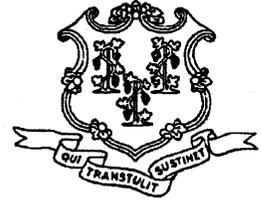




Town of Griswold

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**GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING MINUTES
FEBRUARY 10, 2020
TOWN HALL – FIRST FLOOR MEETING ROOM**

SALUTE TO THE FLAG

Chairman Martin McKinney asked all present to stand for the Pledge of Allegiance.

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

1. Call to Order

Chairman M. McKinney called the Public Hearing to order at 6:50 P.M.

2. Roll Call

Present: Martin McKinney, Robert Parrette, Dave Bennett, Jacob Valentine, Peter W. Zvingilas (6:50p.m), Attorney Mark Branse, Recording Secretary Kate Lacasse
28 Interested people

Absent: Courtland Kinnie, Erik Kudlis

3. Determination of Quorum

Chairman M. McKinney sat D. Bennett for E. Kudlis and P. Zvingilas for C. Kinnie determined a quorum of the Commission was seated.

4. Matters Presented for Consideration

A. Consider advising the Board of Selectmen and the Zoning Enforcement Officer to approve a Joint Motion to Re-Open and Modify Judgment dated November 10, 2015 in the case of *Town of Griswold vs. Pasquale Camputaro, D/B/A American Sand & Gravel, Inc.*, original Docket No. KNL-CV-95 0107322S, new Docket No. KNL-CV-95-4013217S (a zoning enforcement action), which action was consolidated by the Superior Court on April 3, 1995 with the case of *Camputaro v. Zoning Board of Appeals of the Town of Griswold, et al*, Docket No. KNL-CV-95-0107092-S (an administrative appeal of a decision of the Zoning Board of Appeals rendered on January 5, 1995). Both actions concern property at 630 Plainfield Road, Griswold and the operation of an excavation operation and bituminous plant there doing business as American Sand and Gravel, Inc. The Motion to Amend Stipulated Judgment is to amend a Stipulated Judgment dated June 20, 1997 in Docket No. KNL-CV-95 0107322S to allow the operation of the asphalt plant (but not other earth products processing) to operate for up to four (4) additional hours per day (an increase from 12 to 16 hours/day) but excluding any operation between 5 pm on Friday and 4 pm on Sunday; and for up to 128 additional hours per year, but not to exceed 16 hours/day on Friday, Saturday, Sunday, or legal holidays; to increase the height of a berm along the northerly and northwesterly periphery of the subject property and to vegetate the same; and to continue the

prohibition on expansion or extension of the existing legal nonconforming uses on the subject property.

- M. McKinney stated tonight's Public Hearing is to consider advising the Board of Selectmen and the Zoning Enforcement officer to approve a joint motion to reopen and a judgment that was made November 10, 2015 in the case on Town of Griswold and Pasquale Camputaro.
- Attorney M. Branse summarized a letter he had drafted stating the purpose of the meeting, stating in that in 1995 the town brought enforcement action against American Industries claiming the operation of a bituminous plant was not permitted by the zoning regulations. The case arrived in superior court as a procedural mess. Ultimately the court decided to settle the case and the settlement was that the bituminous plant was declared a legal non conforming use. There was evidence of its use before the adoption of zoning in this town. In return there were restrictions on the hours of operation. Had it been established as a legal non conforming operation they could have operated within the hours they wanted too. Over the last several years the state DOT has done most of their paving at night. If the paving at night they need the bituminous at night. Changes in circumstance are grounds for modifications of a stipulated judgment, American Industries approached the Board of Selectmen and modifications were negotiated. Part of the negotiation was that the berm be increased in height. Additionally there were Wetlands complaints, an application was filed, the plans depicted an increase of the berm, and the wetlands application was approved. The parties proceeded to court to modify the 1992 stipulation to increase the hours. On the day the hearing was scheduled the neighbors filed a notice of intervention. Today were starting over. In January we had a hearing before judge Cosgrove, in which he granted the interveners parties status and requested there be hearings on the stipulation, before the Planning and Zoning Commission and Zoning Board of Appeals. The Planning and Zoning Commission is to simply advise the Board of Selectmen and Zoning Enforcement Officer.
- Attorney M. Branse stated that Attorney Otis submitted a letter to the chairman of the commission explaining that he wasn't notified of the Public Hearing in a timely fashion and asked that the Hearing be continued due to his absence.
- Attorney Heller representing American Industries stated we had proceeding before your commission almost every month for a year. As well as proceedings before the wetlands commission and Board of Selectmen. While there was a lot public participation neither of the formal applications was appealed, no council ever appeared on behalf of the residents. My client bent over backwards to address what we thought were legitimate concerns of the neighborhood to improve the compatibility of this industrial use with the residents. We worked out an agreement to modify the 1997 stipulation which has essentially allowed American Industries to continue in operation. A significant amount of American Industries business is governmental paving, the majority if governmental paving is required to be done at night. We worked out an agreement with the Board of Selectmen with no knowledge that the residents are not in agreement or that the residents had retained council. In good faith we entered that stipulation in superior court. Attorney Heller entered multiple documents into the record.
- Chairman McKinney opened the Hearing for public comment.
- Fabiola Proulx, 23 Fairview Ave stated she has been fighting with American Industries for a while. It is not our fault the DOT is paving at night.
- Mike McKenna, Johnson Cove Road stated he has concerns with the berm and erosion control measure failing. M. McKenna questioned the additional operating hours and the sound test.
- Dave Vieaux, 59 Leha Ave stated he understands the DOT is doing paving at night. However I did not hear Attorney Heller say a variance was submitted to the state.

- Ed Burdick, 764 Voluntown Road, stated he is opposed. How is it affecting people's quality of life?
- Commission member D. Bennett asked if there have been more recent air quality tests.
- **MOTION:** R. Parrette made a motion, which was seconded by P. Zvingilas to table the Public Hearing until the March 9, 2020 at 6:00 P.M. The motion passed unanimously.

II. **PUBLIC HEARING (7:40 P.M.)**

B. Application SUB 01-20 H&M Holdings & Michael Roberts, Roode Road, Griswold, CT. Requesting approval for a 10-lot subdivision consisting of 56.63 acres. The property is zoned R-60.

- John Faulise of Boundaries, LLC was present. Certified mailing receipts were submitted for the record and notification to property abutters. J. Faulise stated the project has received Inland Wetland approval and approval from the Uncas Health Department. J. Faulise reviewed the proposed subdivision lots stating the property will be divided into 10 lots, 12.78 acres will consist of a conservation easement, 87 acres will be deeded to the Town of Griswold for roadway purposes.
- J. Faulise read the town planners report into the record.
- Chairman M. McKinney opened the hearing for public comment.
- Dave Vieaux, 59 Leha Ave asked if the project would require demolishing any stone Walls.
- Dawn Mattos, 224 Stone Hill Road asked if the owner of lot #7 be responsible for the conservation area.
- Earl Dean 238 Stone Hill Road asked if the open space is undevelopable.
- **MOTION:** R. Parrette made a motion, which was seconded by P. Zvingilas to close the Public Hearing for application SUB #01-20 at 8:10 P.M. The motion passed unanimously.

I. **REGULAR MEETING (8:10 P.M.)**

1. **Call to Order**

2. **Roll Call**

Present: Martin McKinney, Erik Kudlis, Courtland Kinnie, Robert Parrette, Dave Bennett, Jacob Valentine, Peter W. Zvingilas, Recording Secretary Kate Lacasse

Absent: None

4 Interested people

3. **Determination of Quorum**

Chairman M. McKinney sat D. Bennett for E. Kudlis and P. Zvingilas for C. Kinnie it was determined a quorum of the Commission was seated.

4. **Approval of Minutes**

A. Approval of the Minutes of the Public Hearing and Regular Meeting held on January 13, 2019.

- Chairman M. McKinney asked if there were any corrections and/or omissions. Hearing none a motion was made.
- **MOTION:** R. Parrette made a motion, which was seconded by J. Valentine to table the minutes of the Public Hearing and Regular meeting held on January 13, 2019 until the March 09, 2020 Regular Meeting. The motion passed with unanimously.

5. Correspondence

6. Matters Presented for Consideration

A. SUB 01-20 H&M Holdings & Michael Roberts, Roode Road, Griswold, CT. Requesting approval for a 10-lot subdivision consisting of 56.63 acres. The property is zoned R-60.

- The Planning and Zoning Commission agreed the application doesn't require any modifications.
- **MOTION:** R. Parrette made a motion, which was seconded by J. Valentine to approve application SUB 01-20. The motion passed unanimously.

7. Old Business

A. Discussion Regarding Short Term Rentals

- **MOTION:** J. Valentine made a motion, which was seconded by R. Parrette to table the short terrental discussion the March 09, 2020 Regular meeting. The motion passed unanimously.

8. New Business – None

9. Report from the Zoning Enforcement Officer – None

10. Any other business that may properly come before this Commission – None

11. Adjournment

- Chairman M. McKinney asked for a motion to adjourn the meeting.
- **MOTION:** R. Parrette made a motion, which was seconded by P. Zvingilas to adjourn the meeting at 8:20 P.M. The motion passed unanimously.

Respectfully Submitted,
Kate Lacasse
Recording Secretary