

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

MAY 8, 2006

GRISWOLD SENIOR CENTER

I. PUBLIC HEARING (7:00 P.M.)

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of the Griswold Planning & Zoning Commission to order at 7:00 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Members Clyde Seaman, Daniel DeGuire, Alternate Courtland Kinnie, Town Planner Demian Sorrentino, Recording Secretary Donna Szall

Absent: Vice Chairman Philip Anthony, Member Roland Harris, Alternates John Schumaker, Martin McKinney, ZEO Peter Zvingilas

3. Determination of Quorum:

G. Rooke-Norman appointed Alternate C. Kinnie to sit for R. Harris. It was determined that there is a quorum for this public hearing.

4. Matter Presented for Consideration:

A. ZC 03-06 Coleman, Robert S., 1458 Hopeville Road, Griswold, CT – Property Location: 1458 & 1466 Hopeville Road, Griswold. Applicant proposes to seek a change in zoning of 4.24 acres from a combination of R-60/R-80 to C-2 in order to facilitate expansion of existing commercial use.

G. Rooke-Norman asked if anyone was there to represent the applicant. John Faulise, Boundaries, LLC was present and the applicant. Robert Coleman was also present. J. Faulise submitted the copy of the notice sent, abutters' notifications and the green cards to the Commission. G. Rooke-Norman asked he was certifying that the abutters were noticed appropriately. J. Faulise stated that they had been noticed appropriately.

J. Faulise explained the proposed zone change to the Commission and showed where the parcel was located consisting of 4.24 acres which is an expansion of an existing commercial use.

J. Faulise explained that the existing house is part of the zone change parcel. He explained that the building had been in existence for over 40 years. He stated that site plan approval was also being requested.

J. Faulise explained that the purpose of the zone change is the expansion of the commercial use to bring the property into compliance in terms of existing non-conformance status. He stated that it would then require site plan approval by this Commission for landscaping, parking and lighting and architectural as required in the regulations. He explained that the expansion is also subject to federal and state permits for expansion of the operation.

J. Faulise explained the current zoning map for those historically commercial areas within residential zones as well as those zones changed over the years to facilitate the commercial uses on those properties. He stated them for the record listing those that are C-1 and listing those that are C-2 zone.

G. Rooke-Norman asked for questions from the Commission. G. Rooke-Norman asked D. Sorrentino if he had any comments, issues, questions or requirements. D. Sorrentino stated regarding the lot line, that it was the goal of this Commission to alleviate split zones and stated that this application will be adjusting a lot line and asked J. Faulise if the entirety of one lot will be C2 zoned.

J. Faulise explained that the Coleman residence lot line would be adjusted to follow the zoning line for the residence and the expansion of the facility would follow the lot lines. He suggested that the Commission consider expanding some of those isolated commercial zones for the proposed Plan of Conservation and Development. There was discussion of this matter.

G. Rooke-Norman stated to let the record show that John Schumaker has arrived at 7:10 p.m. and he will sit for P. Anthony. ZEO Peter Zvingilas also arrived at 7:10 p.m.

D. Sorrentino stated the Commission must decide the use and asked if it would be a special exception. There was discussion of this matter.

G. Rooke-Norman asked for comments from the audience and the Commission would hear from people in favor of the application.

Pat Dority, 1451 Hopeville Road, voiced her concerns for the lighting and where the applicant would expand the building. J. Faulise stated that it would be expanding to the northeast where there is an existing area that is fairly level. He stated that the landscaping and that lighting would be in compliance with the regulations of the proposed zone change that the Commission would decide during the site plan review.

Art Dority, 1451 Hopeville Road, he stated that the magazines are there now. He asked were the buildings would go. J. Faulise stated that the expansion would be on the northeast side of the existing building back toward Mr. Coleman's house not towards adjacent properties within the area already utilized. A. Dority asked if the house would stay there. J. Faulise stated that the

house would remain. He stated it was proposed to expand and add on to the area already utilized due to topography issues. A. Dority asked how much more traffic would be created by the expansion.

G. Rooke-Norman made a clarification to those present that she is allow some questions about the actual use because the purpose of the application for the zone change is to have the zone consistent with the use. She stated that questions regarding location of the building, landscaping, traffic and noise would be answered during a public hearing of the site plan review and the abutters will be noticed again. There was discussion of this matter.

She asked for any comments in favor or against this zone change application. Hearing none, she closed the public hearing at 7:17 p.m.

II. PUBLIC HEARING (7:20 P.M.)

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of the Griswold Planning & Zoning Commission to order at 7:20 p.m.

2. Roll Call:

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

Absent: Vice Chairman Philip Anthony, Member Roland Harris, Alternate, Martin McKinney,

3. Determination of Quorum:

G. Rooke-Norman appointed Alternate C. Kinnie to sit for R. Harris and Alternate J. Schumaker to sit for P. Anthony. It was determined that there is a quorum for this public hearing

4. Matter Presented for Consideration:

A. ZC 02-06 Griswold Planning & Zoning Commission – The Commission proposes an amendment to Section 8.5.1 and 8.5.2 to allow the use of Town Roads as internal Business Park Roadways under specified conditions; and also to Sections 8.9.1.5 and 10.4 enlarging the required side and rear yard requirements where BP and Residential zones abut.

D. Sorrentino stated that for the record that ZEO Peter Zvingilas is present.

G. Rooke-Norman asked D. Sorrentino to explain Part I of the amendment regarding Sections 8.5, 8.5.1 and 8.5.2 for BP use of town roads. D. Sorrentino read Section 8.5 Access, 8.5.1, and 8.5.2 for the record.

D. Sorrentino read into the record Part II amendment to Sections 8.9.1.5 and 10.4 to increase the rear and side yard setback requirements to 100 ft. where BP and R zoning districts abut. D. Sorrentino read into the record Section 10.4.

G. Rooke-Norman asked for questions from the Commission. C. Seaman asked about the one dwelling unit and whether it should read 2 or more. There was discussion of this matter.

G. Rooke-Norman asked for comments from the audience in favor of the proposed changes.

G. Rooke-Norman asked for comments from the audience in opposition to the proposed regulations.

Walter Held, 100 Brewster Road, was concerned with the set back requirements. He stated that the business park has to be filled in order to make money. He stated that competition was stiff with Plainfield and Norwich which have town-subsidized business parks. He stated that the 100 foot buffer would be reasonable if it was in a field. W. Held stated that where there are 500 ft of wetlands on the back of a residential lot, the 100 foot buffer would not be reasonable. He suggested that the Commission review each parcel based on the existing conditions of the lot to apply the 100 ft. buffer. He stated that it would be 10 years before the business park would be filled up because of competition with town-subsidized business parks.

Terry Cholewa, 36 Chestnut Hill Road, stated that she still stands behind her letter submitted at the last meeting. She stated that they stand behind a 200 ft. buffer for the property. T. Cholewa asked what the acreage was for the business park.

G. Rooke-Norman stated that this amendment to the BP zone is generic to be applied to any business park in Griswold and the minimum acreage is 50 acres.

T. Cholewa voiced her concerns that the proposed park would affect their property values. She was concerned with 3-story buildings being built near residential property. She stated that she would like the Commission to consider 200 ft. buffers. S She stated there should be protection for the property owners and decisions should be on a per site plan basis because this Commission would not be here 5 or 10 years from now so there was no guarantee that it would not be right up against her property line.

G. Rooke-Norman stated for clarification that this public hearing is concerned with the proposed changes as they are written here for 100 foot buffers and the Commission can make any changes are to be less restrictive to what is posted and cannot be more restrictive that what is posted in this public hearing setting.

Tom Giard, Chairman of the Development & Industrial Commission, stated that the D & IC objects to any changes beyond the 30 foot set back that is currently on the regulations. He explained that two years ago, the P & Z developed these regulations for the business park with the help of the planning office and input from the various committees in town. He felt that they are sound and fit the community and encouraged the Commission not to change the regulations

as they stand now. He explained that the business park map amendment which is on the agenda this evening spun off the buffer question. He stated that assumptions that there would be 3-story buildings or see massive parking lots, there are no factual presentations yet. T. Giard stated that dealing with the business park, there is a review of changes to the map; it is not a site review and urged the Commission to treat it as such. He stated that set backs, boundaries, and plantings are reviewed in a site plan review. He stated that Mel Jetmore, Vice Chairman was present tonight also.

T. Giard stated that they are sensitive to the residential impact of any kind of commercial or industrial development. He gave a historical background that there are very few locations. He stated that imposing a 100 foot buffer or, as suggested a 200 foot buffer, for the BP that the buffer would be the entire perimeter of the business park and would be a significant amount of land lost to the developer or the business moving into the park. He stated that the Planning and Zoning Commission has the control of what goes into the Business Park, He stated that they are special exceptions and are not permitted by right. He asked the Commission to give consideration to the bigger picture of the increased tax base that the business park would bring to the community including those residents adjacent to the park.

G. Rooke-Norman asked for other comments.

Melvin Jetmore, Vice Chairman of the Development & Industrial Commission, stated that he backed the chairman of the D & IC. He stated that with the increased buffer you would take away 20 to 40 percent of the land use. He stated that the land can only be covered by a certain percentage of buildings and parking for the property. He stated that the arbitrary 100 feet for the buffer would be unreasonable and unmanageable. M. Jetmore stated that the site plan review gives the Commission authority to add special conditions that must be met by the developer. He stated that there are natural buffers already on the property. M. Jetmore stated that if this was put into the text, it would destroy any possibility of any development there. He encouraged the Commission not to change the buffer for this project.

G. Rooke-Norman asked for other comments.

Norman Higgins, 182-206 Pleasant View, stated that the Commission did the right thing when they tabled the business park for people to think about it. He stated that the homes on Chestnut Hill had their site plans approved by the Commission. He stated that they were not thinking that they could be looking at 200, 500 homes out there. He stated that they didn't think that there could be something developed out there. N. Higgins stated to think of a football field where a first down is 10 yards is 30 feet. He felt that there should be between 30 to 100 feet where necessary and to consider the homeowners. He stated that if there is a one or two story structure 30 feet from a house, there would be no privacy. He asked that the Commission consider those homeowners.

Terry Cholewa, 36 Chestnut Hill Road, stated that for the record she did not like opposition. She said that thirty feet is not far enough. She asked if there was a map to show the lot in question. D. Sorrentino explained that this is not a map amendment application.

G. Rooke-Norman stated that this hearing for revisions to the generic business park regulations and explained that it is not appropriate to suit those regulations to one specific location.

T. Cholewa stated that it should be 100 feet if it is abutting a residential neighborhood. She stated that if the buffer cannot be increased, the Commission should keep the 100 foot buffer and that going below that amount would be unacceptable.

G. Rooke-Norman stated to Mr. Giard that this Commission did not want to get into how this regulation affects one property or another. She stated that this needs to be a generic regulation. T. Giard stated that the buildings in questions on Chestnut Hill Road to the property lines range from 370 ft., 208 ft, 230 ft., 602 ft. and 322 ft. from the buildings to the proposed property lines. He stated that there is not a significant impact. He stated that adding an addition 70 feet to 300 ft or 600 ft has no bearing.

G. Rooke-Norman asked for other comments.

Richard Whitham, 29 Chestnut Hill Road, stated that he drives the Corridor and all he sees are the “for sale” signs and nobody is buying or developing. He stated that those sites should be developed before looking for other land to develop. He asked why industry has not come into those areas already designated. R. Whitham stated that it is a beautiful area and suggested to develop the Stott property first and asked why that property wasn’t developed yet. He did not see any purpose to bring it directly back to the residential properties.

G. Rooke-Norman asked if any other persons wish to make a comment. She asked for questions from the Commission. Hearing no additional comments, she closed the public hearing at 7:50 p.m.

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

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of the Griswold Planning & Zoning Commission to order at 7:50 p.m.

2. Roll Call:

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

Absent: Vice Chairman Philip Anthony, Member Roland Harris, Alternate, Martin McKinney

3. Determination of Quorum:

G. Rooke-Norman appointed Alternate Courtland Kinnie to sit for Roland Harris and Alternate J. Schumaker to sit for P. Anthony. It was determined that there is a quorum for this public hearing.

4. Matter Presented for Consideration:

A. SUB 06-06 Giuliano, Cheryl M. and McFadden, Lori, A. 28 Deloge Drive, Griswold, CT – Property Location: 720 Voluntown Road, Griswold. Applicants request approval of a 10-lot subdivision with 1,010 feet of new public roadway. The subject property is located in the R-60 zoning district. This application requires a public hearing.

G. Rooke-Norman asked if there was anyone to represent the applicant. John Faulise, Boundaries, LLC, was present to represent the applicant. He stated that Engineer Bob Schuch, and owner Cheryl Giuliano were also present.

J. Faulise stated that he would submit several items of correspondence for the record. G. Rooke-Norman asked for the abutters' notifications. J. Faulise submitted copies of the certified mail receipts, returned green cards as well as a list of the of the map.

G. Rooke-Norman asked if everyone who was an abutter has received notice. J. Faulise stated for the record that the regulatory requirements have been satisfied. He stated that he was made aware this afternoon that there were two property owners who have not yet received their notice. He stated that the regulatory requirement is to send the notices out ten-days prior to the public hearing and that was done as evidenced by the receipts before the Commission. There was discussion of this matter.

G. Rooke-Norman stated that there is a letter in the file that was submitted by Mr. Seth White indicating that he is a direct abutter to the Arthur's Way subdivision stating that he did not receive certified notice of this public hearing and requests that the presentation be held next month so that he would have time to review the proposal. G. Rooke-Norman asked if there was a problem with the address. There was discussion of this matter.

J. Faulise stated that, after discussion with Town Planner D. Sorrentino, this public hearing will be continued because the Town Engineer has not responded with a review as yet. G. Rooke-Norman asked D. Sorrentino if he saw a problem. D. Sorrentino stated that he spoke with Mr. White and Mr. Faulise regarding the post office and that this public hearing will be continued pending review of the Town Engineer and the Fire Marshal. G. Rooke-Norman stated the applicant has met all of their procedural responsibilities and the Commission will, therefore, continue with this public hearing.

J. Faulise explained the site plan to the Commission stating that it is on the northeast side of Route 138. He stated it is adjacent to the large field beyond the Polish Club. He explained that nine new lots are to be developed with a proposed roadway approximately 1010 feet in length. He explained Sheet 2 where the existing house and garage and existing driveway were located relative to the proposed lots and roadway identified as Arthur's Way. J. Faulise stated lot 1 is the existing house. There was discussion of this matter.

J. Faulise submitted a letter for the record dated March 10, 2006 to the Planning & Zoning Commission from Sanitarian A. Gosselin that the lots meet the minimum requirements for sewage disposal including the existing house. He submitted for the record a letter from the Inland Wetlands Permit dated April 25, 2006 approving the proposed subdivision.

J. Faulise stated that there is a letter dated April 27, 2006 from Boundaries, LLC regarding a request for a waiver of Section 5.3.4 of the Subdivision Regulations to reduce the tangent distance between the reverse curves. He explained the request to the Commission for the proposed roadway to run perpendicular to Route 138.

J. Faulise submitted a letter dated May 2, 2006 from CT DOT to Bob Schuch for approval of the plans which was read for the record. He explained that they met with the DOT and designed the roadway with their input.

J. Faulise explained Sheet 3 for the conceptual locations of lots 2, 9 and 10 and lot 1 for the houses, driveways, and septic systems. He stated that the test pit calculations have been reviewed by the sanitarian.

J. Faulise explained Sheet 4 for the conceptual locations of lots 3 through 8 for the houses driveways and septic systems. He explained a storm drainage basin that was proposed on lots 7 & 8.

He explained Sheet 5 for the roadway design and he explained the stormwater drainage system that included a 105 x 40 foot basin that was 4 feet deep. There was discussion of this matter including the drainage profile on Sheet 7. He gave a copy of the Bond Estimate to the Commission that is being reviewed by the Town Engineer. He submitted the drainage calculations prepared by Boundaries, LLC that are being reviewed by the Town Engineer.

J. Faulise stated that the lots meet the minimum frontage, area requirements and the setback requirements for the R-60 zone.

J. Faulise stated, as he read the regulation, that Section 5.5 of the Subdivision Regulations for the requirement of open space for subdivisions is for subdivisions in excess of 10 lots. He submitted a request for waiver Section 8.1 and Section 8.1.4 of the Subdivision Regulations for the waiver of the open space requirement because this subdivision is on the threshold of 10 lots and a question of whether lot 1 with the house on it is an existing lot.

J. Faulise explained the last sheet regarding the sight line drawing required by the Department of Transportation. J. Faulise stated that he would answer any questions the Commission may have.

D. DeGuire asked about the easement for maintenance of the drainage. J. Faulise explained the drainage easement to the Town of Griswold and showed the area where the easement runs encompassing the entire water quality basin the Commission.

G. Rooke-Norman asked of questions from the Commission.

C. Kinnie asked on if the grade lines Page 3 were within the state highway right-of-way. J. Faulise stated that they were within the right-of-way and were designed according to the DOT recommendations to provide the necessary sight line.

J. Faulise stated that the bond estimate and the drainage calculations are still under review by the Town Engineer; but he would be happy to answer any of the Commission's questions.

G. Rooke-Normans asked J. Faulise to show where the abutters were located. J. Faulise showed where the abutters were located. She asked if this subdivision was a portion of the applicant's property because of the open space regulation stated that any subdivision of more than 10 lots or could be expanded to include more than 10 lots would require open space. She read the open space regulation for the record. J. Faulise stated that this was all of the applicant's property and there would be no proposed future lots. There was discussion of this matter.

G. Rooke-Norman stated that the zoning line goes through lots 6, 7, and 8 the R 60 zone versus the R 40 zone. J. Faulise stated that they satisfy the R60 zone requirements in terms of area, setbacks and frontage. There was discussion of this matter.

G. Rooke-Norman asked D. Sorrentino that in continuing this hearing, if a request was needed from the applicant. D. Sorrentino explained that that it was 65 days to open the hearing and 35 days to conduct the public hearing so this will bring it to the next meeting without a request from the applicant. There was discussion of this matter.

G. Rooke-Norman asked for questions the Commission. She asked for questions from the audience. She stated that this public hearing will be continued and the audience will be able to speak next month as well.

Tom Miller, 744 Voluntown Road, stated that his property bordered lot 9. He explained that it is quite a grade and he was concerned that the spillway would overflow to the wetlands. He stated there used to be a small pond and the overflow would go to the Fontaine property. He was concerned how the septic systems and the grade that is there would affect the wetlands.

J. Faulise explained that the soils are predominately sand and gravel outside of the wetland area. He explained how the water would drain as it was designed to the basin. He also explained that the Town Engineer will have a report with the drainage calculations. He explained the septic systems and the drainage of the lots were approved by Sanitarian A. Gosselin according to state health code. J. Faulise stated that Engineer who designed the drainage, Bob Schuch, was present to answer any questions on the drainage.

T. Miller asked how far the houses are from his property line. J. Faulise stated that the R-60 zone has set back requirements of 30 feet to the property line from a structure. He explained that lot 9 has a conceptual house at 50 feet from the property line. There was discussion of this matter.

T. Miller asked if a fence was to be put up on a property line. J. Faulise explained that there is no requirement for the developer to put up a fence on the property line. He stated that the homeowner could erect a fence on the property line if he chose. J. Faulise explained that the applicant is required to monument the corners of the property and stated that monuments will be clearly marked on the property lines.

G. Rooke-Norman asked for other comments.

Seth White, 726 Voluntown Road, explained that when the property was up for sale, he and a friend were told that that this property could only be divided into two lots because of the amount of road frontage and explained that when he spoke with the new property owners. He stated that he spoke with someone at the town hall who told him that there could be only two lots with the amount of frontage and now there was this proposed 10 lot subdivision with a road. S. White he stated that he would have no privacy if this subdivision was approved. S. White stated that the existing driveway would be 30 feet from his yard. He state that the proposed roadway would be five feet from his driveway.

G. Rooke-Norman asked what the boundaries line was. J He showed the Commission where his property was located. G. Rooke-Norman asked J. Faulise what the distance was from the boundary line. J Faulise stated that it was 35 feet from the corner of the garage. S. White stated that the trees had been cut and now there was no privacy. G. Rooke-Norman asked if any trees on his property were cut. S. White stated no, not on his property. S. White voiced his concerns for the lack of privacy now with this subdivision.

G. Rooke-Norman asked J. Faulise how much frontage this property had. J. Faulise explained that the existing frontage was 74.2 feet and that the property did not have road frontage to create an additional house or rear lots without creating a new public roadway. There was discussion of this matter.

G. Rooke-Norman asked for other questions or comments at this time. G. Rooke-Norman asked for a motion to continue this public hearing.

C. Seaman made a motion to continue this public hearing to the next regular meeting. D. DeGuire seconded the motion. There was discussion of a time and date. D. DeGuire suggested June 12, 2006 at 7:45 p.m.

Ernest Nozil, 730 Voluntown Road, asked what the size of the houses would be there. J. Faulise explained that the conceptual house was identified on the plans as a 30 ft by 40 ft, 4 bedroom house with a two-car garage. He stated that house sizes will be dictated by the lot owner, the zoning regulations and health department regulations. He stated that their design for a conceptual house is what is typical of what is being built today.

E. Nozil stated that looking at Route 138, he is aware of the pollution that is emitted from that road. He stated that having a road right in the middle would reduce the quality of life and he had a problem with overcrowding with the ten lots, the increased traffic and decrease the property values there.

T. Miller asked who would be the builder of these homes. J. Faulise explained that the owners would decide who would build the lots. T. Miller stated that he has driven through some of the projects in the area and asked if the houses would be \$400,000 homes. J. Faulise stated that a builder who puts in over 1000 feet of roadway probably will not put up 1600 sq. ft. ranches. He explained that the bond estimate for the road construction is \$260,000.

T. Miller stated that he could not believe that the Town would allow for a road in that location. He stated that with the amount of traffic on Route 138, there would be an additional twenty or thirty cars every day.

G. Rooke-Norman stated that the Commission will be continuing this public hearing to next month. C. Seaman stated that there is a motion on the floor for June 12, 2006 at 7:45 p.m. in the Town Hall Meeting Room. D. DeGuire seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

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

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of the Griswold Planning & Zoning Commission to order at 8:32 p.m.

2. Roll Call:

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

Absent: Vice Chairman Philip Anthony, Member Roland Harris, Alternate, Martin McKinney

3. Determination of Quorum:

G. Rooke-Norman appointed Alternate Courtland Kinnie to sit for Roland Harris and Alternate J. Schumaker to sit for P. Anthony. It was determined that there is a quorum for this regular meeting.

4. Approval of Minutes:

G. Rooke-Norman asked for approval of the minutes.

D. DeGuire made a motion to approved A. & B as presented. J. Schumaker seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

5. Correspondence and Attachments:

A. SCCOG Newsletter, Southeastern Connecticut Council of Government March/April 2006.

B. Connecticut Planning Newsletter of the Connecticut Chapter of the American Planning Association, April-June 2006

- C. Avalonia Trails Newsletter of the Avalonia Land Conservancy, Inc.
 - D. Subscription to Zoning Letter dated March 21, 2006 from Atty. Mark Branse to Peter Zvingilas, Zoning Enforcement Officer, regarding Accessory Apartments, Section 11.18.
 - E. E-Mail dated April 27, 2006 from Atty. Mark Branse to Demian Sorrentino regarding procedure for “renewal” of Special Exceptions for excavations.
 - F. E-Mail dated April 20, 2006 from Atty. Mark Branse to Demian Sorrentino regarding 5000 cubic yards allowance for excavations.
 - G. Letter dated April 26, 2006 from John U. Faulise, Jr., Boundaries LLC, requesting a 2-year renewal of SE 04-00 gravel extraction for Cyr Construction at St. Mary’s Cemetery.
 - H. Practice from the American Planning Association
- G. Rooke-Norman asked if the Commission needed to deal with any of these items separately.
D. Sorrentino stated that they are for your consideration as Commission members.

6. Matters Presented for Consideration:

A. ZC 03-06 Coleman, Robert S., 1458 Hopeville Road, Griswold, CT – Property Location: 1458 & 1466 Hopeville Road, Griswold. Applicant proposes to seek a change in zoning of 4.24 acres from a combination of R-60/R-80 to C-2 in order to facilitate expansion of existing commercial use.

G. Rooke-Norman stated that this was the subject of a prior public hearing. She asked the Commission for any discussion.

C. Seaman made a motion to approve the application as submitted. D. DeGuire seconded the motion. D. DeGuire stated that the Plan of Conservation and Development considers this area as additional commercial growth. D. Sorrentino stated that the revision currently being worked on has identified this areas for commercial expansion. The current Plan of Development in effect today has it identified as low-density residential.

G. Rooke-Norman stated the motion has been made and seconded to approve this application and asked for a vote. All were in favor. Motion was carried.

C. Seaman made a motion to move Item B, ZC 02-06 and Item C, ZC 01-06 to the end of the agenda for discussion. C. Kinnie seconded the motion. All were in favor. Motion was carried

B. ZC 02-06 Griswold Planning & Zoning Commission – The Commission proposes an amendment to Section 8.5.1 and 8.5.2 to allow the use of Town Roads as internal Business Park Roadways under specified conditions; and also to Sections 8.9.1.5 and 10.4 enlarging the required side and rear yard requirements where BP and Residential zones abut.

C. ZC 01-06 Griswold Development & Industrial Commission. 28 Main Street, Jewett City, CT. – Property Location: 31 Barber Road, 523 Voluntown Road, 100 Brewster Road, Griswold. Applicant proposes to seek a change in zoning of three parcels of land with a total of 190 +/- acres from a combination of R40, R60, R80 and C1 zones to BP – Business Park in order to establish a BP-Business Park zoning district within the Town of Griswold. This application was tabled from the 4/10/06 meeting.

D. SUB 06-06 Giuliano, Cheryl M. and McFadden, Lori, A. 28 Deloge Drive, Griswold, CT – Property Location: 720 Voluntown Road, Griswold. Applicants request approval of a 10-lot subdivision with 1,010 feet of new public roadway. The subject property is located in the R-60 zoning district. This application requires a public hearing.

G. Rooke-Norman stated that this item was the subject of a prior public hearing which has been continued to June 12, 2006. She asked for a motion. C. Seaman made a motion to table this item to the next regular meeting. D. DeGuire seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

E. SUB 05-06 Viens, Raymond E., 51 Old Bethel Road, Griswold, CT – Property Location: 41 Bethel Road, Griswold. Applicant requests approval of a 4-lot subdivision located at 41 Bethel Road. The subject property is located in the R-40 zoning district. This application was tabled from the 4/10/06 meeting.

G. Rooke-Norman asked if someone was representing the applicant. John Faulise, Boundaries, LLC was present to represent the applicant. He explained Sheet 1 of the subdivision plan showed the property locations on the west side of Bethel road. He submitted a letter dated March 2, 2006 from Sanitarian A. Gosselin for record. He read the letter for the record.

J. Faulise gave a copy of the Inland Wetlands Permit dated April 20, 2006 for the record.

He explained the subdivision consisted of four lots located on and Old Bethel Road is to the south of the proposed subdivision. He explained the four lots including lot 1 -the existing house, lot 2 meets the 40,000 sq. ft. requirement and lot 3, containing 84,000 sq. ft. and lot 4, containing 119, sq. ft. are interior lots to the rear of lots 1 and 2 and meet the regulations for rear lots for doubling the size of the acreage. He explained the area for a common driveway to serve lots 3 and 4.

J. Faulise explained Sheet 3 containing the proposed house locations on lots 2, 3, & for and that they are sized to accommodate a four-bedroom house, with well and septic system, except for the existing house. He explained that the existing house will be reconstructed. He stated that all the lots exceed the requirements.

J. Faulise explained the access of the lots on Sheet 4 to the Commission. He stated that the maple tree will be removed and the stone wall will be removed to achieve the property sight lines for the driveway. G. Rooke-Norman asked if the tree is being removed and asked if it is on the applicant's property. J. Faulise stated that the tree is on Town property and that no work is being proposed on the neighboring property. There was discussion of this matter.

D. DeGuire asked about whether there was any history of any excavation. J. Faulise stated that there was some excavation when Route 138 was being constructed and he explained that there was excavation done to the ponds more than 50 years ago.

G. Rooke-Norman stated that there is a correspondence in the file stating that the ZEO and Town Planner calculated sight distances for this property and lots 3 and 4 and asked if the sight line will be increased with the proposed changes. J. Faulise stated that it would be 230 ft when the tree is removed. D. Sorrentino explained that he and ZEO P. Zvingilas measured the sight line. There was discussion of this matter.

G. Rooke-Norman asked if there were any other questions from Commission members.

C. Kinnie asked if the tree warden would be contacted. J. Faulise stated that the tree warden would be contacted prior to the tree's removal. There was discussion of this matter.

G. Rooke-Norman asked if there was anything for which the Commission was waiting. D. Sorrentino stated no but voiced his concerns for using fifty feet of frontage that is useless to meet the requirements of the regulations for a rear lot. There was discussion of this matter including the allowance of two side by side flag lots.

G. Rooke Norman asked about the bond for the application. D. Sorrentino stated that a bond can be made for the monuments or as with Green Falls placing the monuments prior to the signed endorsement of the Mylars. There was discussion of this matter.

C. Seaman made a motion to approve the application. D. DeGuire seconded the motion. There was discussion of the motion. C. Seaman stated that the tree is to be removed and the necessary sight line is achieved. J. Faulise stated that those will be added to the plan prior submission. D. DeGuire asked about the rock wall. J. Faulise stated yes with exception of the driveways. G. Rooke-Norman asked for a vote of approval with the cited stipulations. All were in favor. Motion was carried.

F. SE 07-06 Tilcon Connecticut, Inc., 1 Forest Road, North Branford, CT – Property Location: 22 Sibicky Road/128 Rixtown Road, Griswold. Applicant requests approval of a continuation of existing earth products excavation operation currently operating on a portion of the project site.

G. Rooke-Norman asked there was anyone here representing the applicant. Harry Heller, Heller, Heller and McCoy, 736 Route 32 Uncasville, was present to represent Tilcon, Inc. and Tilcon Connecticut, Inc.

H. Heller explained that excavation permit was granted in 2001 on 9.9 acres of this site. He stated that the permit was renewed in 2003 for a 6 phase plan with the Sibicky property. He explained that operations have been ongoing on the property in accordance with that application. He stated that the operation is still in Phase 1 where earth products are being excavated and are processed on property across the street on Sibicky Road.

H. Heller explained that the activities granted by the IW&WCC have been complied with. He explained the closer plan which is Phase 6 for the property which included removal of the berm, and the site will be leveled, the buffers will be maintained for residential and commercial applications. He stated that the ongoing operations are in accordance with the permit granted in 2003.

H. Heller stated that they are requesting that this Commission grant a renewal of this activity in accordance with the terms and conditions of the 2003 permit. He stated that the plans that have been submitted contain the same phasing as 2003, the contours and closure plan and have been updated according to the topographic survey.

G. Rooke-Norman asked the Town Planner to address this application. D. Sorrentino stated that this was the subject of an item of Correspondence. He explained that the permit that was granted in 2003 is SE 02-03 and was a renewal of a previous granted gravel excavation permit granted on July 14, 2003. He stated that it has not been renewed since. D. Sorrentino read Section 12.4 of the regulations for the record.

D. Sorrentino stated that Tilcon has been operation without a permit for the last 10 months. He stated that Atty. Branse recommended that this application be treated as a new application and will require a public hearing. D. Sorrentino recommended that the Commission for action on an un-permitted gravel extraction that is currently operating. H. Heller stated that the fee was paid as a new application. There was discussion of this matter.

D. DeGuire made a motion to set a public hearing for June 12, 2006 at 7:15 p.m. in the Town Hall Meeting Room. C. Seaman seconded the motion. G. Rooke-Norman stated that the motion has been made and seconded and asked for a vote. All were in favor. Motion was carried.

D. Sorrentino asked the Commission how he and the Zoning Enforcement Officer were to proceed with a gravel extraction operating without a permit. There was discussion of this matter including H. Heller's explanation for the lapse of the permit.

G. Rooke-Norman stated that D. DeGuire suggested moving this item to the end of the agenda to allow more time for discussion. She asked for a motion. D. DeGuire made a motion to move this item to the end of the agenda. C. Kinnie seconded the motion. All were in favor. Motion was carried.

G. SE 08-06 Wickerd, Mark, 442 Rixtown Road, Griswold, CT. Applicant requests approval to convert a 24 ft. x 32 ft. garage into a non-profit feral cat and wild animal shelter. The subject property is located in the R-80 zone.

G. Rooke-Norman asked if the applicant was present to represent the application.

Mark Wickerd, 442 Rixtown Road, President of Forgotten Angels Sanctuary, a 501c(3) non-profit organization, stated that it will be regular cats and some feral cats up for adoption. He explained that eventually it will include rehabilitating wildlife such as owls, squirrels and raptors

in cages. He explained that there is an education department to go to the schools to educate children on animal safety.

He explained that the building will house cats and dogs which required a kennel permit. He explained that he received a variance for the 200 ft. setback requirement. He explained that there will be one individual who is against this project because of the kennel permit requirement and that there will be a lot of dogs. M. Wickerd stated that this person is about 400 feet from this building.

G. Rooke-Norman asked how much property he had. M. Wickerd stated that he has almost 3.5 acres of property and Avalonia is behind his property. He stated that they have no problem with this project. He invited the Commission to look at the building. G. Rooke-Norman asked about the variance. M. Wickerd stated that the building is 50 feet off the front of the property. There was discussion of this matter.

D. Sorrentino stated that the minutes of February 14, 2005 addressed M. Wickerd's request for an opinion by this Commission. He read the minutes for the record. D. Sorrentino stated that it would be a Kennel Permit under Section 12. There was discussion of this matter including the Commission not having the authority to waive a public hearing on a special exception application.

G. Rooke-Norman asked the Commission when they would like to set a public hearing for this application. J. Schumaker asked if he had intentions of opening a kennel. M. Wickerd stated no, he will not exceed the four dog limit and he explained how the cats would be housed. There was discussion of this matter.

J. Schumaker asked if the animals would be for sale. M. Wickerd stated that they would not be for sale but, as a non-profit organization, there would be a donation asked to offset the veterinary bills. G. Rooke-Norman asked if donations would ever be waived. M. Wickerd stated that if an individual couldn't make a donation, then they would not be able to afford to take care of the animal properly including veterinary bills.

G. Rooke-Norman stated that this was discussed at length in February of 2005.

C. Seaman made a motion to set the public hearing for July at 7:00 p.m. at the Town Hall Meeting Room. D. DeGuire seconded the motion. There was discussion of the date and time. C. Seaman modified his motion to set the public hearing to June 12, 2006 at 7:00 p.m. on SE 08-06. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

H. OR 03-06 Department of Planning and Community Development, 28 Main Street, Griswold, Definition of Excavation, Section 21.14, Sub-section a-d. Official Ruling of whether exceptions identified in sub-sections "A" through "D" are intended to allow the removal of not more than 5,000 cubic yards of material in total or per year without requiring an excavation permit.

C. Seaman made a motion to move this item to the end of the agenda. D. DeGuire seconded motion. There was discussion to move this item to the end of 8. Old Business. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

7. Additional Business:

A. Consideration of request for renewal of SE 04-00 gravel extraction for Cyr Construction at St. Mary's Cemetery

G. Rooke-Norman asked if anyone was representing the applicant. John Faulise, Boundaries, LLC was present to represent the applicant. He gave the as-built plan and the current excavation plans to the Commission. He gave a history of the permit renewals in 2000, in 2002, and in 2004. He stated that it is currently operating under the 2004 permit renewal and stated that they are asking for an additional two year permit.

J. Faulise explained that it would take ten years to complete the project. He explained the reclamation process of the design plan to the Commission. He stated that the seeding will occur in the fall when it requires less water to maintain the growth. J. Faulise asked the Commission to renew this permit for an additional two years.

G. Rooke-Norman asked about the un-reclaimed areas being left over the summer and asked if the neighbors would be affected by the dust. J. Faulise explained where the neighboring houses were located and stated that there is a mature tree line along the border where the excavation slopes below the adjoining neighbors. There was discussion of this matter.

D. Sorrentino stated that the applicant had asked for a renewal by a letter and past practice was that if the request for renewal was in a timely manner, permits for this type of activity were renewed by this course of action. D. Sorrentino stated that it is an intensive land use and the abutters have not had a chance to comment on this matter since 2000 when the original public hearing was set. He stated that Town Counsel advised that we can require a new application with a public hearing. D. DeGuire asked if there were any complaints on the excavation. ZEO P. Zvingilas stated no. C. Seaman asked if P. Zvingilas had been to the site. P. Zvingilas stated he had been several times. He stated that the applicant is doing what has been described of the operation. There was discussion of this matter.

C. Seaman made a motion to renew the permit for Cyr Construction as presented. D. DeGuire seconded the motion. G. Rooke-Norman asked for a vote. There were four aye votes and 1 nay vote by C. Kinnie. The motion carried.

G. Rooke-Norman stated that there is a long list of regulations that should be addressed to be advised. There was discussion of this matter.

G. Rooke-Norman stated to J. Faulise that the applicant will most likely have to come back for a public hearing for the next renewal. There was discussion of this matter.

8. Old Business

A. Conceptual Review of Subdivision Plan, “Conventional” and “Conservation” on Coal Pit Hill Road, Griswold Connecticut prepared by Boundaries, LLC for William O’Keefe.

G. Rooke Norman asked for a motion to move item 8 A to Item 11. J. Schumaker made a motion to move 8A to just before Item 11. C. Seaman seconded the motion. All were in favor. Motion was carried

B. Workshop for Plan of Conservation and Development

G. Rooke-Norman stated that a workshop be set for this item for sometime later in May. There was discussion of this matter.

C. Kinnie made a motion to set a workshop for sometime later in May. D. DeGuire seconded motion. All were in favor. Motion was carried.

C. Discussion of proposed amendments to Section 15.1.5, 15.1.7, 15.2, 15.3 and 21.28.2 regarding political signage.

G. Rooke-Norman asked that item 8 C be placed on the agenda with the Plan of Conservation and Development.

C. Seaman made a motion to table. 8 C. C. Kinnie seconded the motion. All were in favor. Motion was carried.

G. Rooke-Norman stated that the next Item is Item 6B.

B. ZC 02-06 Griswold Planning & Zoning Commission – The Commission proposes an amendment to Section 8.5.1 and 8.5.2 to allow the use of Town Roads as internal Business Park Roadways under specified conditions; and also to Sections 8.9.1.5 and 10.4 enlarging the required side and rear yard requirements where BP and Residential zones abut.

G. Rooke-Norman asked the Commission what was their decision. She suggested taking this item in two parts. She asked for issues with the first part of the revisions to Section 8.5, 8.5.1 and 8.5.2. Access.

C. Seaman stated that it should be 2 or more dwelling units. There was discussion of this matter.

G. Rooke-Norman stated that Part II deals with the buffers in a residential district of 100 ft. for Sections 8.9.1.5 and 10.4. C. Seaman stated that it should be at the discretion of the Commission. D. DeGuire stated that the minimum should be between 30 ft and 100 ft. There was discussion of this matter including that the ZBA, not the P & Z is authorized to vary dimensional requirements.

G. Rooke-Norman stated that the site plan review and stringent landscaping requirements would be a better way. There was further discussion of this matter.

C. Seaman made a motion to approve Part I. as written and for Part II to be 100 ft. where the BP abuts a residential zone. C. Kinnie seconded the motion. There was discussion of this matter. G. Rooke-Norman asked for a vote on Part I of ZC 02-06 application. All were in favor. Motion was carried.

G. Rooke-Norman stated that Part II of the amendment ZC 02-06 deals with the buffers. There was discussion of Part II for the 100 foot buffer where the BP meets the residential zone. C. Seaman withdrew his motion. J. Schumaker made a motion to approve Part II as written to Sections 8.9.1.5 and 10.4 of ZC 02-06 to 100 ft. where a BP abuts a residential zone. G. Rooke-Norman asked for a vote. There were 3 aye votes, and 2 nay vote by G. Rooke-Norman and C. Seaman. The motion was carried.

C. ZC 01-06 Griswold Development & Industrial Commission. 28 Main Street, Jewett City, CT. – Property Location: 31 Barber Road, 523 Voluntown Road, 100 Brewster Road, Griswold. Applicant proposes to seek a change in zoning of three parcels of land with a total of 190 +/- acres from a combination of R40, R60, R80 and C1 zones to BP – Business Park in order to establish a BP-Business Park zoning district within the Town of Griswold. This application was tabled from the 4/10/06 meeting.

G. Rooke-Norman state the next item on the agenda is 6C. D. Sorrentino stated that the D&IC asked that this item be tabled to the June 12, 2006 meeting. G. Rooke-Norman asked for a motion. C. Seaman made a motion to table this item to the June 12, 2006 meeting. J. Schumaker seconded the motion. All were in favor. Motion was carried.

H. OR 03-06 Department of Planning and Community Development, 28 Main Street, Griswold, Definition of Excavation, Section 21.14, Sub-section a-d. Official Ruling of whether exceptions identified in sub-sections “A” through “D” are intended to allow the removal of not more than 5,000 cubic yards of material in total or per year without requiring an excavation permit.

G. Rooke-Norman stated this was a request for Official Ruling of an excavation. P. Zvingilas explained that the regulations has originally stated 3,000 cubic yards per year and then were changed to 5,000 per year and the per year somehow was dropped from the regulation. He asked the Commission for clarification of whether the regulations should be 5,000 cubic yards per year or whether it was 5,000 cubic yards in total. There was lengthy discussion of this matter.

C. Seaman stated that it was for 5,000 cubic yards in total, otherwise it was a gravel excavation. D. Sorrentino stated that his interpretation was surplus material of 5,000 cubic yards per year with the exception of surplus material produced in “a” through “d”. D. Sorrentino read these items for the record. G. Rooke-Norman stated that a farming excavation was agricultural such as creating a farm pond and stated that it was not the intent of the regulation to allow for a lower level use for a gravel extraction. There was discussion of this matter including allowing for bona fide agricultural operations and the recommendations by Atty. Branse.

P. Zvingilas stated that Mr. Hurst was in compliance with the regulation. G. Rooke-Norman stated that it was a requirement of 5,000 cubic yards P. Zvingilas stated that it will be more than when Mr. Hurst was done. There was discussion of this matter.

G. Rooke-Norman stated that the regulations should be revised to address the cubic yardage allowed for reclaiming property for agricultural uses.

9. New Business:

10. Reports from the Enforcement Officer:

A. Railroad Avenue, LLC, 2 Harris Fuller Road Preston, CT. Violation, 43 Railroad Avenue, Jewett City of Section 10.5 Junk Yards Prohibited in All Zones. This application was added from the 4/10/06 meeting. P. Zvingilas stated that this was a pre-existing use. There was discussion of this matter.

B. Choudhry, Amer, 380 Liberty Street, Pawcatuck, CT. Violation at 308 Plainfield Road, Griswold, CT of Section 11.12 Refuse Disposal. This application was added from the 4/10/06 meeting. P. Zvingilas stated that a 10 day extension had been given. There was discussion of this matter.

C. Dewolf, Keith & Maureen, 6 North Society Road, Canterbury, CT. Violation 29 Tracy Avenue, Jewett City of Section 10.5 Junk Yards Prohibited in All Zones. P. Zvingilas stated that this matter is resolved.

G. Rooke-Norman asked P. Zvingilas to investigate the junk yard near the Niemenen property. There was discussion of this matter.

G. Rooke asked if there were any other issues from the Zoning Enforcement Officer. P. Zvingilas asked the Commission how to proceed with the Tilcon project. G. Rooke-Norman stated that a prior matter for discussion of the lapsed permit was Item 6F.

F. SE 07-06 Tilcon Connecticut, Inc., 1 Forest Road, North Branford, CT – Property Location: 22 Sibicky Road/128 Rixtown Road, Griswold. Applicant requests approval of a continuation of existing earth products excavation operation currently operating on a portion of the project site.

G. Rooke-Normans stated that the permit has lapsed for over 10 months. She asked P. Zvingilas how this was handled in the past. P. Zvingilas stated that this was a long time. There was lengthy discussion of this matter including the applicant's responsibility and the options in this matter.

P. Zvingilas stated that there could be a cease and desist order issued. H. Heller stated that he interpreted the regulation to be mandatory requiring an updated site plan to show compliance with updated topography. There was lengthy discussion of this matter including mandatory fines and flagging lapsed permits.

G. Rooke-Norman stated that the Commission should take action with a cease and desist to be effective upon a certain date and will leave this matter to the Zoning Enforcement Officer.

G. Rooke-Norman asked the Commission if that was all the business. D. DeGuire stated that there was an item that was moved to just before adjournment. D. Sorrentino stated that this is before the Commission for comments to help this conservation subdivision to move forward in the design process.

A. Conceptual Review of Subdivision Plan, “Conventional” and “Conservation” on Coal Pit Hill Road, Griswold Connecticut prepared by Boundaries, LLC for William O’Keefe.

Harry Heller, Heller, Heller & McCoy, 736 Route 32 Uncasville, stated that there was a field walk by the Commission for this site. He stated that the proposed conservation subdivision was appropriate and will go forward. He explained that there was 44.4 acres on the east side that is set aside for open space and there is 43 acres on the west side set aside for open space. H. Heller stated that the open space is contiguous to the state open space. He asked that the Commission go forward with this design.

G. Rooke-Norman stated that she envisioned that open space would be more usable on this setting. D. Sorrentino stated that the state is interested in adding the proposed open space to their property surrounding the proposed subdivision. There was discussion of this matter.

D. DeGuire was concerned with the 38 houses on an unimproved road. H. Heller stated that the road issues would be addressed during the site plan review. There was discussion of this matter including Section 8-26 of the State Statutes.

H. Heller stated that he would move ahead with the application process.

11. Adjournment:

C. Seaman made a motion to adjourn. D. DeGuire seconded the motion. G. Rooke-Norman state that there is a motion made and seconded to adjourn. She asked for a vote. All were in favor. The meeting adjourned at 10:36 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary