



# Town of Griswold



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**GRISWOLD PLANNING & ZONING COMMISSION  
REGULAR MEETING  
GRISWOLD TOWN HALL  
SALUTE TO THE FLAG**

**APPROVED MINUTES  
AUGUST 14, 2017**

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

**1. Call to order:**

M. McKinney called this regular meeting to order at 7:00 p.m.

**2. Roll Call**

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

**Absent:** Erik Kudlis, Alternate Peter W. Zvingilas, ZEO Peter Zvingilas

**3. Determination of Quorum**

M. McKinney appointed T. Palasky to sit for E. Kudlis and R. Parrette to sit for C. Kinnie. There was a quorum for this regular meeting. M. McKinney stated that for the record, C. Geer arrived at 7:02 p.m.

**4. Approval of Minutes**

- A. Approval of Minutes of June 12, 2017
- B. Approval of Minutes of July 10, 2017.

M. McKinney asked for corrections or omissions.

**MOTION:** T. Palasky moved to approve the minutes of June 12, 2017. R. Parrette seconded the motion. There were 3 aye votes and 1 abstention. The motion was carried.

**MOTION:** R. Parrette moved to approve the minutes of July 10, 2017. C. Geer seconded the motion. There were 3 aye votes and 1 abstention. The motion was carried.

C. Kinnie arrived at 7:05 p.m. and took his regular seat.

**5. Correspondence**

- A. Connecticut Federation of Planning and Zoning Agencies quarterly Newsletter, Spring 217 Volume XXI, Issue 2

**6. Matters Presented for Consideration**

- A. **SE 02-01 WALTER & LINDA HELD, 101 BREWSTER ROAD, GRISWOLD, CT.** Requesting to renew a Special Exception for a private air strip for another five year period. The property is zoned R-80. Letter received July 5, 2017.

M. McKinney asked M. Tristany to explain this application to the commission. M. Tristany stated that when this came before the commission five years ago, it was approved for a five year period. He stated that historically prior to that time, it was on a two year renewal cycle. He explained that the regulations do not contain a specific time frame for renewals for a special exception such as there is for home occupations. He stated that there were no issues in the file from previous approvals; and that there

have been no complaints for the past five years. He stated that Mr. Held is here to answer commission questions.

M. Tristany stated that it is his recommendation to renew this application for another five year period. He stated that the previous approval was approved with conditions which he read for the record.

M. McKinney asked Mr. Held to address the commission regarding what has been going on. Walter Held stated that the initial approval was in 2000 or 2001 and that everything has been the same; there have been no changes; and he has not received any complaints from neighbors. M. McKinney stated that the commission has not received any complaints.

R. Parrette asked if the plane was an ultra light. W. Held stated no, it is a Super Cub which he has had for a long time. He stated that he is the only one who can use it and no one can fly in there. J. Krueger asked how often he uses it. W. Held stated that for a while he was flying every week but now he is not flying as often as he used to, more like once a month. M. Tristany asked if W. Held was limited by the number of flights in a given year. W. Held stated that it is FAA approved so he can use it as often as he wants. He stated that now he waits for the right days. D. Szall asked if he was certified IFR and VFR. W. Held stated yes, but that he is not current in IFR. He stated that the plane is not certified IFR anymore.

M. McKinney asked members for a motion:

**MOTION:** J. Krueger moved to approve SE 02-01 requesting renewal of a special exception for a private air strip for another 5 year period. C. Geer seconded the motion. All were in favor. The motion was carried.

- B. ZP 01-18 822 VOLUNTOWN ROAD, LLC, PROPERTY AT 3, 4, 5, 6 COMMERCE CIRCLE, GRISWOLD, CT.** Requesting approval of the erosion and sedimentation control plan for proposed site re-grading intended to improve marketability of the subject properties. The proposed cut/fill is balanced so there will be no import or export of earth materials. The property is zoned Commercial.

Demian Sorrentino, ACIP, Soil Scientist of Boundaries, LLC was present. Gail Whitney, property owner of 822 Voluntown Road LLC was also present. D. Sorrentino stated that this commercial subdivision is located at the corner of Edmond Road and Route 138 (Voluntown Road) and was approved in 2005; the road was constructed about a year later. He explained that the four (4) lots on Commerce Circle have remained undeveloped. He stated that re-grading the lots will make the lots more accessible, marketable and visually pleasing to potential buyers.

D. Sorrentino explained that lots 4 and 6 Commerce Circle will be cut and re-graded; and that earth material will be used to fill Lots 3 and 5 Commerce Circle. He stated that two additional test pits were done to 13 feet deep that consisted of sand and gravel; there was no ground water and no indication of high seasonal groundwater. He stated that 13,750 C.Y. of earth will be cut and removed and that 13,750 C.Y. of earth will fill in the lots and be redistributed; the grade line will be balanced. He stated that no material will be brought in to or removed from the site by truck traffic on Edmond Road, Business Park Way or Route 138.

D. Sorrentino explained the location of the erosion and sedimentation controls to be used. He stated that down gradient of the excavation activities is a continuous row of sediment fence beginning just off of the client's property to the Town's right of way to protect the road from any sedimentation activity. He stated that the sediment fence backed by staked hay bales will ring the entirety of the cul-de-sac; the excavation activities will have a row of sediment fence backed by staked hay bales to protect the existing stormwater sediment basin. He stated that silt sacks will be used for the catch basins. He stated that there will be one anti-tracking pad at the construction entrance; he showed the location of the anti-tracking pad on the site plan.

M. McKinney asked how many trees would be removed to the property line. D. Sorrentino stated that the trees will be removed almost to the property line and a vegetative buffer will remain along the Geer property, and the Pattison Property. M. McKinney asked if it will be seeded. D. Sorrentino stated that some of it will be seeded; he showed the location of the top soil stockpile and the subsoil stockpile. He explained that it will be relatively flat except for the 3:1 slopes on the cut side and fill side. He explained that there will be 10,000 S.F. gravel pads in the center of each of the lots; and the remainder of the property will be loamed and seeded. He stated that Sheet Two has the narrative, notes, erosion and sedimentation measures and construction sequence. There was discussion of this matter.

M. Tristany stated that he took photographs of the cul-de-sac showing a beam rail was built in the center of the sidewalk. He submitted the photographs to the members. He stated that it is a straightforward plan and it is a good idea for a marketing the property for future development. He stated that he prepared conditions of approval; he read them for the record and submitted copies to members.

M. Tristany asked D. Sorrentino if he had a time line for the length of time it will take. M. Tristany stated that you are showing one entrance to the site. D. Sorrentino stated yes, it is their intent to stay interior to the site to limit impact to the road. He stated that it would be up to the contractor to determine if a second tracking pad was needed; and if it is needed, we can submit another plan to review with the planner.

D. Sorrentino stated that he went to the site today and that some of the timbers are in poor condition and he was not sure if the vertical timbers would be usable. He stated that he is not sure if the vertical timbers are in a footing of concrete, removing them may bring up the concrete sidewalk. There was discussion of this matter including that the road superintendant can look at the timbers on site.

M. McKinney stated to add Item 7 to the conditions that if there is a need for a second tracking pad, a revised site plan is to be reviewed by staff. M. McKinney asked if there was the need for a bond estimate. M. Tristany asked D. Sorrentino if he prepared a bond estimate. D. Sorrentino stated yes and he can submit it. He submitted the bond estimate for the record.

J. Krueger was concerned about the road and the sidewalks. M. McKinney stated that he was concerned for the seeding. He asked D. Sorrentino what the bond estimate amount was. D. Sorrentino stated that it was for \$25,269 that was itemized by the RS Means. Gail Whitney asked what kind of bond was needed. M. Tristany explained that the bond shall be in the form of an Irrevocable Letter of Credit or a Cash Bank Book to the Town; the bond is released by the Commission when the work is completed. M. Tristany explained that these were the only acceptable bonds. M. McKinney asked M. Tristany about the need for a bond. M. Tristany stated that he did not feel strongly about it. There was discussion of this matter.

R. Parrette asked about the Pattison property and if there will be a buffer. D. Sorrentino stated that when this is done, the two lots will be at a lower elevation than her property which is at 212 plus. There was discussion of this matter including that it will be re-vegetated to meet the buffer requirements. J. Krueger stated that all of the equipment will be contained in that area. D. Sorrentino explained that all of the top soil will be removed and stockpiled from the cut area and the top soil will be removed from the receiving area and then it will be replaced.

M. McKinney read the itemized bond estimate submitted by D. Sorrentino for the record. M. Tristany stated that the bond for the erosion and sedimentation measures was the most important. There was discussion of this matter including an amount of \$10,000. D. Sorrentino stated that they do not have plans to reconstruct wooden guard rails since the site will be flat.

M. McKinney asked for a motion.

**MOTION:** J. Krueger moved to set a bond in the amount of \$10,000 for ZP 01-18, 822 Voluntown Road, and to approve ZP 01-18, 822 Voluntown Road, LLC requesting approval of the erosion and sedimentation control plan for the proposed site re-grading to be added to the seven conditions: 1) Ingress and Egress shall be limited to lot #4 as shown on the Site Plan. 2) The existing wooden guard rail system that is located within the existing sidewalk along the cul-de-sac shall be removed and the concrete sidewalk repaired using Best Management Practices. Contact the Griswold Public Works Dept. to pick up the Wood Guard Rail materials. 3) Prior to the start of re-grading, the Griswold Zoning Enforcement Officer shall be contacted to inspect the Sediment and Erosion Control Installation for conformity to the Site Plan. 4) Prior to the start of the re-grading, the applicant's project engineer shall meet with the Griswold Road Superintendent at the site to review any concerns that the Superintendent might have. 5) Preparation and Filing of an As-Built Plan with the Planning Department upon completion of the re-grading work. 6) All clearing and excavation work shall be limited to the hours of 7:00 a.m., to 7:00 p.m. Monday thru Saturday. No work shall be permitted on legal holidays recognized by the State of Connecticut. 7) If an additional tracking pad for ingress or egress is needed, a new site plan shall be reviewed by the Town Planner. 8) A bond in the amount of \$10,000 in an acceptable form shall be submitted to the Town. C. Kinnie seconded the motion. All were in favor. The motion was carried.

## 7. Additional Business

- A. Discussion and possible action for proposed farming regulations changes recommended by the Town Attorney.

M. Tristany stated that P. Zvingilas is on vacation and that discussion of this regulation change should be tabled until the September 11, 2017 regular meeting. M. McKinney asked for a motion.

**MOTION:** J. Krueger moved to table this item to the next regular meeting on September 11, 2017. C. Geer seconded the motion. All were in favor. The motion was carried.

## 8. Old Business

There was no old business.

## 9. New Business

M. Tristany stated that a text amendment application was received from Brie Osga at 383 Bethel Road to amend Section 11.7 Home Occupations to allow 1) small special private events such as farm dinners, food tasting events and similar private gatherings; 2) permit, on a case by case basis, the leasing of an approved unique home occupation to a bone fide business operator; 3) Amend Section 21 Definitions to remove the following text from the "Home Occupation" definition: Home Occupations shall not include restaurants, tea rooms or other eating or drinking places.

M. Tristany explained that historically, there was a woman who made pies for Campbell's Farm Stand who used Brie Osga's kitchen; B. Osga did not realize that it was a violation to let someone else use her kitchen; someone had registered a complaint and ZEO P. Zvingilas issued B. Osga a cease and desist.

M. Tristany stated that it is not B. Osga's intent to have a restaurant for the general public. He explained that she is a chef who cooks all over the country and she wants to have private gatherings for food tastings and wine tastings; He stated that he believes that she can do this now without violating the regulations.

M. Tristany stated that the commission may want to set up a site inspection to look at this property which is eleven acres. He stated that it is not a commercial farm. He explained that she does have a farm since she raises eggs, and herbs for cooking and a few horses. He read the definition of a farm for the record. He stated that she meets this definition. He stated that the R-80, R-60, R-40 allows farming for

commercial purposes; he read this for the record. He read the definition for an accessory use for farming which requires 10 acres.

M. McKinney stated that there is a square footage requirement for the Home Occupation which was 600 sq. ft. M. Tristany stated that it is not more than 20%. J. Krueger stated that she wants an amendment for something that she can do right now. M. McKinney stated that that isn't a problem as long as you are not charging a fee; she may want to charge for this activity in the future. J. Krueger stated that we need more of a definition of what she wants to do. M. Tristany asked her to submit a narrative describing in detail what she envisions as her operation. He stated that he has not received it. M. McKinney asked if she would be creating an addition for a dining room. M. Tristany stated no, she wants to have a tent/canopy for these special seasonal activities.

R. Parrette asked how this request is different from the Overlook. C. Kinnie explained that the difference is the Overlook is an accessory to an agricultural use; this is a home occupation. R. Parrette stated that the commission should not get rid of restaurants from the home occupation definition. C. Kinnie stated that the problem is the accessory to the primary use; is she making a living farming.

M. McKinney suggested that we discuss this in a workshop format and to also run this by the town attorney; we don't want to change regulations for one person, the amendment should be broader and to encompass more than one regulation.

M. Tristany stated that leasing her kitchen to someone to bake pies for Campbell's Farm Stand is an issue. R. Parrette stated that he did not have a problem with leasing the kitchen for someone else to use. M. Tristany read the home occupation regulation regarding employees for the record. There was discussion of this matter including that B. Osga can lease a kitchen for her services as a chef all over the country.

C. Kinnie stated that the issue is changing the definition of a Home Occupation. M. McKinney asked if members want to do a site visit and if we want to do this in a public forum. He stated that this is not on the agenda. R. Parrette suggested that the commission discuss this in a workshop. J. Krueger wanted to see a written clarification of what she is trying to do and to lease her commercial kitchen.

M. McKinney asked for a motion:

**MOTION:** J. Krueger moved to conduct a workshop for this application and to send a clarification of what she is planning to do in her home occupation. C. Geer seconded the motion. M. McKinney asked for discussion. C. Kinnie stated that this is a request for a text amendment, can the commission hold a workshop since this must go to a public hearing. C. Kinnie stated that we can set a workshop for regulations but we cannot discuss this application in particular. There was discussion of this matter. M. McKinney asked J. Krueger to rescind his motion. J. Krueger rescinded his motion and C. Geer rescinded her second. M. McKinney stated that this was a letter. M. Tristany stated no, this was an application that was submitted and the fee paid. R. Parrette asked if this application was formally placed on the agenda. M. Tristany stated no.

M. McKinney stated that since we discussed this we must add this to the agenda, and accept and table this to the next regular meeting.

**MOTION:** C. Kinnie moved to place ZC 01-18 on tonight's agenda for discussion. C. Geer seconded the motion. All were in favor. The motion was carried.

**MOTION:** C. Kinnie moved to accept and table ZC 01-18 to the next regularly scheduled meeting. J. Krueger seconded the motion. All were in favor. The motion was carried.

M. McKinney asked if there was any other new business. M. Tristany stated no.

**10. Reports from the Enforcement Officer**

No report was given due to the enforcement officer's absence.

R. Parrette asked about setting a site walk. M. Tristany stated that he will get in touch with B. Osga for availability and dates available. M. McKinney stated that we have to go at different times so that there are not three members attending at the same time. C. Geer asked if the date will be sent via email. M. Tristany stated yes.

M. Tristany submitted information regarding standards for cupolas based on the size of the building. There was discussion of this matter including incorporating these standards into the regulations.

M. McKinney asked for any other business.

**11. Adjournment**

M. McKinney asked for a motion to adjourn. J. Krueger moved to adjourn at 8:13 p.m., C. Geer seconded the motion. All were in favor.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary