners within the prescribed area. Twenty-five out of the twenty-six signatures from the protest petition are confirmed as at least partial owners of these properties.

The area of the lots respective of the five hundred foot distance with at least one owner's signature was divided by the entire prescribed area. This results in 31.17 percent of the area of lots within five hundred feet in all directions of the properties subject to the proposed zone change. Therefore, it is the opinion of this office that the minimum qualification has been met and thus a two-thirds majority for approval is necessitated. (Please see the attached spreadsheet)

Please feel free to contact me with any questions at (860) 870-3120.

Very truly yours,


Robert A. Phillips, AICP
Town Planner

cc. Attorney Dorian Flamiglietti
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Enc.