



Town of Griswold



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**GRISWOLD ZONING BOARD OF APPEALS
REGULAR /PUBLIC HEARING MEETING
GRISWOLD TOWN HALL**

**APPROVED MINUTES
OCTOBER 5, 2016**

I. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

1. Call to Order

Theodore Faulise, Chairman, called this meeting of the Griswold Zoning Board of Appeals to order at 7:00 p.m.

2. Roll Call

Present: Theodore A. Faulise, Dorothy Doucette, Maryann Manning, Joseph Savino, Alternates Duane Button, Alex Grezlak, Recording Secretary Donna Szall

Absent: William Przylucki

3. Determination of Quorum

T. Faulise appointed A. Grezlak to sit for W. Przylucki as voting members. There was a quorum for this meeting of the Zoning Board of Appeals.

4. Matters Presented for Consideration

A. ZBA 02-17 BUTTON, DUANE & KIMBERLY, PROPERTY AT 471-473 SHETUCKET TURNPIKE, GRISWOLD, CT. Requesting an appeal of the Zoning Enforcement Officer's decision concerning the 310 plus solar panels will all be installed on the roof on an existing barn. No additional structures will be added to the property for the installation of the solar panels. This property has a residence, farm building and an ice cream stand with parking lot. The requirement of a site plan would place a burden on the applicant when there are no additional structures. All existing structures conform to the zoning regulations.

T. Faulise stated that D. Button has recused himself and has left the meeting room based on CGS 8-11. T. Faulise asked if there was someone to represent the application

Stuart Norman, Attorney, 19 Slater Avenue, Jewett City was present to represent the applicants. He submitted a site plan to the members showing the supply lines to the buildings on the property. He stated that this is to be used for the farm which is an allowed use in the zone; the ice cream stand which is allowed, and the home which is allowed. He stated that the USDA is encouraging farmers to do. There are no other structures to be placed on the property; the power lines will be buried.

S. Norman stated that the Board to overrule the ZEO to allow this zoning permit to be signed will not create a problem for the town. The solar panels will be going on existing structures. He stated that to insist upon a site plan to be prepared creates an undue burden on the applicant to spend money to make the farm a going concern. He stated that the applicant has notified his neighbors, though he was not required. He stated that one of the neighbors is present tonight and the one who is not present has stated to the applicant that they have no objection to it. He asked for questions from the board members.

T. Faulise stated that there is a letter in the file dated August 29, 2016 from the Zoning Enforcement Officer with his basic reason for denial. S. Norman stated that they do not consider it a commercial use; the farm is part of it; and it is supporting the farm. He stated that the ice cream stand has been allowed as part of the farming operation.

D. Doucette asked if they pay taxes on the residential site for this property or for farms. S. Norman stated that they do not pay taxes for residential or for farms for photovoltaics are considered non-taxable. T. Faulise stated to clarify that this is located in an R-80 zone, it is a residential district. S. Norman stated correct and that farming is allowed and accessory uses for farming.

T. Faulise asked if he was aware of the promotion for solar panels and if any of these requiring a site plan to have solar panels installed. S. Norman stated that he was not aware.

Tom Shippee, Shippee Solar Construction, stated he was the contractor for the applicant. He explained that he provides a basic site plan to the residents; i.e.: location of the barn, location of the meters and everything that goes in there. They don't supply the in-detail site plan requested for Mr. Button. T. Faulise stated that this is more like a plot plan of the location; and asked if he has done any other solar installation in Griswold. T. Shippee stated not in Griswold; but in other parts of the state and explained that the other towns require the basic site plan.

T. Faulise asked the height of the panels off of the roof. T. Shippee stated that it is two inches. S. Norman asked the height of the solar panels. T. Shippee stated that they are 1.5 to 2 inches thick. T. Faulise stated that so it would be no higher than five inches. T. Shippee stated yes.

S. Norman stated that he was familiar with solar arrays that have been put in the Norwich area; those were for commercial uses that are not isolated to working for one area with buildings on it. He stated that structures are installed for the solar arrays; He stated that this is not what is happening here; the use is just for the farm.

T. Faulise asked for comments from the public.

Alexander Sibicky stated that his property abuts Mr. Button's property and that he had no objection to this at all. T. Faulise asked the acreage to see if it conflicted with any neighbors. A. Grezlak stated that it was 41.6 acres. S. Norman explained that Mr. Sibicky's property runs along the back of the Button property toward Route 201; so it is at the back. T. Faulise stated that it is farmland so there are not a lot of neighbors as he was familiar with the property

T. Faulise asked for other comments.

Amanda Farnwood Johnson, of the Connecticut Resource Conservation Development that hosts the Connecticut Farm Energy Program statewide helping farms to implement energy efficiency and removal energy project. She stated that she was here on behalf of Mr. Button and explained that since 2010, they have been implementing roof top solar with contractors across the state, it is typical that building and electrical permits are pulled for projects as a requirement of the 169 towns.

J. Savino asked where the location of the barn is and if the panels are visible. T. Shippee stated that the panels are facing the back of the barn. M. Manning asked if he was using this just for the purposes of the farm to keep the farm going and everything. S. Norman stated yes, just for the purposes of the farm. He will not be generating energy to make money off of it; it is required for the farm. T. Shippee stated that it is designed to offset 100 percent of his energy usage; it is not designed to make income of the excess credits.

T. Faulise asked for other comments or questions. Hearing none, he closed the public hearing at 7:18 p.m. and asked for discussion. He stated that there have been a lot of solar panels in town; but this is

not going to be a solar farm with 10 acres of solar arrays. He stated that this is for the farm and the business; he stated that he did not see the benefit of a site plan unless he was adding structures to the site, construction removing trees, walls or blocking sight lines and that no one benefits from it and that was his opinion. J. Savino asked that the site plan provided and another site plan were placed side by side, you wouldn't see a difference.

D. Doucette stated that she could not see why it should be required. It is being used for the farm electricity and it is zoned to be used that way; no zoning is being changed and requiring a site plan serves any purpose but to delay the construction. She would like to support the rejection of this requirement.

T. Faulise asked for other comments. He explained that the authority that this must be a four member vote to reverse an order, a decision or an appeal. He explained that it can be modified the requirement, reverse or affirm it. He asked for a motion.

MOTION: M. Manning moved to reverse the requirement of the Zoning Enforcement Officer that it must go before the Planning and Zoning Commission with a site plan. J. Savino seconded the motion. T. Faulise asked for a vote. There were four aye votes. The motion passed unanimously.

T. Faulise stated that there is a fifteen day appeal period to challenge the decision.

B. ZBA 03-17 LAMITIE, GUY, PROPERTY AT 27 ROGER ROAD, GRISWOLD, CT. Requesting relief from Section 10.4 of the Griswold Zoning Regulations to reduce left side yard requirement from 30 feet to 6 feet in order to construct a 24 ft. by 26 foot two story garage which will have a second floor master bedroom and master bathroom. Property is zoned R-40.

Guy Lamitie was present and that Louis Michaud is representing his application as the general contractor. T. Faulise asked for the abutters' notifications. L. Michaud submitted the notification packet and the certificates of mailing. T. Faulise state that there were four sent out and three have been returned. T. Faulise asked why he was requesting a variance. L. Michaud submitted surveyed site plans to the members from Boundaries, LLC.

L. Michaud explained that the applicant wants to put up a 24 ft. by 26 foot garage. He stated that the variance requested on the application was from 30 ft. to 6 ft.; the accurate distance based on the site plan is 11 ft. He stated the existing house is non-conforming and when the development was put it there was no zoning at that time. L. Michaud explained that there is only one location on the property for the garage can go. He stated that it does not take up any more space than the existing paved driveway. He stated that Uncas Health District did all of their inspections and have given their approval for the construction. He stated that the existing floor plan and the proposed floor plan show that the number of bedrooms is not increasing; T. Faulise asked the acreage. L. Michaud stated that it was a 49 acre lot when it was an R-20 zone.

D. Doucette asked if there were 3 bedrooms in the original house. L. Michaud explained that two bedrooms will be combined and the master suite will be on top of the garage for a total of three bedrooms. He stated that there will be one additional bathroom for the proposed addition but that this will not affect the septic system; Uncas Health did their deep test pits and sent their approval to the Building Inspector. T. Faulise asked if it was cit water. L. Michaud stated yes.

M. Manning asked if it will rise higher than the original house. L. Michaud stated that at the driveway there is an existing garage under the house which is a raised ranch. The addition can be constructed so that it will be the same height of the rest of house. It will not look different that it does now. D. Doucette stated that there is a garage now and asked if it was not going to be used anymore. L. Michaud stated that it will become part of the basement. G. Lamitie stated that he uses the existing garage as a workshop and there is a garge door on it.

T. Faulise asked if there was any objection to modifying the 6 feet to 11 feet. L. Michaud stated that he will modify the application for the correct distance. G. Lamitie stated that the 6 ft was a "best guess".

T. Faulise stated that this would increase the value of the property. L. Michaud stated yes, we are adding 560 sq. feet of living space and a two car garage below is being added

T. Faulise asked if there was anyone to speak in favor. He stated that there was no one else here. He asked if there was anyone opposed. He stated that there was no correspondence either for or against the application in the file. He closed the public hearing at 7:30 p.m. T. Faulise asked L. Michaud to modify the original application to 11 feet instead of the six feet. L. Michaud made the modification and initialed it.

T. Faulise asked for a motion. **MOTION:** J. Savino moved to approve the application as amended to 11 feet. A. Grezlak seconded the motion. There were four aye votes. The motion carried unanimously.

T. Faulise explained the fifteen day appeal period.

5. Old Business

A. Approval of Minutes of July 6, 2016

T. Faulise asked for any corrections or omission. There were none noted.

MOTION: M. Manning moved to accept the minutes. D. Doucette seconded the motion. All were in favor. The motion was carried.

6. New Business

A. Discussion of request to fill the alternate position vacated by the appointment of Joe Savino as full member.

T. Faulise stated that with J. Savino moving up to a regular member, there is a vacancy for an alternate to be from now until 2017. He stated that a letter go the BOS to request that the vacancy be filled. A. Grezlak asked if it must be the same party. T. Faulise stated that it can be filled by an independent. There was discussion of this matter.

B. Discussion approval of the 2017 Schedule of Meetings request by Town Clerk

T. Faulise stated that the meeting agenda shows that Wednesday dates for 2017. There was discussion of this matter. He asked for a motion.

MOTION: D. Doucette moved to accept the agenda for the 2017 meetings. A. Grezlak seconded the motion. All were in favor. The motion was carried.

7. Correspondence

There was no correspondence.

8. Adjournment

T. Faulise asked for any other business; hearing none, he asked for a motion to adjourn. D. Doucette moved to adjourn. J. Savino seconded the motion. All were in favor. The meeting adjourned at 7:36 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary