



# Town of Griswold



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

APPROVED MINUTES  
OCTOBER 11, 2016

### SALUTE TO THE FLAG

#### I. REGULAR MEETING (7:00 P.M.)

##### 1. Call to order:

M. McKinney called this regular meeting to order at 7:06 p.m.

##### 2. Roll Call

**Present:** Martin McKinney, Courtland Kinnie, Erik Kudlis, Charlotte Geer, Alternates Tom Palasky, Robert Parrette, Town Planner Mario Tristany, Recording Secretary Donna Szall

**Absent:** James Krueger, Alternate Peter W. Zvingilas, ZEO Peter Zvingilas

##### 3. Determination of Quorum

M. McKinney appointed R. Parrette to sit for J. Krueger. There was a quorum for this regular meeting.

##### 4. Approval of Minutes

###### A. Approval of Minutes of the Regular Meeting of September 12, 2016

M. McKinney asked for a motion on the minutes of September.

**MOTION:** R. Parrette moved to accept the minutes as presented. C. Kinnie seconded the motion. There were 3 aye votes and 2 abstentions.

##### 3. Correspondence and Attachments

A. 2017 Schedule of Meetings request from Valerie Pudvah, Town Clerk.

M. Tristany stated that this item is under new business for discussion

##### 4. Matters Presented for Consideration

A. **SE 07-06 TILCON CONNECTICUT, INC., PROPERTY AT 22 SIBICKY ROAD/128 RIXTOWN ROAD, GRISWOLD, CT.** Requesting approval to renew a special exception for continuation and modification of existing earth products excavation operating in the Phase 1, 2, and 6 areas; active excavation area: 6.0 acres as of September 6, 2016; total reclaimed area 15.5 acres; total additional area to be reclaimed in the fall of 2016: 2.3 acres. Property is zoned Industrial

M. McKinney asked if there was someone to represent the applicant.

Atty. Harry Heller, 732 Route 32, Uncasville was present to represent Tilcon Connecticut, Inc. He explained that this excavation has been ongoing for fifteen years and is renewed every two years with the Planning and Zoning Commission. He stated that two years ago, we were slightly over the required 8 acres of the new regulation requirement; he stated that the active operating area now is 6 acres and is in full compliance. He stated that this operation is being conducted according to the plan approved in 2014.

He stated that currently Phase 1, 2, and 6 of Sheet 3 of the site plan shows the operating area in the black area. He stated that in previous site plans was to leave the area of the hill along Rixtown Road in Phase 2 and 6 as a buffer until the very end of the operation.. He stated that because the material in that area is not marketable quality, we are seeking a modification of the site plan to not take the hill down to road level; he stated that the hill will remain at elevation 270 up from Rixtown Road and will be graded down into the site. He stated that the final grading plan is on Sheet 11. He stated that the final site will never be physical from Rixtown Road. H. Heller explained the final grading plan on Sheet 11 showing the final elevations of the site.

H. Heller stated that we believe that we are in compliance with the regulations and we request that the commission approve the renewal. He stated that we received today from the consulting engineer his review comments which were minor; they will be addressed and suggested approval with the condition that the comments be addressed to the satisfaction of the town engineer. He stated that the material that leaves the site does not utilize town roads as it goes across Sibicky Road.

M. McKinney stated that the land will not be marketable with the hill remaining; it was to be a level piece of land. H. Heller stated that a portion of it will not be usable; he referenced Sheet 12 of site plan shows a conceptual design of the land with lots that can be either for an industrial or residential use to be developed. M. McKinney asked if the lots were big enough for an Industrial use and if they would be in conformance. H. Heller stated that it complies with zoning. He stated that some of the lots would require site work to make them usable for industrial purposes.

M. Tristany stated that he did not see any problems with that. He stated that he received a letter from Consulting Engineer Schuch who had 6 housekeeping issues to be addressed and did not have a problem with the commission approving the modification and the extension and the condition that Engineer Schuch's comments shall be addressed. H. Heller stated that the Tilcon engineer will be glad to sit with Engineer Schuch to go over the 6 issues. M. McKinney stated that it seems that it is and an industrial use. M. Tristany stated with the hillside remaining, it would provide a buffer from Rixtown Road for the use. There was discussion of this matter.

M. McKinney asked for questions. R. Parrette asked about page 12, there is nothing capped in stone. H. Heller stated no, in is a conceptual demonstration that the land can be used.

M. McKinney asked M. Tristany to read the letter from the engineer for the record. M. Tristany read a letter dated October 7, 2016 from Robert Schuch Town Consulting Engineer for the record regarding his inspection on October 5, 2016. M. McKinney asked if there would be an issues with tightening up the phases. H. Heller stated that Tilcon's engineer Dick Strause can go over the plan with B. Schuch. M. McKinney asked if it will be consolidated so it is not overlapping. H. Heller explained that on Sheet 3 there is a 60-70 ft. cut at the edge of a phase line so by necessity you have to work in several phases using benches. He asked the commission to approve the renewal and stated that Tilcon can address B. Schuch's six items as a condition of approval.

M. McKinney asked for questions. He stated that the commission can decide to approve or table this application. There was discussion of this matter.

**MOTION:** E. Kudlis moved to approve SE 07-06 Renewal for Tilcon Connecticut, property at 22 Sibicky Road and 128 Rixtown Road as presented and as a condition of approval that the applicant satisfying fully the items mentioned in the Town's consulting engineer's letter to the Town's to consulting engineer and staff's satisfaction. C. Geer seconded the motion. All were in favor. The motion was carried.

## 5. Additional Business

- A. Discussion of review by Town Attorney Caleb Hamel regarding public hearings for CGS 82-4 Review of municipal projects.

M. Tristany asked that Item A be moved after Item B under Additional Business. M. McKinney asked for a motion to move Item A.

**MOTION:** E. Kudlis moved to move Item A after Item B. C. Geer seconded the motion. All were in favor. The motion was carried.

- B. Discussion and Action on a Section 8-24 Review for a proposed cell antenna to be installed on Town of Griswold school building located at 303 Slater Avenue, Griswold, CT. Complete document the Connecticut Siting Council Petition No. 1187 –Cellco Partnership D.B.A. Verizon Wireless enclosed.

M. McKinney asked if there was someone to represent the applicant. Attorney Ken Baldwin, Robertson & Cole was present along with John Tierney, Construction Manager and Elizabeth Jameson, Regulatory Manager for Verizon Wireless; Michelle Demicco and Tom Verville from the school district. He stated that it is consistent with the town's Plan of Conservation and Development.

K. Baldwin explained that this petition with the Connecticut Siting Council was requested in November to lease property to permit construction of a tower on the elementary school building. He stated that it is a 10 foot structure located on the roof with a small canister antenna at the top for a remote radio head and electrical boxes on ballast mounted structure on the roof of the building.

He stated that the facility is designed to provide coverage to the school complex and to provide capacity relief to two of the existing sites on the school property. He explained that it will help to alleviate capacity problems because of the concentrated uses at the school by students, parents, faculty and staff.

K. Baldwin stated that he wanted to address the number questions regarding the facility and concerns for roof penetration. He stated the tower is a ballast mounted structure which does not penetrate the roof; cable trays may require some penetration of the roof structure. He stated that Verizon will use the same contractor who did the roof so as to not impact the roof warranty. He stated that cables can be routed through the building to reduce roof penetration.

He submitted construction plans developed for the facility. He explained Sheets C5 and C6 showing the tower structure and the installation on the building. He stated that it will be covered with a shroud that will look like a vent stack. He submitted photograph simulations of the rooftop location of the antenna and a photograph of the shroud.

He stated that there were concerns for Radio Frequency Emissions He submitted a table showing the Power Density Table and explained that the Radio Frequency Emissions comply with the safety standards for a wireless facility. He explained the table and that the maximum permissible exposure (MPE) for this tower's RFE's will be less than three percent.

K. Baldwin stated that concerns were raised regarding the lease agreement language for Verizon to have access to the property 24/7 for repairs and maintenance as necessary. He stated that this is typical language that Verizon has for all its leases. He stated the easement does not circumvent or preempt the school system's policies and requirements for safety procedures.

Michelle Demicco, Business Manager for the school explained that anyone coming into the school must be scanned in; licenses are checked by the Raptor system for background checks; if something comes up, the person cannot enter the building. She stated that Verizon is required to provide a background check for Verizon employees or subcontractors who would be entering the school to provide maintenance and repairs. She stated that when the employee arrives at the school, they would be scanned by their Raptor system. M. Demicco stated that there would be no access to the school after hours without a school custodian being there because of the school's alarms.

M. Tristany stated a certified letter date November 7, 2015 showed that in the petition it lists the existing high school and the address as 303 Slater Avenue. M. Demicco stated that the tower will be on

the elementary school which is 303 Slater Avenue. She explained that the original agreement stated Griswold High School Campus. C. Kinnie stated that the site plan clearly shows the elementary school. M. Demicco stated that this tower will help alleviate the dead space at the school in the lower levels particularly during a code red lockdown and improve cellular services.

M. McKinney asked if there is a generator for the system. K. Baldwin stated no. M. McKinney asked if it is tied in to the schools generators. K. Baldwin stated that the system will be tied into the schools electrical system on a panel and if it is backed up our equipment will be backed up. Tom Verville School Facility Director stated that the school electrical system has a generator and when the generator running the equipment will be backed up.

M. McKinney asked if the 38 ft. 1 inch meet the height regulations. M. Tristany stated that the maximum building height cannot exceed five stories for non-residential uses. M. McKinney asked if the safety concerns have been address. C. Kinnie stated yes.

R. Parrette asked why it had to be on the school and can It go next to the school. K. Baldwin explained that the tower should be above the building so that they do not obstruct the signal. He stated there is a push by the Siting Council to reduce the unnecessary proliferation of cell towers in the state, so antennas are placed on buildings whenever they can. R. Parrette asked the range of the tower. K. Baldwin stated that it was 1/4 mile to 1/2 mile radius from the facility. R. Parrette asked if this antenna was 1/2 mile away it would be effective. K. Baldwin stated no and explained that if it was further from the school it would not address the need at the school property and it would not have the effect of reducing the concentration of use at the school based on an RF design perspective.

M. McKinney stated that we are limited in what we can review. M. Tristany stated yes; and explained that he contacted the town attorney; in a letter dated August 16, 2016 from Attorney Caleb Hamil, of Branse and Willis an opinion regarding Section 8-24 Reviews. He read this email for the record outlining the commission's authority for an 8-24 review. There was discussion of this matter.

R. Parrette asked how the tower's electrical would be tied to the school electrical. John Tierney, Construction Manager explained that the electrical cables would be on roof mounted cable trays on sleepers to the edge of the roof down the building to a check meter in the existing electrical room. He stated that another option is for the fiber optics to be routed within the ceilings. He stated that the school's roofing contractor will do the work so as not to void the school's guarantee for the roof. There was discussion of this matter.

M. McKinney asked if there were questions for the applicant.

R. Parrette stated that the drawings indicate the location of the tower is on the roof and that there will be penetration into the school to tap the electrical so based on the plan there will be no roof penetration. K. Baldwin stated that the electrical service will run through electrical cables. R. Parrette asked where the roof penetration is if the electrical is coming from over here.

J. Tierney explained that the final routing of the optic cable was to be determined. He stated that it would be better to come up through the building at a central point up through the roof across the roof for the best easiest and quickest route. He stated that if it is a concern, it can run through the drop ceilings in the building but there still needs to be a roof penetration for power to the proposed equipment location. There was discussion of this matter. He stated that we would be using Silk Town Roofing who was the original roofing contractor to do the penetrations to not void the warrantee. There was discussion of this matter.

M. McKinney asked how many amps this will use. J. Tierney stated that it will be a 100 amp panel installed for future growth. He stated that there will be a 20 amp circuit feeding the single radio head.

R. Parrette asked to qualify future growth. J. Tierney explained that the needs of the public are always growing; if there is a need for a second antenna, or a second radio head to handle the capacity. It would

be added to the existing structure on the existing footprint. R. Parrette stated that the future growth is negligible if it is there for the kids and if this be expanded to pick up the town, why not put it somewhere else for future expansion and take the school out of the equation. K. Baldwin stated that there is no plan to expand the facility beyond what is proposed; and since it is low to the ground, it has a limited footprint so it will have to be for a specialized purpose for future expansion at this site.

M. McKinney asked if the lease was designed to add additional vendors. K. Baldwin stated no, another vendor would have to have their own agreement with the school.

C. Kinnie asked J. Tierney that since there will be a 100 amp panel and if it will have its own meter. J. Tierney stated that there will be a check meter installed in the electrical room so the school can monitor the power usage. C. Kinnie asked who would be responsible for the bill for the power usage. M. Demicco stated that Verizon will pay their portion of the bill for their power usage. K. Baldwin stated that payment for power usage is covered in the lease agreement.

E. Kudlis stated he asked what a type of maintenance is required on the tower. J. Tierney stated that there is very little maintenance required and that the equipment is self sufficient. He stated that they will monitor it once a month and unless an alarm or a fault or the radio head malfunctions. There was discussion of this matter. E. Kudlis made the comment that he would prefer to see the electrical go through the ceilings rather than upon the roof out of harm's way and out of the weather. J. Tierney stated that that was an option.

M. McKinney asked what the lightning protection for it was. J. Tierney stated that everything is bonded and grounded and ground rods installed around the perimeter of the proposed equipment slab and is on E-2 of the plan and tie into building steel and the water main.

R. Parrette asked there was a reason to switch out the ballast mounted tower for bolted tower. J. Tierney stated that the design of the equipment does not require it to be bolted. R. Parrette stated that the document that referenced the high school, should it be modified. M. McKinney stated that we can check with town counsel, he stated that the address is 303 Slater Avenue, and asked if that was the address of the elementary school. M. Demicco stated that 303 Slater Avenue is the address of the elementary school. K. Baldwin stated that the high school campus is what was referenced in the original document to the Siting Council.

M. McKinney stated that he did not see a need for a public hearing. C. Kinnie stated that time wise, you couldn't do a public hearing. C. Kinnie thanked everyone for providing the information. He stated that the roof penetration was the biggest concern and everything was addressed fully.

E. Kudlis asked what was required for a motion. There was discussion of this matter.

**MOTION:** C. Kinnie moved that the Planning and Zoning Commission give a favorable Section 8-24 review of the proposed installation of a cellular tower at 303 Slater Avenue under the Connecticut Siting Council's Petition No. 1187 for Cellco Partnership d.b.a. as Verizon Wireless. E. Kudlis seconded the motion. There were 4 aye votes and 1 no vote by R. Parrette. The motion was carried.

Item B was discussed during the Item A discussion.

## 6. Old Business

- A. Discussion of a request from George Mistralis for extensions of two special exception approvals for SE 03-07 and SE 04-07, property at 411 Voluntown Road.

M. Tristany explained that he had received a letter from George Mistralis requesting the four extensions of two special exceptions for SE 03-07 and SE 04-07. During the discussion, some members questioned what the conditions of approvals were the subject applications so it was table to tonight. Copies of the approvals for SE 03-07 and SE 04-07 were sent in your agenda package which are quite lengthy and he would read them if desired. He stated that the town attorney was contact for his opinion who stated that because none of the conditions have been met, the approvals are neither approved nor denied. M.

Tristany stated that the conditions of approval have not been met, so they do not have zoning approval. M. Tristany stated that the regulations required the submission of erosion and sedimentation bonds, one in the amount of \$58,000 and performance bonds one of which is in the amount of \$484,000 for site improvements. He stated that the statutes have changed since these approvals; and the opinion of the town attorney is that the statutes in operation when approved prevail even though the statutes have changed since then. He stated that Mr. Mistralis would have to make all of the required site plan changes before the site could be developed..

George Mistralis, Co-partner of Assets Associates, LLC stated that he wanted to extend the expiration dates by four years so that he can market the property. He explained that he had a letter from Carl Fontneau who said they would expire in 2016 and can be extended five years. He explained that he spoke to M. Tristany and that he recommended that they be extended but not for five years. G. Mistralis stated that it could be developed better if the approvals were in place. M. Tristany stated that technically, the approvals are not in place. There was discussion of this matter including that without an extension; he would have to come back to commission with a new application and site plan.

E. Kudlis asked if there are positives to not granting the extensions. He stated that there are some negatives that it could be a hindrance to development. He cannot think of any positives to deny the extensions. There was discussion of this matter.

M. McKinney asked what the commission would like to do. M. Tristany stated that it is up to the commission but that as the approval stand, he could not see how a developer would want to post the bonds in the amounts that were required when a new approval requires only erosion and sedimentation control bonds. There was discussion of this matter.

M. McKinney stated that anything that varies from the original plan must come before the commission. **MOTION:** E. Kudlis moved to extend the approvals of SE 03-07 and SE 04-07 property at 411 Voluntown Road for a period of four years. R. Parrette seconded the motion. All were in favor. The motion was carried.

G. Mistralis thanked the commission.

## 7. New Business

### A. Valerie Pudvah, Town Clerk request for 2017 Schedule of Meetings of the Planning and Zoning Commission

M. Tristany stated that we need a formal approval on this. D. Szall stated that the October 10<sup>th</sup> meeting is scheduled for the Tuesday after Columbus Day. M. McKinney asked for a motion to accept the schedule of meetings.

**MOTION:** C. Kinnie moved to approve the schedule of meetings for the Planning and Zoning Commission for 2017 as presented. R. Parrette seconded the motion. All were in favor. The motion was carried.

### B. Section 8-24 Review Request.

M. Tristany stated that there is an item under new business a letter dated October 3, 2016 from Kevin Skulczyck stating that at the September 27 meeting of the Board of Selectmen it was voted to approve moving the sale of 380 Edmond Road to town meeting and requests an 8-24 Review. He read the letter for the record.

M. Tristany explained that this parcel of land is .29 acres on Edmond Road in front of the Holowaty property which is 9.71 acres. He stated that it is a small vacant piece of land that the town owns and will not support any development on it because there is no public water and sewer. M. McKinney stated that he did not know how it became town property. He stated that it will become one contiguous lot. There was discussion of this matter. M. McKinney asked for a motion grant a favorable 8-24 Review for the sale of 380 Edmond Road.

**MOTION:** R. Parrette so moved. C. Kinnie seconded the motion. All were in favor. The motion carried.

M. Tristany stated that there is a subcommittee for the PoCD: M. McKinney. C. Kinnie, R. Parrette, L. Churchill and Anthony Cardin. He suggested meeting on a Thursday at 5 pm. and discuss subsequent meeting dates. M. Tristany stated that when we have copies of the PoCD printed for the members and then I will set a Thursday. There was discussion of this matter including using staff to address the changes.

**8. Reports from the Enforcement Officer**

- A. Update of Cease and Desist Order issued September 14, 2016 for 891 Voluntown Road, Griswold for violation of Section 2.2 Zoning Permit for the sale of used cars without proper approvals/permits.

M. Tristany stated that a cease and desist was sent to Michael Schultz on September 14, 2016 when P. Zvingilas inspected the property where there were 6 or so cars for sale and they have been removed. There is one car still there. R. Parrette stated that there is a backhoe there too. There was discussion of this matter. M. Tristany will check with the Building secretary and another notice can be set otherwise it goes to the town attorney.

**Discussion to have Public Comment on the Agenda**

C. Kinnie stated that there was a question regarding the commission having public comment on the agenda. M. Tristany explained that the town attorney was asked for an opinion on having public comment on the agenda for town commissions. He stated that Attorney Branse stated that the DEEP had concerns that public comment may have no public record outside of the public hearing process. He also had concerns for the Planning and Zoning matters that if the questions raised under public comment dealt with a potential application or knowledge that an application will be submitted, discussion outside the public hearing can complicate the public hearing process. M. Tristany stated that we did not have public comment put on our agenda. C. Kinnie explained that Inland Wetland bases their decision to hold public hearing on whether there is significant impact or if it is in the interest of the public. There was discussion of this matter.

M. McKinney stated that there was consensus that public comment not be placed on the agenda based on the potential risk. E. Kudlis stated that the chairman does have the discretion to allow public comment.

M. McKinney asked D. Vieux for comment. David Vieaux asked if there was a way to extend the current PoCD because it expires in December. M. Tristany stated that it does not expire; the state asked for the status of the current PoCD on grant applications. C. Kinnie stated that it does not expire until there is a new one to take its place.

**9. Adjournment**

M. McKinney asked for a motion to adjourn. C. Kinnie moved to adjourn. C. Geer seconded the motion. All were in favor. The meeting adjourned at 8:33 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary