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Ellington Board to Consider Chapman Zoning Request

With the public hearing now closed, the Ellington Planning and Zoning Commission must now make a decision on the application to rezone property along Route 83.

By [Caitlin Francis](#) | [Email the author](#) | March 31, 2011

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It's nearly all over, but the voting.

After the marathon meeting March 28, during which Planning and Zoning Commission members received more information about a proposal to change the zoning designation of 35 acres along Route 83, it is now time for the group to approve or reject the application.

On the 28th, the commission officially closed the public hearing for the plan by Gardner and Matthew Chapman to rezone the area of West, Sunset and Stein roads, with the primary access off of West Road from residential to multi-family to enable the men to submit another application, this time to build an 22 building, 172 unit apartment complex. By closing the hearing, the commission cannot accept any new information related to the request.

Prior to the hearing's conclusion, the commission received new information about sewer capacities and more feedback from residents who are adamantly against the proposal. So much so that they have submitted two petitions in opposition, one of which now compels the commission to approve the Chapman application by a super majority, or requiring at least five of the seven members to approve the proposal.

PZC Chairman Arlo Hoffman said that the board would take its time in making a decision; it has another 65 days before they must vote.

Hoffman began the public hearing by reminding the dozens of people who attended that applying for a zone change was just the first step in the Chapman's process. He said the application for zone change is set up that way to allow the town to maintain some control and because it makes sense to only put apartments in areas where they're needed.

Hoffman thanked everyone for being polite and courteous, and asked that they remain focused on the project, not on the motivation of the applicant.

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“This thing should fail or pass on its merits,” Hoffman said.

Since the commissioners did not have a chance to comment during the first party of the hearing held in February, they took the opportunity at this hearing to speak and ask questions.

Commissioner William Hogan said, “It’s not abundantly clear one way or the other,” in regard to how the commission will vote. He said that the commission has been given conflicting evidence and information, and that members would weigh all factors.

“It’s not a no-brainer,” Hogan said.

Hogan the asked Don Poland, a planning consultant representing the Chapmans, about Poland’s previous presentation regarding Ellington’s current housing market, suggesting that it is actually made up of 30 percent rentals. Hogan asked, why the applicant thought it was necessary to increase that number. Hogan said that Ellington has community character that could be compromised by excess apartment buildings.

Hogan also told Poland that the PZC did not do an assessment that said any parcel of land five acres or larger would be suitable for a multifamily zone. Poland stated in his report that that would be one of the criteria to re-zone.

Commissioner Robert “Bob” Hoffman said he wanted to “speak more on a citizen level.” He also told the Chapmans that he didn’t “want to take away your rights as a property owner.”

However, Hoffman said that the level of community involvement from homeowners versus apartment dwellers is significantly different, especially during town elections. He used this as an example of how most residents in apartments don’t get involved.

Dory Famiglietti spoke on behalf of Chapman after the commissioners were finished commenting. She passed out sewer allocation information from the previous hearing. Although the commission had reviewed this information already, Famiglietti said she wanted to make clear to the PZC that Ellington was under-using its sewer capacities. She also reiterated that the potential Chapman apartment complex would use 50 percent less of the sewer allocation than what has been set aside for future commercial development.

Famiglietti then told the PZC that regardless of whether the zone change is approved, the current peach orchard would be gone. If the PZC rejects the application for zone change, the Chapmans will propose a single family residential plan instead, she said. As it is currently zoned, the residential area would accommodate 22, four-bedroom houses, she said. However, Famiglietti said that the better deal for the town would be the multifamily unit, as proposed by the Chapmans, in terms of future tax revenue.

To counter Famiglietti presentation, Attorney Jason Doucette, who is representing a group of abutter who oppose the application, offered his own presentation focusing on Connecticut statutes and laws regarding zone changes.

“You can feel freer, which is my interpretation of the case law, to deny the application,” Doucette said after explaining that the PZC needed reasons for accepting the application, but doesn’t need to justify denying the application.

Doucette and other residents in the audience also questions Famiglietti’s sewer calculations. Doucette said that Tolland and Vernon might not always be there for Ellington’s excess capacity needs

However, Hoffman clarified that piece of information by saying, “we’re not at the mercy of Vernon

And some of the residents who spoke said they shouldn’t be at the mercy of the Chapmans.

Resident Tony Guerin spoke passionately and directly to the Chapman family. Guerin told Matthew Chapman to “leave a legacy for (his) family name.”

She said Chapman was “blessed” to have been born into a family that was able to put him on a path to success. However, Guerin said Chapman was not going to achieve what he was striving for, or leave a legacy for his family, because of the reaction generated in opposition to his project.

Hoffman interjected to take a “straw poll” of the audience. An overwhelming majority of hands went up in opposition to the zone change, however there were supporters there.

Hoffman told the audience that the PZC would not vote behind closed doors. “There will be no transparency,” he said.

Famiglietti was allowed to rebut and make closing remarks at this month’s hearing, rather than waiting to close and prepare for the next meeting. The commissioners thought it was unfair for Famiglietti to have the opportunity to speak again, without allowing the opposition to speak again, or any more public comment.

Up next is the big vote, what do you think the PZC should decide? [Tell us in the comments.](#)

Interested in a follow-up to this article?

Comments (2)

John Rice
10:31am on Friday, April 1, 2011
It seems that the Chapmans have already decided to eliminate the orchard. The only question seems to be as to what will replace it - apartments or individual homes. I hope that people in Ellington are not quite ready start becoming "city-fied" and remember the reasons that many of us "non- natives" moved her in the first place, for Ellington's rural atmosphere. Single family homes - yes, multi-unit apartment housing - NO!
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Lisa
11:03am on Friday, April 1, 2011
I frequently travel to New York City. I always know I am close to the city when I see the tons of apartments. Ellington has apartments to most of the entrances to our town. Five corners, Rockville. Do we need more? Even if the units look nice they are still apartments!!!!!!!!!!!!!! Why doesn't Chapman build something the whole town can enjoy. Not put more pressure on our already overcrowded school systems.
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