



# Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION  
PUBLIC HEARING & REGULAR MEETING  
GRISWOLD TOWN HALL

APPROVED MINUTES  
FEBRUARY 13, 2017

## SALUTE TO THE FLAG

### I. PUBLIC HEARING (6:30 P.M.)

#### 1. Call to order:

Courtland Kinnie, Vice Chairman, called this public hearing to order at 6:15 p.m.

#### 2. Roll Call

**Present:** Courtland Kinnie, Charlotte Geer, Erik Kudlis Alternates Tom Palasky, Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Martin McKinney, James Krueger

#### 3. Determination of Quorum

C. Kinnie appointed T. Palasky to sit for M. McKinney and P. W. Zvingilas to sit for J. Krueger. There was a quorum for this public hearing.

#### 4. Matters Presented for Public Comment

**A. SE 02-17 GREEN EARTH TRIANGLE, LLC, PROPERTY AT 235 EAST MAIN STREET, 17 AND 41 BALFOUR STREET, GRISWOLD.** Request approval a Special Exception for remediation and grading for a mixed use redevelopment at the former Triangle Plastic Wire & Cable site. Property is zoned Industrial.

C. Kinnie stated that this public hearing is for the remediation project and it is not for any conceptual design for the future. This is about the cleanup and preparation for use in the future.

C. Kinnie asked the applicants to state their names and to make their presentation.

Al Kovalik, Partner of Green Earth Triangle, Civil Engineer and Licensed Environmental Professional. He stated that about ten years ago, the demolition was completed and the site has been sitting stagnant. He explained that the conceptual redevelopment plan is not part of the application. He stated that in Seattle they have been using brown field properties for residential uses using capping remediation. He stated that one of the investors in Chicago is interested in Brownfield redevelopment. He explained that the State of Connecticut is allowing more capping solutions in the past five years for protective of human health and the environment.

A. Kovalik explained that this property is a transfer act site due to the handling hazardous waste that was used during the operations of Triangle Wire and Cable as part of a state program where assessment and remediation has State oversight and involvement in what gets done and must comply with the Remediation Standard Regulations. He stated that permits and a remediation plan for State review and approvals.

He showed a mixed use concept plan that was designed by Milone & McBroom in Cheshire to leave flexibility for residential and commercial uses. He explained that there is commercial space on Route 201 and some residential on a plateau to take advantage of the water views, and a 0.4 mile nature trail walk around the property,

He stated that there are underground structures such as floor drains, septic tanks, oil tanks which will be removed. During the capping solution, we will dig down to native fill; and the compacted material will be put back in lifts. He stated that while the site is open, geothermal piping can be installed to make that accessible for any future development.

A. Kovalik stated that the project will be a green development project. He explained the Green Building Council and this project can apply for a leaf designation and cited some of the criteria such as swales, public transportation and remediating a Brownfield and reusing the concrete material on the site. This will create value to do something on this property.

A. Kovalik showed aerials of the site when it was up and running and what the site looks like currently. He stated that environmentally, there are 12 Areas of Concern where there is a probability of environmental impact from the operations. He stated that because of the floor drains, the whole building was an AOC; storage on site is the whole outside area is an AOC. He stated that Haley and Aldrich and Tighe and Bond has identified those areas of concern. He showed a map of the site where there was vapor sampling, soil sampling and ground water sampling. He stated that there was petroleum contamination, VOCs volatile contaminants and a few PCBs. He stated that as for metals there are three locations; and it is questionable and that the metals could be naturally occurring. He stated that most of the site has been impacted. The Tighe and Bond Phase II confirmed the contaminants for Phase I.

A. Kovalik stated that at the end of the remediation and reposition of the property to make it attractive to a developer. He explained the capping solution, breaking up the slab, digging up the 15 septic tanks. He stated that we must dig up the site foot by foot, see what is there under the supervision of a Geotechnical engineer to approve the capping. He explained the three capping procedures: 1) a land use restriction using 2 feet of asphalt, 2 feet of material meeting residential criteria and a land use restriction on the deed; 2) 4 feet of material can be used that meet criteria above the contamination and a land use restriction to not disturb the area. 3) Use 15 feet of material that meets the criteria so that the contamination is separated and a land use restriction is not necessary. He stated that if this third solution can be done, small single family homes that are 500 sq. ft. to 1000 sq. ft. in a community setting can be developed.

A. Kovalik explained that there is an area in parking area of the Commercial location that will be reserved for material that does not meet the leachability, of rainfall into the ground water and direct exposure to material. He stated that the cap material that is brought it must meet those two criteria. He stated that where there is sludge and the drains and the piping debris will be removed from the site; any soil exceeding the leachability number, it would be relocated in the parking area of the commercial location that will have a geo membrane to cap it. He stated that all of this will be in the Remedial Action Plan that goes to the State for approval. He stated that they will try to keep a minimum of 15 feet of fill as a barrier between the materials on site. He stated that they want the remediation to be successful in a larger picture.

A. Kovalik stated that Wes Wentworth will go over the drainage plan. Wes Wentworth, Professional Engineer and Soil Scientist of Wentworth Civil Engineers in Lebanon, CT stated that the project design plan includes grading, final grading, stabilization of the site and erosion and sedimentation control for the short term during the excavation and filling process and for the long term stability once the site is capped waiting for development. He stated as soil scientist, he delineated the wetlands on the site as well.

W. Wentworth explained the site map showing the existing structures, topography, and the proposed improvements. He stated most of the site was building slabs of level concrete and that to the south and west of Balfour Street were parking areas. He stated that there is a gentle to moderate slope down so that there is a terrace that sits above Ashland Pond to the southeast. He explained that there was a small wetlands terrace area that was basically filled down to the. He showed where there was the small wetlands area on the map. He stated that the slopes are generally 1 to 1 and is vegetated with moderate to young woods and heavy shrubby understory. He stated that the embankment is very stable and plan to stay away from it.

W. Wentworth explained the existing drainage shows a number of outlets into Ashland Pond from floor drains, roof drains and various catch basins going into with 8 inch or 12 inch pipe. He stated that those will be dug down, capped and not used anymore. He showed the location of where Balfour and Hill Streets drain to on the map to an 18 inch pipe into the pond. He stated that to the north, there is 24 inch pipe that drains from East Main Street to a second 36 inch pipe. He stated that cameras and telemetry failed to show the location of all the pipes and drains. He explained that Balfour Street will have new infrastructure, new catch basins and pipes that will route all around the edge to the steep bank where the existing 18 inch pipe outlet so the embankment will not be disturbed. He stated that from the North end the two 24 inch pipes coming from the State highway will be tied to the existing 36 inch pipe on the site.

W. Wentworth explained the drainage for the center portion of the site filling will be done creating reversed bench slopes at the slope to reduce erosion based on DEEP State Regulations and CT erosion and sedimentation design guidelines. He stated the bench slopes with catch basins that will tie in to the new systems; this will stop the water and allow it to move slowly through a 1% swale into a catch basin to stop erosion.

He explained the filling will be benched backward away from the water; the reverse benches will pick up the embankments; everything up hill will be diverted around with the new systems from off site drainage; and rainwater will be controlled by filling and constantly reverse bench away from the water to have catch basins during construction during the various phases, so there will be three or four flat spots that pitch back into the center of the site for future development.

W. Wentworth explained the e and s control and phasing plan; there is site specific e s plan site specific narrative for construction process, sequencing showing how the site will be stabilized through construction and long term when remediation and capping is finished. He state that this will be broken into phases that is required. He explained that the State DEEP requires submission of an Erosion and Sedimentation Plan and disturbance of the site must be kept to five acres or less. He explained that Phase I is split in two; one section for stockpile of material and one section to start excavation and remediation to uncover the buried foundations and pipes

A. Kovalik showed the areas were the worst of the contaminations was located in the shop area, maintenance area, some floor drains had PCBs so the Phase I area is the worst area of contamination. A. Kovalik explained that we want to have this property so that you can build on it and to build residential on it. We must get down to the material and the geotechnical engineer signs off on it so we can build on it and also to satisfy the State that residential can be built on it. He stated that the road and we will be working with Eversource to elevate overhead lines for the last phase. He asked for questions.

W. Wentworth explained that he received the review comments from Robert Schuch, P. E, and town consulting engineer. He stated that he has submitted plans that addressed the comments of Robert Schuch's review for the record. A. Kovalik stated that Inland Wetlands required that booms are to be placed at the outfall during construction; and that Robert Schuch wanted to add maintenance and to add riprap at the outfall.

C. Kinnie asked if he has a narrative from the review engineer the commission. M. Tristany stated yes. He asked Robert Schuch to summarize his responses.

Robert (Bob) Schuch, P.E. stated that he has a letter addressing 18 comments he had of his review of the plan. He submitted a copy for the record. He stated that the applicant's engineer has addressed the majority of his comments. He went through the comments that were addressed and indicated those comments that still had to be addressed.

- 1) He questioned if there is fuel stored on the site. He stated that there will be no fuel; but there is a fuel pad
- 2) He recommended that the anti-tracking pad for this much material should be 100 feet rather than 50 feet long due to the volume of trucks based on CT SESC guidelines. He stated that this was addressed
- 3) He inspected the two drainage outlets that will be reused with their engineer; one was submerged; he stated that the other outlet had a scoured out plunge pool that recommended riprap be installed to reduce further erosion at this outfall. This was addressed.
- 4) The sediment traps were incorporated by the applicant's engineer within the fill areas were added due to the 180 ft. elevation to catch the drainage from the site from going into the pond.
- 5) He suggested that there be inspections after heavy rains based on the stormwater and erosion controls within 24 hours of a rain fall event. He stated that the maintenance notes have incorporated this.

R. Parrette asked who inspects this. B. Schuch stated that the applicant hires a professional engineer to do the inspection and that engineer fills out an inspection report after a .5 inch storm or greater is kept on site for when the DEEP L.E.P. does a site inspection. R. Parrette asked if the town gets a copy. B. Schuch stated that it is not required to but you can request that staff get a copy.

6) He questioned whether there would be a crusher. There will be a temporary crusher on site.

7) He asked what their dust measures were. There will be water to control the dust from truck traffic, exposed surfaces on the site. They added the measures to the plan for controlling the dust onsite

- 8) He stated that there will be a office trailer where reports and be kept.
- 9) Because of duration of and the amount of trucks coming on and office site, He recommended that the truck traffic coming and leaving the site turn on to Route 201 utilizing I-395 in order to minimizes truck traffic through Jewett City. There will be signage on site to keep trucks from turning left from the site toward Jewett City.
- 10). He questioned Balfour Street which is a town road and that this development will take place on town roads, he stated that the town may abandon the road through legal procedures or that it be rerouted and so an A-2 survey will be needed. He stated that this will be worked out with the town attorney for this matter. This is an outstanding issue
- 11) He stated that he had a question about the tunnel under Route 201, but this has already been abandoned.
- 12) He wanted an indication of what will happen with the existing power poles. He stated that this was address noting that the poles will remain in the same location along with the easement and be reset within raised the fill area.
- M. Tristany stated the he requested the cross section to show the elevations to understand the amount of fill and what the finished area will look like. B. Schuch showed where 201 and the location of the housing. A. Kovalik explained that there will be two level areas on the site.
- 13) The applicant has added details of the construction regarding any of the drainage and some catch basins that will be quite deep to connect to the outlet pipe to the pond; and details of the maintenance of the catch basin also a storm trench detail and during the excavation will have L.E. P oversight. He recommended that the last 2 catch basins have 4 ft. deep sumps to allow more sediment
- 14) He stated that there are no proposed impervious areas, the water quality measures will be provided when they have approvals for future development
- 15) He asked for clarifications of the coefficients used which the applicant provided.
- 16) He stated that the bond estimate should include the top soil and seeding for all disturbed areas to be stabilized based on the worst case scenario in the event that filling/grading has not been completed. He recommended using the RS Means Construction Prices to be used for the volumes and unit prices unless documentation can be providing with a lower price. This is an outstanding issue.
- 17) He stated that registration for a CT DEEP Stormwater General Permit will be required for the project and has been noted on the plan.
- 18) B. Schuch stated that the that the sediment fence with Hill Street which is outside of the chain link fence enclosure area was removed from Sheet Four.
- 19) The days of operation were added to the plan on Sheet 6. He stated that the formal construction hours were 7 am to 8 pm on Monday through Saturday no Sundays or Weekends. P. Zvingilas stated that in our regulations the construction hours are 7 am to 7 p.m. W. Wentworth stated that they will revise that note. A. Kovalik asked if that was specific for the heavy equipment. P. Zvingilas stated yes it is for the heavy equipment.
- M. Tristany asked if the estimate for the top soil was based on the required 5 acre site. B. Schuch stated that if there was enough top soil for the Phase II 4 acre site which is the worst case scenario then it would be enough for the two Phase 1 locations and Phase III location.
- A. Kovalik stated that the crusher will be intermitted and not used every day; it would be breaking up the concrete and stockpiling it and then bring in the crusher to crush it to use it for the geotechnical reasons. He stated that they want to be through as soon as possible since they would like to be before the commission by next summer with a full plan for approval for developing the site before we are finished so that septic lines and utility lines can be installed while the site is open rather than dig down for installation.
- He stated that the abandonment of Hill Street and Balfour Street only serve this site and no other individuals are impacted by that. P. Zvingilas asked if he had input from the Griswold fire Marshal and the Jewett City Fire Chief on the streets. A. Kovalik stated no he hasn't.
- P. W. Zvingilas asked about topography lines in the corner and if it was a 14 foot drop for about 30 feet or so. W. Wentworth stated that it was about 2.5 to 1 slope in that location near Route 201. P. W. Zvingilas asked if it was

hooked up to Route 201. W. Wentworth stated that there is pavement behind the building and the existing catch basins are back away from the edge of pavement, most of it comes up and swales in reverse benches already. He stated that the 20 feet width will remain at Route 201. He stated that the slopes have the added protection of the nature path and left a big bench at the bottom. P. W. Zvingilas asked if they have talked to the state about that. A. Kovalik stated that they will eventually with the actual development for new entrances off of Route 201. W. Wentworth stated that all of the work is outside of the State right of way except for the State drainage that comes off of Route 201 so they will be assessing with CTDOT District II for the new routing of the drainage. M. Tristany stated that District II does not get involved until the local approvals have been received.

C. Kinnie asked if the BOS has discussed Balfour Street and Hill Street with the Fire Marshal and the Fire Chief. M. Tristany stated no. C. Kinnie asked if Hill Street becomes a dead end; will there be a cul de sac or turning radius for fire apparatus. M. Tristany explained the street will not be touched as part of the remediation of the site; but that they will have to go before the BOS and then to the commission for an 8-24 Review for road closure along with a town meeting process. C. Kinnie stated that we usually received communication from the Fire Marshal.

C. Kinnie asked if the streets will be closed using fencing or 2 by 4's with signage when work begin. W. Wentworth stated that chain link fence will be used for the active construction area. M. Tristany stated that to fence off the road, they must go before the BOS.

W. Wentworth stated that the grading mimics the future layout of the developed site; we have left the ability to use the nature trail at grade to make the street connection if the town will not allow a T-end or hammerhead end at Balfour and Hill Streets. A. Kovalik stated that the area is paved and it can be fenced there so Balfour can be used for the fire apparatus.

P. Zvingilas asked how many houses will be going in. A. Kovalik stated that the design plan shows 50 houses that are 500 to 800 sq. ft. P. Zvingilas stated that that will require fire access as well.

C. Kinnie stated that the hours of operation are 7 a.m. to 7 p.m., there were concerns for the crushing operation on Saturday since it was such a populated area. A. Kovalik stated that the hours can be reduced on a Saturday or it can be done just during the weekdays. He stated that they want this development to be successful for everyone.

C. Kinnie stated about the bond and RS Means Cost Estimates; but he did not hear any numbers. W. Wentworth stated that he received those comments this afternoon, so he does not have those adjusted numbers. He stated that he had not included a top soil number and it is about \$75,000 and will be higher using the RS Means. He stated that those numbers can be a condition of approval to the satisfaction of the town planner. There was discussion of this matter.

C. Kinnie asked for questions from the commission.

R. Parrette asked if the 330,000 cubic yard figure is ballpark or is that accurate. B. Schuch stated that that figure is indicated on the plans. W. Wentworth stated yes.

R. Parrette asked the difference in the tan and white in the cross section, is that an approximate existing grade. A. Kovalik stated that it is roughly that. A. Kovalik stated that we are at 17 feet for the lower pad and to elevate it for separation which meets the residential for cap material. R. Parrette asked if the average elevation was 142. A. Kovalik stated it was 148. B. Schuch read the contours ranging from 142, 142 148, 150- and 154. A. Kovalik stated that we don't have to go down 15 feet everywhere; but we will dig down to stable native fill primarily for the geotechnical engineer to get to stable material and to get all the deleterious debris out from under the ground. There was discussion of this matter using lifts to reuse the good material that meets the leachability test that is on the site in an engineered controlled manner.

C. Kinnie asked for other questions from the commission.

E. Kudlis asked if there was any historical data of the soil in that portion of the lake where the drains ran into, and is the water is clean, and is there are there plan for providing access to the lake for recreation. A. Kovalik stated yes that they would like to add water access where there is an existing pump house where there are stairs to the water. He stated that in Phase II, sediment samples showed some impact. He stated that he did not know if there was any data on that to make a decision on that. He stated that over time you get additional deposition and sometimes it is better to let it alone since there has been additional siltation in the pond rather than deal with it. He stated that we will make sure that what is on site will not get worse and will get better. He stated that there may be a grant process may deal with the water issues.

E. Kudlis asked if the drainage would stir up sediment from the drainage going into the pond and B. Schuch proposed a plunge pool to mitigate the water velocity, A. Kovalik stated that there will not be more than what is draining there now. M. Tristany stated that post development, the drainage will be a lot cleaner than what is going in there now. He stated that the State will not get involved with a dredging operation due to funding. He stated that people fish and boat there and swim there. There was discussion of this matter including that the only thing found in the water was petroleum runoff and some minor VOC's in the water that were so low that they could not be reproduced.

E. Kudlis asked if there are monitoring wells on the property now. M. Tristany stated yes; there will be monitoring well on the UCFS property this summer when construction starts.

R. Parrette asked if the stabilization is temporary or can you walk away from it. A. Kovalik stated that we want to get to the next step it will be a stable site if we had to walk away from it. A. Kovalik stated that the next step is the State Remedial Action Plan for how the State wants us to leave this site at the prep stage. He stated that we want to be able to roll into the redevelopment. R. Parrette stated that this application is not for the finished product and asked if there is any intention of finishing the project all at once. A. Kovalik stated that people are on fire for the smaller homes and they will probably be doing the whole thing. R. Parrette stated that he wanted to be sure that it was stable so that it will not erode if redevelopment had to wait for five years. There was discussion of this matter.

Michael Schulze stated that he is sitting here listening. C. Kinnie stated that he was going to open it to the public.

Michael Schulze stated that these people are proposing to reverse the flow of water to a positive catch basin system proposed and make it a cleaner system and make it less environmentally intrusive than we are exposed to now. He stated that this is all positives to the town and less intrusive. He stated that there is no argument about it.

C. Kinnie asked for other comments or questions from the public.

David Vieaux, 59 Leha Avenue asked the staff regarding medical center property and if there was a drainage problem from Russell Street that went on to this property. M. Tristany stated yes, that was what he referred to as the Panama Canal and it has been remediated. D. Vieaux stated that for the front lot that will have contaminated soil and is going to be paved over is awfully close to Griswold's community wells. He did not want anything to leach into the wells; we don't want another Flint Michigan. A. Kovalik stated explained that the cap that he is talking about; we are placing it in a specific location and the State Remediation Standards is an engineered control using a geo membrane liner with a certain permeability that does not allow rain water infiltration and there are land use restrictions. D. Vieaux stated that those are generic standards and don't correlate to a community well. A. Kovalik stated that yes they do, the residential criteria is that if you at the soil everyday for 25 years there is 1 in a million chance of getting cancer; he stated that the leachability is based on the of the concentration of acid rain falling on the soil to the groundwater for synthetic precipitation leaching procedure. C. Kinnie stated that the State did aquifer mapping overlay that was based on which way the water was flowing and this property is outside of the mapping area.

C. Kinnie asked for other questions from the public.

Clarence Merrill, 194 Edmond Road asked if the site was zoned industrial right now. C. Kinnie stated yes, that is the current zone. C. Merrill asked if the applicants will have to request a zone change or require a zone change for the mitigation and can they put residential there.

M. Tristany explained that 11/10/14 the Town amended the permitted uses in Industrial Zones the Zoning Regulations to allow for mixed use development that would consist of commercial, office, house, retail. And in order to develop housing you had to have a combination of housing, office and commercial so one could not happen without the other. C. Kinnie stated that he thought that he adopted it for commercial. M. Tristany read the regulation for the record. He stated that we adopted a similar text for the Commercial Zone.

C. Merrill asked that, as he understood it, there was no industrial zone any more. C. Kinnie stated no, there are still industrial zones. M. Tristany explained that the likelihood of having industrial or manufacturing on these properties is zero due to high utility costs.

M. Schulze stated that for the protection of this property, the only exposed point of any PCBs would be finding out where the drainage went. He stated that by encapsulating it; it will only be lessening the exposure to public. B. Schuch stated that the PCBs must be removed from the site. A. Kovalik stated at a certain level; they are pretty

low at 2 parts per million and the trigger is at 45 or 50 which we are not remotely close to. P. Zvingilas asked how that was tested. A. Kovalik stated that it is tested at a lab. M. Tristany stated that there has been \$150,000 or more done on testing with 2 Haley & Aldrich, and testing by Tighe and Bond as well as Green Earth's on site testing. A. Kovalik explained that the State has a Lab quality control requirement called Reasonable Confidence Protocols when collecting data, whether the data is usable and applicable when during samples and environmental work.

C. Kinnie asked for other questions from members.

R. Parrette asked about the dust controls. W. Wentworth stated that a water truck will be used and there are other methods as well that are in the e and s guidelines and on the site plan.

E. Kudlis asked if it was approved by the Inland Wetlands Commission. C. Kinnie stated yes.

B. Schuch stated the plans indicate that if additional measures are need that they will be incorporated.

C. Kinnie asked for other questions from staff. C. Kinnie asked for other comments or questions from the public. He stated that before discussion the closing of this public hearing; he asked staff regarding some outstanding issues such as the bond amount, the roadway and information from the Fire Chief of Jewett City and the Fire Marshal, can these issues be conditions of approval. M. Tristany stated yes. P. Zvingilas stated that something is needed from the BOS to close the road during construction.

C. Kinnie asked if there was enough information to close the public hearing, M. Tristany state yes; he did not know of any additional testing and that he brought in B. Schuch as P.E. because he has a special license for storm drainage and soil erosion and B. Schuch is satisfied with the plan; the work done by W. Wentworth whose work is exceptional. He stated that A. Kovalik is a Licensed Environmental Professional and a P.E..

C. Kinnie asked B. Schuch if he felt that all of his conditions have been met or can be met. B. Schuch stated yes; the bond figures, and for the road he felt that town will be willing to work with the developer; everything else has been resolved. He stated that they should get DOT approval for the rerouting of the drainage on Route 201. There was discussion of this matter.

C. Kinnie asked for other comments or concerns from the public or commission member; He asked for a motion to close the public hearing.

**MOTION:** E. Kudlis moved to close the public hearing for SE 02-17 at 7:58 pm. C. Geer seconded the motion. All were in favor. The motion was carried.

C. Kinnie called for a five minute recess before the regular meeting.

## **II. Regular Meeting (7:00 pm)**

### **1. Call to order:**

Courtland Kinnie, Vice Chairman called this regular meeting to order at 8:08 p.m.

### **2. Roll Call**

**Present:** Courtland Kinnie, Charlotte Geer, Erik Kudlis, Alternates Tom Palasky, Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Martin McKinney, James Krueger

### **3. Determination of Quorum**

C. Kinnie appointed T. Palasky to sit for M. McKinney and P. W. Zvingilas to sit for J. Krueger in accordance with who was seated for the public hearing. There was a quorum for this regular meeting.

### **4. Approval of Minutes**

#### **A. Approval of Minutes of the Regular Meeting of January 09, 2017**

C. Kinnie stated that the minutes show that P. W. Zvingilas was here and not hear. P. W. Zvingilas was not present for the January meeting. C. Kinnie stated that on page three, in the motion read approve the lot line adjustment.

**MOTION:** C. Geer moved to approve the minutes of the regular meeting of January 9, 2017. P. W. Zvingilas seconded the motion. There were 3 aye votes and 2 abstentions. The motion was carried.

**5. Correspondence and Attachments**

- A.** Letter dated January 10, 2017 to Martin McKinney, Chairman of Planning and Zoning Commission from Susan K. Sutherland, V.P. Avalonia Land Conservancy regarding a letter of support for the acquisition and protection of 409 acre Tri-Town Forest on Miller Road where 74 acres are located in Griswold.

C. Kinnie explained the location of the site and that Avalonia Trust is looking for a letter of recommendation that it is accordance with our PoCD. M. Tristany stated that the Inland Wetlands Commission voted to send a letter of support. E. Kudlis commented that he was not in favor of sending a letter of support since he was concerned that deeded open space does not get maintained well enough. There was discussion of this matter.

**MOTION:** E. Kudlis moved to not send a response. P. W. Zvingilas seconded the motion. There were 4 aye votes and 1 nay vote by C. Kinnie. All were in favor. The motion was carried.

- B.** Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Winter 2017, Volume XXI, Issue 1.

C. Kinnie suggested that the members read this newsletter regarding the convalescent home.

- C.** Connecticut Federation of Planning and Zoning Agencies, Annual Conference in March 23, 2017 at the Aqua Turf

C. Kinnie stated that this be added to the agenda for next month. He asked members to let D. Szall or M. McKinney know if they are interested in attending.

**6. Matters Presented for Consideration**

- A. SE 02-17 GREEN EARTH TRIANGLE, LLC, PROPERTY AT 235 EAST MAIN STREET, 17 AND 41 BALFOUR STREET, GRISWOLD.** Request approval a Special Exception for remediation and grading for a mixed use redevelopment at the former Triangle Plastic Wire & Cable site. Property is zoned Industrial.

C. Kinnie stated that this application was presented at the previous public hearing and much information was presented and the town engineer gave a presentation of his review. He stated that no new information can be accepted or comments from the public. C. Geer stated that it should be approved. (Could not hear all of C. Geer's comments). C. Kinnie stated that M. Tristany is putting together conditions of approval. E. Kudlis asked if the conditions of approval can be relegated to staff. C. Kinnie stated yes. M. Tristany read the draft conditions of approval for the record. C. Kinnie asked for any comments from the members.

R. Parrette suggested that the Item 5 regarding CTDOT that approval be changed to CTDOT be informed

P. Zvingilas stated that he forgot to ask if any of the sewer lines would be relocated or changed. M. Tristany stated that Item 11 can be added that any sewer design or relocation be reviewed and approved by the Griswold Sewer Authority.

R. Parrette that the town should receive copies of the reports of the storm events.

C. Kinnie asked for any other comments; hearing none, he asked for a motion

**MOTION:** C. Geer moved to approve: SE 02-17 Green Earth Triangle, LLC, 235 East Main Street and 17 and 41 Balfour Street Griswold, CT with the conditions as entered into the record. E. Kudlis seconded the motion. All were in favor. The motion was carried.

Below are the conditions read into the record:

1. The applicant shall comply with the Schuch Engineering, LLC February 13, 2017 project review report.
2. The Jewett City Fire Department Chief and the Griswold Fire Marshal shall review the future abandonment/relocation of Balfour Street.

3. Final Site Development Erosion and Sediment Control Bond amount shall be agreed to by the project engineer Wes Wentworth, Griswold's Peer Review Engineer Robert Schuch and the Griswold Town Planner. Erosion and Sedimentation Control Estimate shall include topsoil for a minimum coverage of four (4) acres.
4. Review of the Balfour Street Abandonment/Relocation shall require review by the Griswold Board of Selectmen and with a possible 8-24 review by the Griswold Planning and Zoning Commission.
5. The ConnDOT District II Norwich Regional Office shall be informed of the proposed State Route 201 Drainage Relocation and Extension.
6. The project shall adhere to the latest revised Green Earth Triangle, LLC Site Plan set prepared by Wentworth Civil Engineers, LLC dated February 13, 2017.
7. The applicant shall prepare the required Storm Water Pollution Prevention Plan (SWPPP). Copies of the SWPPP shall be filed with the Griswold Planning Department.
8. The applicant shall satisfy all DEEP General Permit requirements.
9. The use of an onsite Crusher shall be limited to Monday through Friday. Weekend and Holiday operation is prohibited. Hours of Crusher operation shall be limited to 7:00 a.m. to 7:00 p.m. Proper Dust Control shall be provided at all times when the Crusher is operational.
10. It shall be the applicant's sole responsibility to satisfy any and all other State and or Federal Approvals/Permits that may be required to facilitate the reclamation of the property at 235 East Main Street.
11. Any sanitary line relocation shall be reviewed and approved by the Griswold Water Pollution Control Agency.

The applicants thank the commission.

**B. SRC 02-17 GRISWOLD PLANNING & ZONING COMMISSION. 28 MAIN STREET, JEWETT CITY, CT** Text Amendment to removed Section 1.3 Declaratory Rulings in its entirety from the Griswold Zoning Regulations.

C. Kinnie stated that this was discussed previously, the chairman of the commission is in favor of removing it because it has created a confused environment and misunderstands in the past. C. Kinnie asked for comments and concerns or to have it go to public hearing. C. Kinnie asked if there were other items that we can look at in the regulations to change. M. Tristany stated that when there was the comprehensive rezoning when R20 was change to R40 and R40 was changed to R 60; it has created undo hardships for that lots that cannot meet the larger setbacks requirements. C. Kinnie asked that they work on language.

E. Kudlis asked if other towns have declaratory rulings. M. Tristany stated that there are no Statutes that support a declaratory ruling. M. Tristany stated that because of the McKenzie ruling, only zoning boards of appeals can vary regulations.

C. Kinnie asked if we should set a public hearing for next month with the changes. M. Tristany stated that the text amendments would not be ready for a public hearing for March since the commission should review the proposed text changes. There was discussion of this matter. C. Kinnie stated that no action will be taken at this time. It will be on next month's agenda.

**C. SE 03-17 MICHAEL SCHULZE, PROPERTY AT 819 VOLUNTOWN ROAD, GRISWOLD, CT.** Requests approval of an 850 sq. ft. accessory apartment within the existing building in accordance with Section 7.3.3 of the Griswold Zoning Regulations. The existing non-automotive repairs service and retail uses will remain in the 950 sq. ft. attached garage on the lower level with an employee occupying the proposed accessory apartment on the main level. Property is zoned C-Commercial.

Michael Schulze was present to answer any questions from the commission. M. Tristany stated that he had a number of questions. He explained that this application was reviewed by the Town attorney since there were issues with compliance to the regulations. M. Tristany read Section 7.3.3 for the record. M.

Tristany stated that the application does not list the principle use for the building, the application only proposes the accessory apartment. M. Tristany read 12.3 under Special Exceptions for the record. M. Tristany stated that the plan submitted is only an existing conditions survey of the property and not an A-2 survey. M. Tristany stated that there are no details that comply with Section 13. He reviewed this with the town attorney and submitted copies of Attorney Mark Branse's comments to the commission members.

M. Tristany stated that he spoke with Al Gosselin of Uncas Health who indicated that the existing septic system which is very small so the chain saw facility would have bathroom facilities and that it is not suited to service a potential apartment. M. Tristany stated that there is no septic system shown for the lower portion of the garage part of the building which would have some sort of retail use. He stated that the site plan does not meet the conditions of the sections of the regulations read into the record. He explained that Al Gosselin of Uncase Health indicated that because it is a commercial site, the entire well and well radius must be contained on the lot; this well radius overlaps on Route 138 and into the adjoining lot on the Schulze site plan.

M. Tristany stated that this is a special exception and requires a public hearing; and if a public hearing is scheduled, there is no way that the commission can legally approve the application. Mr. Schulze's filing fee is used for the legal notices required. He suggested and Attorney Branse concurred, that Mr. Schulze, withdraw this application and to comply with all of the zoning requirements for a special exception.

E. Kudlis stated that there are zoning issues and health code issued that need to be clarified. M. Tristany stated yes and that he thought that the plan submitted was not current conditions. He stated that there is no parking shown, no handicapped parking shown, behind the building is a retaining wall, there is no access shown for the lower portion of the building, there is no access to Route 138.

M. Schulze stated that there are two lots there; we are talking about 819. You are talking about 821. M. Schulze stated that for the record both lots are preexisting before zoning regulations and before 1970. He stated that there should be concessions made by the Town to make this a positive economic change based on these non conforming lots and it will reinforce a positive tax base to the community and not create vacancies for the town. He stated that he was aware of the Health Department Changes to be made to this facility. He asked that the change of use be more receptive to carry itself and pay taxes

M. Tristany stated that for the record, that he, as town planner, and P. Zvingilas, as zoning enforcement officer and building official, do not have the authority to make changes to the Griswold Zoning Regulations. He stated that your proposed application requires a special exception; a special exception requires that your plan and application meet certain standards defined in Section 11.8 Landscaping Requirements and Section 13 Site Plan Requirements; the health requirements are required to be shown on the site plan. M. Tristany stated that you can withdraw this application have the proper site plan drawn, submit it, use the same fee. There was discussion of this matter.

C. Kinnie suggested that the applicant withdraw the application and asked M, Schulze to come back to the commission with an application and more complete site plan that meet the requirements for a special exception and meets the regulations. He stated that this commission cannot waive any regulations and a special exception requires a public hearing. M. Schulze agreed to submit a letter of withdrawal and he will do what as to be done for a new application. M. Schulze submitted a letter of withdrawal to the commission. C. Kinnie asked for a motion to accept the letter of withdrawal.

**MOTION:** C. Geer moved to accept the letter of withdrawal for application SE 03-17. E. Kudlis seconded the motion. All were in favor. The motion was carried.

## **7. Additional Business**

There was no additional business

## **8. Old Business**

There was no old business.

9. **New Business.**

A. Election of Officers

C. Kinnie stated that this be tabled to the next regular meeting due to regular members who are absent.

10. **Reports from the Enforcement Officer**

A. Cease & Desist Order to Deutsche Bank National Trust c/o. Ocwen Loan Servicing for property at 31 Pequot Trail for violation of Section 11.12 Refuse Disposal/Junk yard definition of the Town of Griswold Regulations.

P. Zvingilas gave an update of 31 Pequot Tail that the property is in the process of being cleaned up and will take time to clean up the refuse there. He stated they will be moving out and will be the problem of the mortgage holder. He does not plan to take action at this time.

**Item B.** P. Zvingilas stated that there may be an application requesting a similar activity that is at the Overlook such as weddings and banquets and annual events where there is 10 acres of land and a farm. He submitted definitions of farms. He stated that this would be a supplement to a commercial farm such as Geer Tree farm and the Button Farm where most of the income is derived from the farming operation. He stated that if there are just a few ducks and chickens and a garden for fresh vegetables he sees as a hobby farm. M. Tristany stated that the regulation stated that the farm must be a commercial activity. He stated that he will draft language of a farm in a residential area and where the farm definition for banquet facilities. M. Tristany read the definition of a farm that is in the zoning regulations. He stated that there is no definition of a commercial farm. C. Kinnie stated that the definition is based solely on the 5 acre threshold and that allows some farming activities. There was discussion of this matter including that based on the tax assessor's requirement that 50 percent of the income is derived from the operation for commercial farming.

**Item C.** P. Zvingilas stated that at 55 Haley Meadow Road has been storing plow s and they will be removed when the snow is gone. He stated that if they are complying he does not take them to court.

11. **Adjournment**

C. Kinnie asked for a motion to adjourn. E. Kudlis moved to adjourn at 9:10 pm. P. W. Zvingilas seconded the motion. All were in favor. The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary