



Town of Griswold



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

**APPROVED MINUTES
SEPTEMBER 12, 2016**

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 6:34 p.m.

2. Roll Call

Present: Courtland Kinnie, James Krueger, Charlotte Geer, Alternates Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Martin McKinney, Erik Kudlis, Alternate Tom Palasky

3. Determination of Quorum

C. Kinnie appointed P. W. Zvingilas to sit for M. McKinney and R. Parrette to sit for E. Kudlis. There was a quorum for this public hearing.

4. Matters Presented for Public Comment

A. ZC 01-17 Griswold Planning & Zoning Commission, 28 Main Street, Jewett City, CT Amendment to Section 7.2.5 of the Griswold Zoning Regulations entitled: Food Vending Operations to add Section 7.2.5.20 Temporary Fabric Canopy Structures for Food Vending Operations

M. Tristany presented the proposed text amendment to the members. He read Section 7.2.5.20 Temporary Fabric Canopy Structures for Food Vending Operations including subsections a; b; c; d; and e for the record. M. Tristany explained that the NFPA and the ICC guidelines would dictate the square footage of the canopy. He read the NFPA Section 2403.2 for the record. He explained that the proposed regulation would allow two picnic tables with a 3 foot space between each picnic table. P. Zvingilas stated that the ICC maximum size is 350 square feet limit and is to be installed to manufacturer's specifications.

R. Parrette asked if a vendor can put up three 150 sq. ft. canopies without the spacing for a total of 450 sq. ft. if they went to the fire marshal for the permit and then come to the P & Z for a special exception. M. Tristany stated that that this zoning regulation limits canopies to two.

J. Krueger asked if there was a limit to the number of vendors that could be any one site. M. Tristany stated that each vendor would have to satisfy the food vending requirements with parking, site plan, and having a principle use. J. Krueger asked if the borough regulations will mirror these regulations. M. Tristany stated that food vending operations are not allowed in the borough, unless it is for a special event sanctioned by the municipalities.

R. Parrette asked the size of the fireworks tent. M. Tristany stated that it is 40 ft by 50 ft. C. Kinnie stated that the fireworks sales is a tent not a canopy so it falls under the Fire Marshal fire code limitations. There was discussion of this matter including that the Planning Commission gave them permission to locate the fireworks tent there many years ago.

C. Kinnie stated asked about the 300 sq. ft. limit, M. Tristany stated that we will be following the ICC guidelines. M. There was discussion of this matter. Tristany read the definition of a canopy and a tent for the record.

C. Kinnie asked for other questions from members.

J. Krueger asked if food vending was a seasonal operation and if there are limitations. M. Tristany stated that there is weekend fee for up to three days, a seasonal fee for up to seven weeks and an annual fee of \$250. R. Parrette asked if the canopy fee of \$150 was for each canopy and if it was in addition to each of the food vending permit fee. M. Tristany stated that the \$150 fee is for each canopy in addition to the food vending permit.

R. Parrette asked if there was language in the regulations that cover tents. M. Tristany stated that he did not think so. He stated that if it is not in regulations then it is not permitted. P. Zvingilas stated that this applies only to food vending and not to the fireworks tent.

C. Kinnie asked if there was any comment from the public. David Vieaux, 59 Leha avenue asked about the safety issue such as fire standards. He asked if the canopies will be required to be broken down for a heavy storm or for heavy snow in the winter. M. Tristany stated that they must be installed according to the manufacturers' specifications. There was discussion of this matter including that portable garages require a building permit if over 200 sq. ft.

C. Kinnie asked for any further comments or questions from the public regarding canopies. He asked for further comments from members; hearing none, he asked for a motion to close the public hearing.

MOTION: R. Parrette moved to close the public hearing for ZC 01-17 Section 7.2.5.20. C. Geer seconded the motion. All were in favor. The public hearing was closed at 6:53 pm.

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

1. **Call to order:**

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

2. **Roll Call**

Present: Courtland Kinnie, James Krueger, Charlotte Geer, Alternates Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Martin McKinney, Erik Kudlis, Alternate Tom Palasky

3. **Determination of Quorum**

C. Kinnie appointed P. W. Zvingilas to sit for M. McKinney and R. Parrette to sit for E. Kudlis. There was a quorum for this regular meeting.

5. **Approval of Minutes**

A. Approval of Minutes of the Regular Meeting of July 11, 2016

C. Kinnie asked for a motion to approve the minutes of the regular meeting of July 11, 2016.

MOTION: C. Geer moved to approve the minutes of the regular meeting of July 11, 2016. J. Krueger seconded the motion. All were in favor. The motion was carried.

B. Approval of Minutes of the Regular Meeting of August 8, 2016

C. Kinnie asked for a motion to approve the minutes of August 8, 2016.

MOTION: R. Parrette moved to approve the minutes of the regular meeting of August 8, 2016. P. W. Zvingilas seconded the motion. There were 3 aye votes; and two abstentions from C. Geer and J. Krueger. The motion was carried.

6. **Correspondence and Attachments**

C. Kinnie asked if there was any correspondence or attachments. M. Tristany stated there is a letter that will be discussed under New Business.

7. **Matters Presented for Consideration**

A. **ZC 01-17 Griswold Planning & Zoning Commission, 28 Main Street, Jewett City, CT** Amendment to Section 7.2.5 of the Griswold Zoning Regulations entitled: Food Vending Operations to add Section 7.2.5.20 Temporary Fabric Canopy Structures for food vending operations.

C. Kinnie asked M. Tristany to read through the additions that were part of a prior public hearing for the record. M. Tristany read the additional language for Section 7.2.5.20 a through e for the record.

C. Kinnie asked for discussion from members. R. Parrette asked about subsection d regarding it reading the canopy structure is two; he was concerned that it is two per vendor would not be clear and asked if it should be added. C. Kinnie stated that it is clear for each vendor. M. Tristany stated that each vendor would have to apply for each canopy. J. Krueger asked about the canopies being anchored properly and if the manufacturer specifications would not be up to what is required for our area. P. Zvingilas stated that the code would take precedence of any specifications.

C. Kinnie asked for any other comments or concerns and stated that the commission can act on this item. **MOTION:** J. Krueger moved to approve ZC 01-17 Section 7.2.5 Food Vending Operations of the Griswold Zoning Regulations to add Section 7.2.5.20 Temporary Fabric Canopy Structures for Food Vending Operation and to make sure that those structures when they make application are going by our regulations for those structures. C. Geer seconded the motion. All were in favor. The motion was carried.

M. Tristany. Stated that the commission should set an effective date for this amendment and suggested October 3, 2016. **MOTION:** J. Krueger moved to approve the effective date of October 3, 2016 for ZC 01-17. C. Geer seconded the motion. All were in favor. The motion was carried.

B. SE 01-17 Mark Tantimonaco, 819 Voluntown Road, Griswold. The applicant requests an approval of a Special Exception to sell used cars and small trucks. Property is zoned C-1. As the application is a change of use from retail to automotive sales a Public Hearing is required.

C. Kinnie asked M. Tristany regarding this application. M. Tristany stated that the plan submitted with the application showed parking spaces that were not to scale. He gave copies to the members He stated that he has talked with the property owner and the applicant. He stated that because this is a change of use, the proposed site plan must show the all the site plan requirements required by the current zoning regulations such as landscaping, buffers. He sent Mr. Schultz a letter regarding SE 01-17 which he read for the record identifying all site plan requirements needed from Section 7.3, Section 12, Section 11.8, Section 13. M. Tristany stated that he has not heard from Mr. Schultz but he did speak to the applicant and sent him a copy of the letter and he was aware of tonight's meeting. M. Tristany stated that this application is in no condition for the commission to schedule a public hearing and suggested that the commission deny this application without prejudice until an application is received that followed the specifications outlined in his letter. He also suggested that a letter be sent to the property owner to have the three vehicles that are parked there for sale should be removed.

C. Kinnie asked about time frames and if this application could be tabled. M. Tristany explained that to accept an application sets up a time line which could be approved through a technicality; and recommended again that the application be denied without prejudice and the applicants can resubmit a complete application. C. Kinnie asked the members how they wanted to proceed.

MOTION: R. Parrette moved to deny without prejudice SE 01-17. C. Geer seconded the motion. P. Zvingilas suggested adding the reason that there was insufficient information. There was discussion of this matter. C. Kinnie asked for an amended motion.

MOTION: R. Parrette moved amend his motion to deny without prejudice SE 01-17 because the subject plan lacked the requirements as outlined in a letter, dated August 22, 2016 from the town planner to the applicant. C. Geer seconded the motion. All were in favor. The motion was carried.

C. ZP 01-17 DELORES J. WALSH, 25 HALEY MEADOW ROAD, GRISWOLD. The applicant requests a home occupation approval to give sewing lessons Property is zoned Residential 80.

C. Kinnie asked if the application was present. Delores Walsh, 25 Haley Meadow Road, explained that she wanted to offer private and semi private sewing instructions lasting for approximately one hour in the evenings and on Saturday; She stated that she would have no more than 12 students during the course of a week; 12 evenings and on Saturday.. She stated that she provides the sewing machines and tools and the students provide the material. She stated that she has a 200 ft. drive way for parking and the foyer and the dining room will be used for the lessons which are 13 percent of the total floor plan. She provided the wattage for the sewing machines in her

narrative. She stated that she is the only employee and there will be no signs; no chemicals or solvents will be used. She asked for questions.

C. Kinnie asked if there was adequate parking for the number of students. D. Walsh stated that there will be no more than two students at a time.

C. Kinnie asked about this home occupation application. M. Tristany stated that this is a complete home occupation application and that the wattage was added for the sewing machines because of the reference that an inspection by the Fire Marshal was required for industrial sized sewing machines and the MSD Sheets. He stated that this is not the case in this application. He stated that the 200 ft. driveway is more than enough area to maneuver cars.

C. Kinnie stated that the floor plan of the house in is the file if members wished to see it. C. Kinnie thanked the applicant for a complete application. He asked if there were any questions for Mrs. Walsh. He asked for a motion.

MOTION: C. Geer moved to approved ZP 01-17 Delores Walsh for the home occupation for sewing lessons. J. Krueger seconded the motion. All were in favor. The motion was carried.

8. Additional Business

D. CT General Statutes 8-24 Review for Petition No: 1187 Cellco Partnership d/b/a Verizon Wireless for a Cell Tower Telecommunication Facility on the roof of the existing Griswold High School, 303 Slater Avenue, Griswold, CT.

C. Kinnie stated that he thought it was going on the elementary school. P. Zvingilas asked if there was someone from the company here. M. Tristany gave C. Kinnie a scale drawing of the proposed cell tower. J. Krueger asked the elevation. P. Zvingilas stated that he was concerned that that according to the contract the company has 24/7 access to the building. M. Tristany stated that the total elevation is 39.4 ft. and the top of the parapet is 34 feet; so the tower is 6 feet tall. P. Zvingilas stated that he did not know what the security will be at the elementary school. R. Parrette asked if the commission has the authority to stop this. P. Zvingilas stated that the commission does not have to approve the 8-24 Review. C. Kinnie asked if there can be conditions to an 8-24 Review. He stated that they should be subject to the same rules as everyone else entering the building. P. Zvingilas stated that there should be someone from the school or the company here tonight. There was discussion of this matter.

R. Parrette asked that in the public interest due to 24 hour access to our children's' school, could there be a public hearing. C. Kinnie asked if there was an installation date set. P. Zvingilas stated that it was a month ago and he refused to give a permit because there was no 8-24 Review by this commission. C. Kinnie asked if this could be tabled for a representative from the school to address our concerns. There was discussion of this matter.

M. Tristany stated that 8-24 does not say anything about a public hearing so he did not know. M. Tristany stated that we should contact the town attorney. C. Kinnie stated that we cannot render a decision without adequate information especially when there are concerns for safety.

C. Kinnie asked for a motion to table this and we need direction to seek legal advice for what our option are should we have an unfavorable review; what is our time line; and is it possible for a public hearing on an 8-24 Review.

MOTION: R. Parrette moved to table CGS 8-24 Review for a petition 1187 Celloco partnership d.b.a. Verizon Wireless for a telecommunications facility on the roof of the elementary school to our next regular meeting on October 11, 2016 and asked legal counsel regarding what our right are to a public hearing on this matter if we request it and to have representatives from the high school and the cell tower company present at the October 11 regular meeting to answer our questions. C. Geer seconded the motion. P. Zvingilas read a section of the contract regarding non-exclusive access 7 days a week, 24 hours a day to the building, public right of way, over the property for installation operation and maintenance. All were in favor. The motion was carried.

9. Old Business

There was no old business.

10. New Business.

M. Tristany read a letter dated September 6, 2016 from George Mistralis to the Planning and Zoning Commission requesting extensions of a special exception approval for property 411 Voluntown Road. M. Tristany explained that there were statutory amendments for which he contacted the town attorney. M. Tristany read the correspondence regarding SE 03-07 and SE 04-07 from Attorney Mark Branse.

M. Tristany stated that there were a number of conditions of approval such as plan requirements, and the bonds were never posted. He stated a certificate of zoning compliance cannot be give because the original P & Z

approval have not been met. George Mistralis stated that he is an owner of 411 Voluntown Road, stated that we are asking to extend the approvals in place and to keep the conditions in place as well.

C. Kinnie stated that if we granted the extensions, the conditions must be met in order for a zoning permit to be granted. C. Kinnie asked if 5 years the maximum time length to 2022 is. M. Tristany stated yes. G. Mistralis stated that he was asking for a 4 year extension. C. Geer thought that the extension for four years was good. R. Parrette asked the number of conditions. M. Tristany stated that there was a full page of conditions. There was discussion of this matter.

C. Kinnie that based on consensus of the committee, we should see the conditions of approval. M. Tristany stated that those conditions are on record. C. Kinnie asked for that information for the next regular meeting. C. Kinnie asked for a motion.

MOTION: R. Parrette moved to table the request for an extension for SE 03-07 and SE 04-07 to the next regular meeting on October 11, 2016. J. Krueger seconded the motion. All were in favor. The motion was carried.

M. Tristany stated that he will put a calendar together for the subcommittee meetings for the PoCD. C. Kinnie asked if these will be targeted sections. M. Tristany stated yes. C. Kinnie asked when the meetings will be. M. Tristany stated some during the day and some at night; he will send a letter to the subcommittee members for dates and times that work for them.

R. Parrette asked about SRC -04-16 was on Section 2.2.6 for borough zoning regulations. M. Tristany stated that this will be on next month's agenda.

11. Reports from the Enforcement Officer

P. Zvingilas stated that there were two junk yard violations: one at 289 North Main Street was cited and this has been taken care of; and 1585 Glasgo Road was cited and went to court two weeks ago and we are waiting for a judgment. He stated that he will send a violation out to 819 Voluntown Road for sale of vehicles without a permit. He gave a denial of an application for the 8-24 Review that we talked about.

C. Kinnie stated that in past meetings the chairperson has allowed public comment. Pam Petalano 58 East Main Street had concerns about the cell tower and who would be policing the workers who go there to do maintenance. D. Vieaux, 59 Leha stated that there are the same houses on Voluntown Road that always have 1 or 2 cars for sale as a side business; and if you go for one, you should get them all.

C. Kinnie stated that this has been done over the past year or so, we should be looking at adding a public comment to the agenda since the current chairman takes public comment. M. Tristany reminded the commission that there was a legal opinion from the town attorney who strongly recommended against the Planning and Zoning Commission having a public comment period; because if there is a pending application or a future application, it can look like the commission prejudged the application. C. Kinnie asked for a copy of the legal opinion for the next agenda. M. Tristany stated that we will get it.

12. Adjournment

C. Kinnie asked for a motion to adjourn. J. Krueger moved to adjourn at 8:03 pm. P. W. Zvingilas seconded the motion. All were in favor. The meeting adjourned at 8:03 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary