



Town of Griswold



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

**GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARINGS & REGULAR MEETING
MINUTES**

DECEMBER 12, 2005

GRISWOLD TOWN HALL

I. PUBLIC HEARING (7:15 P.M.)

1. Call to order:

Chairman Clyde Seaman called this public hearing of the Griswold Planning & Zoning Commission to order at 7:15 p.m.

2. Roll Call:

Present: Chair Clyde Seaman, Vice Chair Gail Rooke-Norman, Members Philip Anthony, Daniel DeGuire, Alternates Courtland Kinnie, Town Planner Demian Sorrentino, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Member Roland Harris, Alternate John Schumaker

3. Determination of Quorum:

C. Seaman appointed Alternate C. Kinnie to sit for Member R. Harris. There was a quorum for this public hearing.

4. Matter Presented for Consideration:

A. SUB 02-06 Laizer, Bernard T., 288 Brewster Road, Griswold. Property Location: Pine Road, Browning Road, Brewster Road. Applicant requests approval of an 8-lot subdivision. The subject property is located in the R-80 zoning district.

C. Seaman asked if anyone was here to represent the applicant. Mark Sullivan, surveyor, was present to represent the applicant. He gave copies of the plans to the Commission. M. Sullivan explained that the property is located on three roads, Brewster Road, Browning Road and Pine Road. He explained that the application was approved by the Inland Wetlands Commission.

M. Sullivan explained sheet 1 showing the boundaries, and wetlands, sheet 2 showing conceptual houses, driveways, septic systems and wells, and sheets 3 and 4 showing the 40 scale with more details. He stated there was a letter in the file from A. Gosselin.

C. Seaman stated that there is a letter in the file from A. Gosselin and read the letter for the record. M. Sullivan stated that he gave the green cards to the Commission. C. Seaman asked if the abutters' notifications had been checked. There was discussion of this matter.

Alternate John Schumaker arrived at 7:22 p.m.

D. DeGuire asked where B. Laizer's house was located. M. Sullivan explained where the house was located. There was discussion of this matter including locations of the ponds and orchards.

C. Seaman asked D. Sorrentino if he had any concerns. D. Sorrentino stated no. D. Sorrentino stated he received a certified letter from the co-owner of the property. He stated that he and P. Zvingilas measured driveway accesses for site distances. He read the measurements for the record. There was discussion of this matter.

G. Rooke-Norman asked what the Town engineer's recommendations were. D. Sorrentino stated that he and P. Zvingilas did the calculations. He explained that the consulting engineer stated that there could be signage installed. D. DeGuire asked if he was comfortable with this. D. Sorrentino stated he was comfortable with all but lot 1. There was discussion of this matter.

G. Rooke-Norman asked about lot 4 and lot 6 being adjacent lots utilizing a 50 foot frontage according to the regulations. P. Zvingilas stated there could be no more than two adjacent lots. M. Sullivan stated that the lot one driveway could be moved to the west property line. There was discussion of this matter.

D. DeGuire asked if M. Sullivan was saving the rock walls. M. Sullivan stated that 25 feet is to be conveyed to the Town so the rock walls will become Town property. There was discussion of this matter.

C. Seaman asked D. Sorrentino was all set with the plan. D. Sorrentino stated that A. Gosselin's letter stated that a note be added that the wells be tested because of the old orchards.

C. Seaman asked the Commission if there were any other questions. He asked if there were comments from the audience.

Wendy Mis, 160 Brewster Road. She voiced her concerns for the trees along Brewster Road when the power is brought in. She was also concerned that the driveways on Browning Road should be filled because of their proximity to the actual wetlands; and if the driveways are paved, she was concerned with the petroleum products going into the wetlands. There was discussion of this matter including the slope of the driveways on lots 5 & 6. W. Mis voiced her concerns regarding the site lines on Pine Road.

M. Sullivan addressed the tree issue and the utilities. There was discussion of this matter.

G. Rooke-Norman asked about lots 7 & 8 regarding the IW&WCC stipulation for pipes under the one driveway. She stated that she was concerned with the slope creating icing conditions on the road. There was discussion of this matter to include pipes on lots 7 & 8.

C. Seaman asked for other questions from the audience. He asked for other questions from the Commission. Hearing none, he closed this public hearing at 7:45 p.m.

II. PUBLIC HEARING (7:30 P.M.)

1. Call to order:

C. Seaman called this public hearing of the Griswold Planning & Zoning Commission to order at 7:45 p.m.

2. Roll Call:

Present: Chair Clyde Seaman, Vice Chair Gail Rooke-Norman, Members Philip Anthony, Daniel DeGuire, Alternates Courtland Kinnie, and John Schumaker, Town Planner Demian Sorrentino, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Member Roland Harris

3. Determination of Quorum:

C. Kinnie recused himself from this public hearing. C. Seaman appointed Alternate J. Schumaker to sit for Member R. Harris. C. Seaman stated that there were three members present for this matter from last month's public hearing. There was a quorum for this public hearing.

4. Matter Presented for Consideration:

A. SE 02-06 Baron, Elias, 2281 Glasgo Road, Griswold. – Property Location: 2247 Glasgo Road, Griswold, CT – Applicants request approval of a Special Exception for gravel extraction operations associated with the construction of a farm pond for agricultural use. The subject property is located in the R-80 zoning district. Continuation from November 14, 2005.

C. Seaman stated that this is a continuation of a public hearing from last month. He stated that it was tabled for a review by the Town engineer. D. Sorrentino stated that there was also a request for a durable power of attorney and stated that it is in the file. D. Sorrentino stated that the Town engineer is here to give his findings.

C. Seaman asked if anyone was present to represent the applicant. Charles Camp was present to represent the applicant. C. Seaman stated that the Commission will hear the report from the Town engineer. D. Sorrentino stated the he had asked Bob Schuch if he would review the bond and drainage calculations and the items that the Conservation District had not signed off.

G. Rooke-Norman stated that she had asked last time for an updated Fiduciary Probate Certificate because the one presented to the Commission last time was dated 2003 and on its face it is only valid for one year. She explained the durable power of attorney is not what was requested since it becomes null and void when a conservator of the estate is named. She stated that the Fiduciary Probate Certificate within one year of this hearing is needed.

P. Anthony stated that the applicant should provide the information that was requested at the last public hearing since it is relevant for the Commission's review. He stated that this public hearing should be continued. C. Camp agreed that this public hearing should be continued and asked to look at the durable power of attorney submitted by the applicant. He also stated that he would like to hear the Town engineer's review. There was discussion of this matter.

C. Seaman asked Bob Schuch if he had a report. B. Schuch stated that he had the report and submitted the report to the file. C. Seaman asked Bob Schuch to give his report.

B. Schuch stated that he asked the applicant for a more detailed watershed map and received a larger copy. He explained his findings to the Commission and asked that the applicant resubmit the calculations using the rational method. He explained other modifications that were needed. He addressed the bond estimate explaining that Bond items 2 & 3 should be raised from \$16,600 to \$25,000 to accommodate the changes. P. Anthony asked if C. Camp had a copy of the report. B. Schuch gave a copy of the report to C. Camp.

C. Camp asked if the applicant needed an extension. G. Rooke-Norman asked D. Sorrentino to explain when this application was submitted. D. Sorrentino explained the time line and time limits to Commission. G. Rooke-Norman stated that the applicant should request an extension for 35 days. There was discussion of this matter.

C. Seaman stated that this hearing will be continued and asked for any comments from the audience.

Chad Derooy stated that an agricultural pond in the Town of Griswold according to the regulations is one acre or 5000 cubic yards. He stated that this pond is 145,000 cubic yards and is 2.7 acres. He also stated that it will be digging into the water table in the valley and was concerned for the precedent set for such a large agricultural pond extraction.

C. Seaman asked for any other comments from the audience. He asked for comments from the Commission. P. Zvingilas asked if an Army Corp permit was needed for such a large pond. C. Camp explained that the Army Corp will not review the application without a permit from the Griswold Planning & Zoning Commission. There was discussion of this matter.

C. Camp submitted a 35-day extension as the applicant's representative for this application. C. Seaman read the extension into the record. C. Seaman asked for a motion. G. Rooke-Norman made a motion to continue this public hearing to 7:30 on January 9, 2006. P. Anthony seconded the motion. C. Seaman asked for a vote. All were in favor. Motion was carried.

III. REGULAR MEETING (8:00 P.M.)

1. Call to order:

C. Seaman called the regular meeting of the Griswold Planning & Zoning Commission to order at 8:09 p.m.

2. Roll Call:

Present: Chair Clyde Seaman, Vice Chair Gail Rooke-Norman, Members Philip Anthony, Daniel DeGuire, Alternates Courtland Kinnie, and John Schumaker, Town Planner Demian Sorrentino, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Member Roland Harris

3. Determination of Quorum:

C. Seaman appointed Alternate C. Kinnie to sit for Member R. Harris. There was a quorum for this public hearing.

4. Approval of Minutes:

A. Approval of Minutes of the Regular Meeting of November 14, 2005

C. Seaman asked for a motion on the minutes of November 14, 2005. P. Anthony made a motion to accept the minutes as presented. G. Rooke-Norman seconded the motion. There was discussion of this matter. C. Seaman asked for a vote. All were in favor. Motion was passed.

5. Correspondence and Attachments:

A. Letter dated November, 2005 from Avalonia Land Conservancy, Inc. regarding their annual appeal for donations.

B. Avalonia Trails, Newsletter, Fall, 2005.

C. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter. Fall 2005, Volume IX, Issue 4.

D. Letter dated November 28, 2005 from Anne P. Hatfield to Ms. Ellen Dupont regarding her resignation as an alternate member of the Griswold Planning & Zoning Commission.

C. Seaman stated that the correspondence is listed. He explained that he was given a letter from Pamela Reinholtz requesting to be considered for the vacant alternate seat on the Commission based on the resignation of Anne Hatfield.

6. Matters Presented for Consideration:

A. SUB 02-06 Laiser, Bernard T., 288 Brewster Road, Griswold. Property Location: Pine Road, Browning Road, Brewster Road. Applicant requests approval of an 8-lot subdivision. The subject property is located in the R-80 zoning district.

C. Seaman stated that this is a prior public hearing. He asked the Commission for their recommendation. G. Rooke-Norman made a motion to approve the application with the following conditions:

1. Corrections to the drawings showing the engineered septic system requirements and the note required by Sanitarian A. Gosselin.
2. Additional pipes for lots 7 & 8 driveways.
3. Movement of the driveway of lot 1 so the sight line conforms to the minimum requirement.

D. DeGuire seconded the motion. C. Seaman asked or any discussion. Hearing none, he asked for a vote. All were in favor. Motion was passed.

B. SE 02-06 Baron, Elias, 2281 Glasgo Road, Griswold. – Property Location: 2247 Glasgo Road, Griswold, CT – Applicants request approval of a Special Exception for gravel extraction operations associated with the construction of a farm pond for agricultural use. The subject property is located in the R-80 zoning district.

C. Seaman stated that this was a public hearing that is continued. G. Rooke-Norman made a motion to table this application. D. DeGuire seconded the motion. There was discussion of this matter. C. Seaman asked for a vote. All were in favor. Motion was passed.

C. SRC 01-06 Griswold Planning & Zoning Commission, 28 Main Street, Jewett City, CT. The Commission proposes amendments to Section 5.5 of the Griswold Subdivision Regulations to increase the required dedication of open space within conventional subdivisions to 10% of the gross parcel area, and also to establish “fee in lieu-of open space” regulations.

D. DeGuire asked that this item be moved to the end of the agenda. There was discussion of this matter. C. Seaman asked for a motion. D. DeGuire made a motion to move 6C to the end of the agenda to be 6E. P. Anthony seconded the motion. All were in favor. Motion was passed.

D. SE 04-06 Hamel, Kevin, 122 East Main Street, Jewett City. Applicant requests approval of a Special Exception to reduce the frontage on a street from 50 ft. to 25 ft. in accordance with Section 9.1.3 of the Borough of Jewett City regulations in order to create a new building lot and construct a single family residence. The subject property is located in the R and RC zoning districts.

D. Sorrentino stated that this is a special exception and requires a public hearing. D. DeGuire asked if it was a ZBA issue. D. Sorrentino read Section 9.1.3 regarding flag lots into the record.

P. Anthony made a motion to have a public hearing for applicant Kevin Hamel on January 9, 2006 at 7:45 p.m. D. DeGuire seconded the motion. All were in favor. Motion was passed.

E. SUB 03-06 Dudek, Joseph M., 75 Dudek Rd., Griswold, CT Property Location: 338 Geer Rd., Griswold. Applicant requests approval of a 9-lot residential subdivision of property located within the Towns of Griswold and Plainfield. The subject property is located in the R-60 zoning district.

C. Seaman asked the Commission if they needed time to review this application to determine whether this should go to public hearing. G. Rooke-Norman stated when there are seven, eight or nine new lots, even though the regulations do not require a public hearing, she stated that it might be prudent to allow abutters an opportunity to be heard.

John Faulise, Boundaries LLC was present to represent the application. He explained that this application will be reviewed by the Griswold Planning & Zoning Commission and Inland Wetlands Commission, the Plainfield Planning & Zoning Commission and Inland Wetlands Commission, the Northeastern Connecticut Council of Governments and the Southeastern Council of Governments. He asked the Commission to forgo the public hearing since this application will be reviewed by multiple commissions and professionals.

G. Rooke-Norman asked about the home lot. J. Faulise explained the history of the parcel stating that there was a home lot and a free split was made. There was discussion of this matter including abutters of this parcel.

G. Rooke-Norman stated that with the home lot, there would be 10 lots and she recommended that there be a public hearing on this application. There was discussion of this matter including the parcel being in the R-60 zone.

D. DeGuire made a motion to set the public hearing for January 9, 2006 at 7:15 p.m. P. Anthony seconded the motion. C. Seaman asked for a vote. All were in favor. Motion was passed.

E. SRC 01-06 Griswold Planning & Zoning Commission, 28 Main Street, Jewett City, CT. The Commission proposes amendments to Section 5.5 of the Griswold Subdivision Regulations to increase the required dedication of open space within conventional subdivisions to 10% of the gross parcel area, and also to establish “fee in lieu of open space” regulations.

D. Sorrentino made his presentation to the Commission. He submitted comprehensive survey of surrounding towns that had a “fee in lieu of open space.” He stated that it will be discriminatory against a certain type of subdivision if it isn’t applied evenly to all subdivisions; there is an exception in the state statutes for gifts to family and free splits are not included in the open space. D. DeGuire stated that it seemed very restrictive with a 10% value of the land. D. Sorrentino explained that the 10% would be this Commission’s choice. There was discussion of this matter including the predevelopment appraised value at market value. There was discussion of this matter.

G. Rooke-Norman stated that this Commission did not want to penalize the smaller landowner who is cutting off lots for their children or for free splits. She asked D. Sorrentino if there were any towns that did not have this applied to subdivisions for a certain number or less. D. Sorrentino stated that the towns to which he surveyed took the language directly from the statute.

He stated that the statute is not discriminatory at all which is why splitting land for family members is an exception to this statute. There was discussion of this matter including Commission members stating that they find this regulation to be too restrictive.

G. Rooke-Norman stated that this Commission asked D. Sorrentino to look into where the fees in lieu of would go. She asked if the Commission was closer to setting up a committee to set up a trust. D. Sorrentino stated the statute requires that it would go into a fund designated to the acquisition of open space. There was discussion of this matter.

C. Seaman asked what the current requirement is. D. Sorrentino explained that it is 1/20 of an acre per lot over ten. There was discussion of this matter.

G. Rooke-Norman asked about active recreation open space. She stated that she was on the record to look for something for passive recreation open space. There was discussion of this matter including that active recreation space must be maintained.

C. Seaman asked to explain how the current requirement was different from the proposed requirement. D. Sorrentino explained that it is 1/20 of an acre per lot over ten. There was discussion of this matter.

J. Schumaker asked if there was anything in the proposed amendment change that could be waived for small landowners. D. Sorrentino explained that may can be used in place of shall. There was discussion of this matter including where the open space would be located.

C. Seaman stated he had a question of the maintenance fee for the open space in Section 5.5.4. D. Sorrentino stated that these were current regulations. There was discussion of this matter.

G. Rooke-Norman asked within the public hearing the Commission can modify the regulation to be made less restrictive but not more restrictive. D. Sorrentino stated that if it is change to be discretionary it would need to be reviewed by the Town attorney. C. Kinnie stated that if developers used the conservation subdivision, it would allow the developer to save money while having the same number of lots and no fee in lieu of open space. He stated that it would have to apply to everyone or it will be challenged. There was discussion of this matter.

P. Anthony stated that if the shall be replaced by may so that the Commission can determine the fee in lieu of and not be a mandate. He could live with this regulation change even though he felt it was still restrictive. D. Sorrentino read Section 5.5 open space into the record changing shall to may. There was discussion of this matter.

G. Rooke-Norman stated that the smaller subdivisions need more protection. D. DeGuire recommended changing the lot requirement. There was discussion of this matter including 5 lots or less. C. Seaman asked D. Sorrentino if he understood what was asked and to eliminate the active recreation. There was discussion of this matter including getting a legal opinion from the Town Attorney.

C. Seaman asked for other comments.

P. Zvingilas stated that the zoning regulations regarding political signs should be changed to conform to information sent in a letter from the ACLU Foundation. There was discussion of this matter to put the zoning piece on the agenda for the next meeting.

7. Additional Business:

A. There was no additional business.

8. Old Business

A. **Griswold Plan of Conservation and Development.** Discussion and review of the Griswold Plan of Conservation and Development.

G. Rooke-Norman stated that there was a workshop scheduled for January. There was discussion of this matter. G. Rooke-Norman suggested setting Tuesday, January 17, 2006 for the Plan of Conservation and Development workshop for 7:00 p.m.

9. New Business:

A. Election of Officers

D. DeGuire made a motion to nominate G. Rooke-Norman as Chairman, P. Anthony as Vice Chairman and C. Seaman as Secretary. P. Anthony seconded the motion. Hearing no other nominations, C. Seaman asked that the Secretary cast one vote.

B. Discussion of procedural process for the implementation of a subdivision moratorium.

D. Sorrentino stated that it can be taken off the agenda since what was discussed earlier that it is not worthy of discussion at this time. There was discussion of this matter.

10. Reports from the Enforcement Officer:

P. Zvingilas stated that there is a vacancy on the Commission that needed to be addressed. G. Rooke-Norman asked if it is from resignation or from when the resignation is accepted. D. Sorrentino read a letter from Town Clerk Ellen Dupont into the record regarding the deadline to appoint someone to the vacancy by 12/28/05. There was discussion of this matter to hold a special meeting to appoint a new alternate to the vacancy. G. Rooke-Norman made a motion to hold a special meeting with one agenda items on January 19, 2006 at 6:30 p.m. to accept applications for the alternate position from eligible republicans and/or independents. P. Anthony seconded the motion. D. C. Seaman asked for a vote. All were in favor. Motion was passed.

D. Sorrentino stated that Wheeler Group III needs a second reduction for Spencer Hollow Road. There was discussion of this matter. P. Anthony made a motion to reduce the bond of 55% of the maintenance guarantee with the stipulation that it be signed off by the superintendent of roads for

the maintenance of the road. G. Rooke-Norman seconded the motion. C. Seaman asked for a vote. All were in favor. Motion was passed.

G. Rooke-Norman and P. Anthony thanked C. Seaman for his long-standing contribution as chairman to the Commission.

11. Adjournment:

G. Rooke-Norman made a motion to adjourn. P. Anthony seconded the motion. All were in favor. Meeting adjourned at 9:25 pm.

Respectfully Submitted,

Donna M. Szall
Recording Secretary