



Town of Griswold



28 Main Street
Griswold, CT 06351
Phone (860) 376-7060, Fax (860) 376-7070

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

**UNAPPROVED MINUTES
APRIL 10, 2017**

SALUTE TO THE FLAG

I. PUBLIC HEARING (6:45 P.M.)

1. Call to order:

Vice Chairman Courtland Kinnie called this public hearing to order at 6:45 p.m.

2. Roll Call

Present: Courtland Kinnie, Charlotte Geer, Erik Kudlis, James Krueger, Alternate Robert Parrette, Town Planner Mario Tristany, Recording Secretary Donna Szall

Absent Martin McKinney, Alternates Tom Palasky, Peter W. Zvingilas, ZEO Peter Zvingilas

3. Determination of Quorum

C. Kinnie appointed R. Parrette to sit for M. McKinney. There was a quorum for this public hearing.

4. Matters Presented for Public Comment

A. SUB 01-17 GEER, THOMAS D. & RICHARD B., PROPERTY AT 141 NORMAN ROAD, GRISWOLD, CT. Request for an approval of a re-subdivision to create Lot 1 consisting of 2.01 ± acres. The property is zoned R-60.

C. Geer recused herself from this matter.

C. Kinnie asked if there was anyone to present this application. Susan Mattern of Mattern & Stephan Land Surveyors 148 Route 2, Preston. She was representing Richard and Thomas Geer. Richard Geer was also present. D. Szall stated that the notifications are in the file.

S. Mattern explained that this is for 141 Norman Road and that this lot fronts on Oakville Road and they are creating a 1 lot re-subdivision which consists of 2.02 acres of land in the R-60 zone; the remaining land is 52 acres. She explained sheet 1 which is the configuration of the lot and the contours slope in the northerly direction toward a wetlands in the northeast corner of the property. The wetlands were delineated this winter by Richard Snarski, soil scientist. She stated that a parcel will be conveyed to the town of Griswold for road widening purposes.

S. Mattern explained sheet 2 showing the conceptual development plan for the proposed three-bedroom house with garage, driveway location and the proposed non-engineered septic location and the proposed well location; all of which is outside the upland review area and wetlands area.

She submitted documents for the record. She submitted the abutters' notifications for the record. C. Kinnie asked if it was her representation that all the abutters were properly notified. She stated yes. She read a letter for the record from the Declaratory Ruling by the Inland Wetlands Commission for the record that there was no proposed work in the wetlands or upland review area. She submitted the letter for the record. She read a letter of approval based on the proposed design from Al Gosselin of Uncas Health District for the record. She submitted this letter for the record.

C. Kinnie appointed E. Kudlis as secretary pro tem.

S. Mattern asked for questions from the commission. She stated that the lot is for a family member.

C. Kinnie asked members if they had any questions. He stated that this was a straightforward application and only required a public hearing because it was a re-subdivision. He asked for comments from staff. M. Tristany stated that this was a straightforward subdivision, it was seen by wetlands and A. Gosselin has signed off on it and he had no issues with it.

C. Kinnie asked for comments or questions from the public concerning this application.

Clarence Merrill, 194 Edmond Road, stated that he is an adjacent landowner to the Geers for 47 years; he stated that the Geers have taken care of any project they have started and he has been very happy with their work.

C. Kinnie asked for other comments or questions from the public. He asked for comments or questions from members. Hearing none, he asked for a motion to close the public hearing.

MOTION: R. Parrette moved to close the public hearing for SUB 01-17. J. Krueger seconded the motion. All were in favor. The motion was carried.

II. **REGULAR MEETING (7:00 P.M.)**

1. **Call to order:**

Vice Chairman Courtland Kinnie called this regular meeting to order at 7:00 p.m.

2. **Roll Call**

Present: Courtland Kinnie, Charlotte Geer, Erik Kudlis, James Krueger, Alternate Robert Parrette, Town Planner Mario Tristany, Recording Secretary Donna Szall

Absent Martin McKinney, Alternates Tom Palasky, Peter W. Zvingilas, ZEO Peter Zvingilas

3. **Determination of Quorum**

There was a quorum for this regular meeting.

4. **Approval of Minutes**

A. Approval of Minutes of the Regular Meeting of March 13, 2017.

C. Kinnie asked for a motion on the minutes.

MOTION: E. Kudlis moved to approve the minutes of March 13, 2017. J. Krueger seconded the motion. All were in favor. The motion was carried.

5. **Correspondence and Attachments**

A. Letter dated March 15, 2017 from James S. Butler, Southeaster Connecticut Council of Governments regarding public hearing on the Draft Regional Plan of Conservation and Development on Monday, April 3, 2017 at 7:30 p.m.

C. Kinnie asked if anyone attended the SECCOG public hearing for their PoCD. M. Tristany stated that he has an electronic copy of the regional plan. He stated that he was concerned that the commercial areas should remain in the regional PoCD and consistency with the State PoCD since it was helpful when applying for state funding.

6. **Matters Presented for Consideration**

A. SUB 01-17 GEER, THOMAS D. & RICHARD B., PROPERTY AT 141 NORMAN ROAD, GRISWOLD, CT. Request for an approval of a re-subdivision to create Lot 1 consisting of 2.01 ± acres. The property is zoned R-60.

C. Geer recused herself from this item.

C. Kinnie stated that this was the subject of a prior public hearing tonight which has been closed. He stated that this was a straightforward application. He asked for questions or comments. Hearing none, he asked for a motion.

MOTION: J. Krueger moved to approve SUB 01-17 for Thomas and Richard Geer, 141 Norman Road, Griswold, CT. E. Kudlis seconded the motion. All were in favor. The motion was carried.

C. Geer returned to her seat for this remainder of the meeting.

B. SE 03-15 TILCON CONNECTICUT, INC., PROPERTY AT 43 SIBICIY ROAD & 176 RIXTOWN ROAD, GRISWOLD, CT. Renewal of Special Exception 03-15 for the excavation of earth products and removal of the same with all material taken from the site to be hauled to the processing plant of Tilcon Connecticut, Inc. located on adjacent real property at 76 Rixtown Road, Griswold, CT. Property is zoned Industrial.

C. Kinnie asked if anyone was here to present this application to renew this special exception. Attorney William McCoy, partner of Heller, Heller and McCoy, stated that he was standing in for Harry Heller. Mr. Frank Lane of Tilcon Connecticut, Inc. was also present. He stated that this gravel excavation special exception permit was approved in 2015. He stated that there are approximately 3 acres in excavation of earth products at this time; and they are working are in Phase 1 and 2. He stated that there is a large hill that will be removed in Phase 3; but for now is visual and noise buffer from the operation.

C. Kinnie stated that he was listed an abutter of this site and Atty. Heller is aware of this; he asked if there were any objections from the applicant or anyone present if he was to remain on this committee. Atty. McCoy stated that on behalf of the application, they had no objections. There were no other objections from the public.

Atty. McCoy stated that there is a long narrative submitted by Atty. Heller. He stated that there have been discussions between the town's consulting engineer, Provost and Robero, and the Tilcon engineer; and that revised plans have been provided. He stated that on Sheet 13 there is a discussion of the 611,000 cubic yards of material and that an adjustment has been made. He stated that during a site visit on April 2, 2017, there were concerns for the erosion and sedimentation controls. He stated that is being addressed at this time. Atty. McCoy stated that this, too, is a straight forward application which will be completed in three phases and when it is restored, it will create two building lots.

C. Kinnie asked which phase you are in now. Atty. McCoy stated that they are working within phase 1 and phase 2 with 3 acres impacted at this time. He stated that there have been slight adjustments due to topography and soils since the original application; but that it is consistent with the original application. He explained that there is no significant truck activity on Griswold and Jewett City roads since the material is being trucked to the processing plant property on Sibicky Road.

C. Kinnie asked members if they were familiar with this site. M. Tristany stated that he downloaded the 2016 photo geometry as it looks now from the air. He stated that the site was reviewed by David Held, P.E. who outlined a few issues in his letter. He stated that he received a copy of an email from Peter Parent, PE for Tilcon Connecticut, Inc. M. Tristany read this email for the record. M. Tristany stated that an electronic copy of the revised site plans were received but have not yet been down loaded. He submitted copies of the photographs, David Held's letter and Peter Parent's email for the record. He stated that the applicant has been outstanding in taking care of this operation. He stated that the erosion and sedimentation minor changes can be a condition of approval. Atty. McCoy stated that they had no issues with the condition.

Atty. McCoy explained that they chose a seed mix that was not directly connected to the CT guidelines; but that it is specific to excessively drained soil which is why it was chosen. He stated that all of the changes were met with approval by the town's engineer and all of the concerns have been met except for the e and s measures. M. Tristany stated that there was no problem with the seed mixture change. C. Kinnie asked the date of the revised plans for the record. M. Tristany stated that the revised plans are dated April 10, 2017. Atty. McCoy stated that he has a copy of the email as well. M. Tristany submitted a copy of the email for the record.

C. Kinnie asked for any questions from members or staff. M. Tristany stated that this application is complete and that the e and s measures can be a condition of approval.

MOTION: E. Kudlis moved to approved SE 03-15 Tilcon Connecticut, LLC, Renewal for excavation of earth products and removal of same with all material from the site to be hauled to the processing plant located on adjacent property at 176 Rixtown Road conditioned upon acceptance by staff of e and s changes and modifications. Said renewal is good for two years. C. Geer seconded the motion. All were in favor. The motion was carried.

M. Tristany stated that there were applications to be addressed that needed to be put on the agenda prior to Items C & D. C. Kinnie asked for a motion move Items C & D after the new items on agenda. C.

MOTION: Geer moved to move Items C & D at the end of the agenda. E. Kudlis seconded the motion all were in favor. The motion was carried.

C. Kinnie asked for a motion to put ZP 04-08 on the agenda Stephen Gruchawka on the agenda.

MOTION: R. Parrette moved to put ZP 04-08 Renewal on the agenda. C. Geer seconded the motion. All were in favor. The motion was carried.

Item 1 SE 04-08 GRUCHAWKA, STEPHEN, 551 SHETUCKET TURNPIKE, GRISWOLD, CT. Applicant Requests an approval to renew a home occupation to continue a computer consulting business and an arts and crafts shop. Property is zoned R-80.

C. Kinnie asked if there was anyone to present this application. Steve Gruchawka was present and explained that there were no changes to his computer consulting office and explained that he goes to companies and homes to repair their computers. He stated that he also makes flutes in the garage for the arts and crafts. C. Kinnie stated that this was a straightforward renewal and asked if members and staff if they had questions for the applicant. Hearing none, he asked for a motion.

MOTION: E. Kudlis moved to approve the renewal of ZP 04-18 for a three year period. J. Krueger seconded the motion. All were in favor. The motion was carried.

C. Kinnie asked for a motion to put ZP 02-17 on the agenda.

MOTION: R. Parrette moved to put ZP 02-17 on the agenda. C. Geer seconded the motion. All were in favor. The motion was carried.

Item 2 SE 02-17 OSGA, BRIE, 383 BETHEL ROAD, GRISWOLD, CT. Applicant Requests an approval for a home occupation to reestablish a commercial kitchen. Property is zoned 80.

C. Kinnie asked if there was someone here to present this application. Brie Osga explained that there were no changes to this home occupation and wanted to reinstate her home occupation. She stated that all the specs are the same as was previously approved; the kitchen is exactly as it was.

C. Kinnie asked if there were questions from members.

E. Kudlis asked if there was a question about this kitchen being sublet by someone who was not a resident. M. Tristany explained there was a complaint to the Zoning Enforcement Officer a few years ago that the kitchen was sublet to an individual who was not a resident.

B. Osga explained that she did not realize that that was a violation when she rented it to Jen Kaminski to make pies and cookies for Campbell Farm Stand and we shared it for years.

B. Osga stated that J. Kaminski had all of her own State food service licenses, and insurance; and separate state tax bills as well as a bakery license with the State of Connecticut; and all her products were transported in her personal car. B. Osga stated that there was a drive by home inspection by the bank when she was obtaining a loan; and they filed a formal complaint and she received a cease and desist from the town.

She stated that she wants to use her kitchen again and was looking forward to doing exciting things there in the future. J. Krueger asked if she would sublet again. She stated that she would if it was allowed in the regulations. She explained she does this a great deal and that subletting kitchens is common in the industry and that you would have all of your own licensing and insurance.

J. Krueger asked if there is a regulation that we have for this subletting. M. Tristany stated no, the regulation would have to be tweaked to submit certain subletting; currently the homeowner who has a home occupation can hire two employees. There was discussion of this matter regarding subletting for the same type of service. B. Osga stated that two businesses for a home occupation are allowed in one location.

C. Kinnie asked for other questions. He stated that all the original approval from Uncas Health District and site plans showing the square footage are in the file if members wish to look at it.

C. Kinnie stated that First Selectman Kevin Skulczyk was present and is ex officio of all commissions is present. K. Skulczyk stated this applicant has cooked around the world and she has cooked for people from all over the world. He stated you would see people from all over New England here and this is a phenomenal opportunity to see the food industry and the wine country blend to revive small New England farms. He stated that if there is a chance that she could do some of the things she would like to do that in Griswold with approval by the commission.

C. Kinnie asked for any questions from members.

MOTION: C. Geer moved to approve ZP 02-17 for a home occupation to operate a commercial kitchen. J. Krueger seconded the motion. All were in favor. The motion was carried.

M. Tristany stated that Heritage River Village application needs to be added to the agenda. C. Kinnie asked for a motion to put SE 04-17 on the agenda.

MOTION: R. Parrette moved to put SE 04-17 on the agenda. C. Geer seconded the motion. All were in favor. The motion was carried.

Item 3 SE 04-17 HERITAGE RIVER VILLAGE, LLC, 203, 213, 243, 249 PRESTON ROAD, GRISWOLD, CT.

Request for approval of a Special Exception for a mixed use development comprised of six (6) separate buildings for uses to include independent and assisted living with support services, memory support services, retail, restaurant office and medical services, 48 condominium units, 84 apartments along with associated parking, public recreation and leisure facilities. Property is zoned C-Commercial.

C. Kinnie asked M. Tristany to give an overview the application to commission members. M. Tristany stated that this is the formal application for the Heritage River Village Development on Route 164. They have received approval from the Griswold Inland Wetlands Commission. He stated that because it is a special exception, it requires a public hearing. He stated that there is the zoning component, the site design component, additional drainage design to be reviewed by the peer engineer, the landscaping element and a detailed traffic analysis done by the applicant's engineer. He suggested that an hour should be set aside. There was discussion of this matter.

MOTION: E K moved to schedule a public hearing for SE 04-17 for May 8, 2017 at 6 p.m. in the Town Hall Meeting Room. C. Geer seconded the motion. All were in favor. The motion carried.

C. Kinnie stated that everyone has copies of the plans to review it so that you are familiar with the project and to be sure to bring those plans with you for the May 8, 2017 public hearing and regular meeting.

C. Kinnie asked if there would be other applications for public here to be scheduled. M. Tristany stated that it depended on discussion tonight.

C. Kinnie asked if there were any other applications. M. Tristany stated no. C. Kinnie stated that the commission will return to items C and D on the agenda.

C. ZC 02-17 TOWN OF GRISWOLD PLANNING AND ZONING COMMISSION, 28 MAIN STREET, JEWETT CITY, CT. Text amendments to the Town of Griswold Zoning Regulations to 1) remove Section 1.3 "Official Rulings"; 2) removed Section 13.5 "Waivers"; 3) add to Section 21 Definitions for "Housing Unit"; 4) Change Section 11.8.2.2c "Front Landscaping Areas" landscape trees from 4 inch caliper to 2 inch caliper.

C. Kinnie stated that this was discussed last month; there is new text and additional text for your review.

M. Tristany stated that the language was taken as they exist from the regulations text and that Official Rulings has been stricken; the same for Waivers and the other amendments; these are straightforward.

C. Kinnie stated that the McKenzie Ruling does not allow for waivers. M. Tristany stated no, it does not allow waivers. C. Kinnie stated that he was concerned that it makes a more difficult climate to encourage business to get started in town to have to go to the ZBA for a variance before applying for Planning and Zoning approval. M. Tristany read the ruling from the Federation of Planning and Zoning Agencies quarterly newsletter for the record that references the McKenzie Ruling vs. Planning and Zoning Commission 146; Connecticut, 406, 2014 that only a Zoning Board of Appeals can vary regulations.

E. Kudlis asked if the referenced town's planning and zoning commission had waivers in their regulations have them the authority to grant waivers; and if they did not have the authority, then they were in violation of their regulations. He asked that if a town's planning and zoning regulations does have waivers in their regulations that gives the planning and zoning commission the authority to grant waivers, then you are not in violation of your regulations; so the question is do we then fall subject to the McKenzie ruling since we do not having the specifics of this case law. There was discussion of this matter that the more onerous the procedure is to make application the less enthusiastic people are to do business in the town.

C. Kinnie asked the First Selectman K. Skulczyck if he would weigh in on this matter. K. Skulczyck stated that the ZBA is the prevailing factor here and would have the final say based on this rule of law. He stated that eight years ago, the official rulings were implemented and there are other items that these applications where questions should be reviewed by town attorney for a legal opinion. K. Skulczyck stated that the town attorney will be present at the BOS meeting next week and you are welcome to address this particular question at that time. C. Kinnie asked to be informed of the date and time. K. Skulczyck stated that his assistant will get the information to M. Tristany. C. Kinnie stated that we want to eventually bring these changes to public hearing. There was discussion of this matter.

C. Kinnie stated that the next item referred to reducing the caliper size of landscaping trees from 4 inch caliper to 2 inch caliper. He stated that the 4 inch caliper trees were large and they have a harder time to become established and to survive than the 2 inch caliper trees; and that they are harder to handle without special equipment.

C. Kinnie stated that the next one is definition of a housing unit. M. Tristany read the definition of a housing unit for the record. C. Kinnie asked if there was a issue with separate rooms being used as a housing unit. M. Tristany stated not that he was aware of. There was discussion of this matter.

C. Kinnie asked if the commission felt that this was reading for a public hearing; or to wait until we receive an opinion from town counsel. E. Kudlis suggested keeping everything to be on the agenda for June. J. Krueger agreed to hold a public hearing to June. C. Kinnie stated that the town of Griswold should be kept for the May agenda and for discussion and to set a public hearing.

D. ZC 03-17 TOWN OF GRISWOLD PLANNING AND ZONING COMMISSION, 28 MAIN STREET, JEWETT CITY, CT. Text amendments to the Borough of Jewett City Zoning Regulations to 1) add new language to Section 7.1 "Permitted Uses"; 2) new language to Section 11.4 "Off Street Loading"; 3) remove section 13.4 "Waivers".

C. Kinnie stated that these are amendment to the Borough regulations for permitted uses; 2) was new language for Section 11.4 "Off Street Loading"; and 3) remove section 13.4 "waivers". He stated that this will have to wait for the town attorney's opinion.

M. Tristany stated that when there is a change of use, the regulations have to kick in for the landscaping, parking and A-2 survey requirements for a full zoning permit application. He stated that this was the case for the change of use of the Zuckerbraun property on North Main Street. He stated that there was the waiver clause that gave the commission the authority to waive those requirements since zoning

could not be satisfied. He stated that any business with the Commercial Zone that runs from Slater Avenue up to Green Avenue on North Main Street and a short distance on East Main Street would not have to follow the site plan requirements with the added language. M. Tristany stated that the off street loading requirements for the Commercial Zone in Section 11.4 would have new language added for the C Commercial Zone in the Borough. He read the text for the record. M. Tristany stated that the waiver issue is tabled until we receive the legal opinion. C. Kinnie asked if the off street loading in Section 11.4 would be only for the C Commercial zone. M. Tristany stated yes. There was discussion of this matter.

C. Kinnie stated that most of this is ready but we have to wait for the legal opinion; so this matter should be on the May agenda for discussion and to schedule the two text amendments under one public hearing. M. Tristany stated that there will be an A and a B for the legal notice because the amendments are in separate books.

7. Additional Business

There was no additional business.

8. Old Business

There was no old business.

9. New Business

There was no new business.

10. Reports from the Enforcement Officer

M. Tristany stated that Jack Cipriano is filling in for P. Zvingilas who will be home for the next two weeks. There was discussion of this matter.

11. Adjournment

E. Kudlis moved to adjourn at 8:06 p.m. J. Krueger seconded the motion. The meeting adjourned at 8:06 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary