

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

JUNE 12, 2006

GRISWOLD TOWN HALL

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 Philip Anthony, Clyde Seaman, Daniel DeGuire, Alternates Martin McKinney John Schumaker, Town Planner Demian Sorrentino, Recording Secretary Donna Szall

Absent: Member Roland Harris, Alternate Courtland Kinnie, ZEO Peter Zvingilas,

3. Determination of Quorum

G. Rooke-Norman appointed J. Schumaker to sit for R. Harris. There is a quorum for this public hearing.

4. Matter Presented for Consideration:

A. 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 someone was here to represent the applicant. Mark Wickerd, 442 Rixtown Road, presented the abutters' notifications to the Commission. G. Rooke-Norman asked if he will verify that all parties were notified. He stated yes.

M. Wickerd explained that the proposed site is a two story building with a chain-link fence that will house domestic and feral cats. He stated that there would also be two or three dogs that will be living in his house. He explained that visitors looking for cats will be by appointment only.

M. Wickerd stated that in the future, he would like to also rehabilitate wild animals. He stated that his organization is called the Forgotten Angles Sanctuary, which is a non-profit. He submitted a copy of his 501.3(c) document to the Commission.

P. Anthony asked how the organization was funded. M. Wickerd stated that it was by donation only. He explained that he was unaffiliated with any other agency. He stated that his organization does public education for children in the schools regarding animals and dog bite prevention and safety and teaming up with Groton Town Animal Officer, the New London Animal Officer.

M. McKinney asked whether there would be dogs. M. Wickerd stated that there would be no more than three dogs and would be kept in his home.

G. Rooke-Norman asked D. Sorrentino if he had any issued. D. Sorrentino stated that he would like to see the application amended with conditions.

G. Rooke-Norman stated that the Commission would like to see the application amended to not include dogs. There was discussion of this matter.

M. McKinney asked what feral meant. M. Wickerd explained feral was used to describe domestic cats someone has released in the wild and have become wild through breeding. He explained that feral cats are trapped, sterilized and released back to where they were trapped. He explained that he was originally involved with a group that dealt with feral cats but he is not associated with that group now that he has his own organization. There was discussion of this matter.

M. McKinney asked about ventilation for the facility as well as a septic system and well. M. Wickerd stated that the shelter has central air conditioning and it has its own septic system as well as a dumpster on the site for any refuse. There was discussion of this matter.

J. Schumaker asked if cats would come from other towns. M. Wickerd stated that it will be on a case by case basis and stated that he cannot keep un-adoptable cats and cats will not be euthanized unless they are too sick. There was discussion of this matter.

M. McKinney asked how many cats would be kept at the shelter. M. Wickers stated that there would be between 30 and 40 cats because they don't do well in very large numbers. J. Schumaker asked if the cats will be kept inside. M. Wickerd stated that the cats would be kept inside. There was discussion of this matter.

P. Anthony asked if the Town pound dealt with cats. M. Wickerd stated that many pounds do not handle cats. There was discussion of this matter.

C. Seaman asked if this type of shelter was allowed in residential areas. D. Sorrentino stated that it is allowed by special exception but the regulation does not address wild animal rehabilitation.

M. Wickerd submitted a letter from an abutting property owner who lives directly across the street stating that the abutting owner is in favor with this project and has been very supportive.

G. Rooke-Norman stated that the application should be specific to the cats and to eliminate the dogs and wild animals and she asked M. Wickerd if he would modify his application and that it should be in writing just for the cats. M. Wickerd stated that he would be willing to modify his application and will write a letter. There was discussion of this matter.

D. Sorrentino stated that there would be 30 cats total and he asked if that included the number of feral cats to be housed at the shelter. M. Wickerd stated that he would not be taking of more feral cats. He explained that he inherited the feral cats when the other operation when defunct. There was discussion of this matter.

G. Rooke-Norman stated that a special exception permit runs with the land and that if he sold the property, the kennel permit would go with the property. M. Wickerd stated that he originally do not want to go this rout to apply for a kennel permit exactly because the permit would go with the land. There was discussion of this matter including setting a maximum number of cats to be housed at the shelter and waiving the fee.

G. Rooke-Norman asked if there were further questions from the Commission. She opened the public hearing to the audience.

Maureen Staley stated that she lived next to M. Wickerd and asked if there could be a limit to the number of feral cats to 20 cats. She stated that feral cats could get out of hand. She was concerned for the welfare of the children and suggested an outer perimeter fence. She asked that if the property was sold would the same restrictions apply to the next property owner. G. Rooke-Norman asked Mr. Wickerd to answer the questions of safety. M. Wickerd stated that the building has locks and there will be a surveillance system on the building. There was discussion of this matter including an alarm system.

G. Rooke-Norman asked for other comments from the audience

Anne Marie Mackin stated that she live on Rixtown Road and stated that she attested to the fact that the Wickerd have always been quiet and considerate neighbors and that traffic would not be a huge problem with a 40 cat sanctuary. A. Mackin stated that it would not have any effect on the neighbors.

G. Rooke-Norman asked for other comments from the audience.

Bill Staley stated that he lived next door to M. Wickerd and asked if the amendment would be passed on to a new owner that no dogs were allowed. G. Rooke-Norman asked D. Sorrentino to explain. D. Sorrentino stated yes. B. Staley stated that would apply to wild animals. G. Rooke-Norman stated yes. B. Staley stated that this shelter will be for just cats. D. Sorrentino stated yes.

G. Rooke-Norman asked for other questions or comments.

Sue Turner, Rixtown Road, asked who would regulate the number of cats at any given time. D. Sorrentino explained that the zoning enforcement officer would act on any complaint and

if there were more than 40 cats, a cease and desist order would be issued. There was discussion of this matter.

G. Rooke-Norman asked for other comments.

P. Anthony stated that the cats will be spayed and neutered so there is no population boom. M. Wickerd stated that they would be spayed and neutered unless they are kittens. He stated that people would be charged a fee to the people until the cat is spayed or neutered and the fee will be reimbursed when a spay/neuter certificate is produced. There was discussion of this matter.

G. Rooke-Norman asked for other questions.

G. Rooke-Norman stated that in May 2006 a zoning variance was issued by the Zoning Board of Appeals to reduce the front yard requirement from 200 feet to 50 feet in order to construct this shelter.

G. Rooke-Norman stated that there being no further questions or comments, she closed the public hearing at 7:29 p.m.

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

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of the Griswold Planning & Zoning Commission to order at 7:29 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Members Philip Anthony, Clyde Seaman, Daniel DeGuire, Alternates Martin McKinney John Schumaker, Town Planner Demian Sorrentino, Recording Secretary Donna Szall

Absent: Member Roland Harris, Alternate Courtland Kinnie, ZEO Peter Zvingilas,

3. Determination of Quorum:

G. Rooke-Norman appointed J. Schumaker to sit for R. Harris. There is a quorum for this public hearing.

4. Matter Presented for Consideration:

A. 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. The subject property is located in the R-60 and R-80 zoning districts.

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

Harry Heller, 736 Route 32, Uncasville was present to represent the applicant, Tilcon, Connecticut, Inc.

H. Heller submitted the abutters' notifications and return receipts to the Commission. G. Rooke-Norman asked H. Heller if everyone who was to receive notice has received notice. H. Heller stated yes, that it is his representation that it has been sent to everyone who was to received notice.

H. Heller explained that this was a six phase earth products operation located on the corner of Rixtown Road and Sibicky Road. He stated that the original permit was granted in 2001 and in 2003 the operation as expanded when Tilcon purchased the materials and the Sibicky property. H. Heller showed the Commission where the site was located.

H. Heller explained that the earth products excavation and its value. He stated that Frank Lane, Director of Real Estate and Environmental Compliance for Tilcon and Richard Strauss of CME Engineering were also present to answer questions the Commission may have.

H. Heller explained that earth products are two of the most critical natural resources in this country and are utilized in all facets of construction and of life. He explained the costs and uses of aggregate industry in detail to the Commission.

H. Heller explained the contours of the site on Sheet 1 of 12 stating that the contours were difficult for residential applications. He explained that when the excavation is completed there will be 88 acres suitable for residential use.

H. Heller explained where the plant was located on the Sibicky property for the processing of the raw materials, stating that the site was uniquely situated. He explained the various processing that was done at the processing plant across from the earth products excavation. He stated that that excavation has been spent and with out this new parcel, materials would have to be trucked in to be processed from elsewhere resulting in increased truck traffic on local roads.

H. Heller explained the special exception application for the excavation under the provisions of Sections 12.4 of the zoning regulations dealing with excavations and the general evaluation criteria of 12.3. G. Rooke-Norman stated that there was another site. H. Heller stated the original site is across the road and that was in 2001 and in 2003 parcel #2 was added. There was discussion of this matter.

H. Heller gave a lengthy explanation of how the Tilcon excavation before the Commission met the criteria of the Town of Griswold regulations for excavation. The following section were read for the record and explained as applicable to the Tilcon site.

H. Heller read section 12.3.1 for the record citing sheet 12 of 12 regarding stratified drift deposits and the soil characteristics can be brought to the plant across the street minimizing truck traffic. There was discussion of this matter including additional traffic.

P. Anthony asked about any wetlands. H. Heller stated that on sheet 3 of 12, there is wetland and showed the Commission where the wetlands were located and that the wetland was completed with the permit granted in 2001. He stated that his application does not propose to have any activity within the wetlands. He explained that the buffers were maintained 150 feet for setbacks for wetlands.

H. Heller read section 12.3.2 for the record citing that there were no places of public gathering located near to the proposed site. H. Heller explained that there was only one dwelling house near the facility and showed its location to the Commission explained that the phases for the excavation will have a mature vegetative buffer. He explained phase 6 to the Commission regarding the vegetative hill side would be utilized last.

H. Heller read section 12.3.3 for the record citing that the erosion controls are installed and there is no water supply required nor is there sewage facilities and is not applicable to this application.

P. Anthony asked D. Sorrentino if there were any regulations regarding buffers and asked if he had looked at the site. D. Sorrentino stated that he had looked at the site. D. DeGuire stated that it was mature vegetation there. There was discussion of this matter.

H. Heller read Section 12.3.4 for the record. He stated that the topography is a huge knoll and explained the final contours will be able to sustain septic systems and that all the activity is well above the water table so as to have no influence on ground water sources.

H. Heller read Section 12.3.5 for the record. He stated that the excavation operation is an appropriate use with Town of Griswold regulations and that the application is consistent with the regulations and the comprehensive plan.

G. Rooke Norman asked H. Heller if he had documentation from the engineers of where the water table is. He showed the location of the water table and the final contours on the sheet 10 plan to the Commission. H. Heller stated that delineation of the erosion and sedimentation control plan, volumetric calculations and a revised bond estimate was submitted to the Town Planner. There was discussion of this matter.

G. Rooke-Norman asked if the land would be loamed and seeded before opening additional acres. H. Heller stated no, that some of the phases overlap and explained the phases to the Commission.

H. Heller read Section 12.3.6 for the record. He stated that the size and intensity of the proposed use is an 80 acre site to be excavated in six phases where each phase is less than 10 acres disturbed at any point in time. He explained that the impact is minimized due to the location of the processing plant.

H. Heller read Section 12.3.7 for the record. He explained that there are none in conjunction with this application. He stated that it is an application to remove material from the site and to stabilize the site so it is suitable for development for any permitted use in the zone and with water and septic.

H. Heller stated that he would review the specific requirements of 12.4 that must be satisfied for the technical requirements of this application site plan are consistent with the regulations and the comprehensive plan.

H. Heller read Section 12.4.1 for the record. He stated that all of this has been delineated on the site plan that has been submitted with this application. He stated that no materials have been stockpiled on the site but is trucked across the road for processing.

G. Rooke-Norman was concerned where the loam would be going. She asked what would be proposed for the handling of topsoil and if was going across the road. H. Heller stated that no topsoil would go across the road. There was discussion of this matter.

H. Heller read Section 12.4.2 for the record. He stated that the application narrative was submitted to Commission with the application and the plans and contains the necessary information to satisfy this requirement.

H. Heller read Section 12.4.3 for the record. He stated that this operation is in excess of 80 acres.

H. Heller read Section 12.4.4 for the record. He explained that the exterior limits are for 10 acres at any one time in active operation.

H. Heller read Section 12.4.5 for the record. He explained that the hours of operation would be from 7 am to 7 p.m. Monday through Saturday with no work to be done on legal holidays.

H. Heller read Section 12.4.6 for the record. He explained that the site plans shows that there would be no operation with twenty feet of a property line.

H. Heller read Section 12.4.7 for the record. He stated that the final grading was shown on sheet 10 of 12 and a conceptual subdivision of the property was on sheet 11/12 for informational purposes only. P. Anthony asked how many conceptual lots there were. H. Heller state none, it is only conceptual to show that the property will be useful when the project is completed. There was discussion of this matter.

H. Heller read Section 12.4.8 for the record. He stated that the phases of the plan have provided for the installation of the earth berm on page 4 to protect the areas where there are cut slopes in excess of 10 feet.

H. Heller read Section 12.4.9 for the record. He stated that no excavation is proposed below the water table for this application. He stated that there would be a minimum of five feet of cover over the water table to the site would be suitable for septic systems.

H. Heller read Section 12.4.10 for the record. He stated that the soil erosion control plan calls for watering if dust conditions occur. He explained that crushed stone have been imbedded into the access drives.

H. Heller read Section 12.4.11 for the record. He stated that there is no proposal to process on this site. He stated that it is an earth removal only and will be processed elsewhere.

H. Heller read Section 12.4.12 for the record. He stated that sheet 10 of 12 showing the site's final grading complies with the requirements of the regulations for slopes.

H. Heller read Section 12.4.13 for the record. He stated that a bond estimate is in place for \$190,000 for phase I to be sufficient to restore the site.

G. Rooke- Norman stated that the engineer must review the bond estimate and asked if the bond include delivery of top soil delivered. H. Heller referred that question to Richard Strauss, 110 Broadway, Norwich, who explained that the topsoil is on site and how he arrived at the costs of the bond estimate. There was discussion of this matter.

Frank Lane, Director of Real Estate for Tilcon explained that the overburden is not removed from the site. He stated that \$20 a cubic yard was sufficient to re-spread the topsoil. There was discussion of this matter.

C. Seaman asked if the permit had expired. D. Sorrentino stated that it expired in July of 2005 and was renewed in July of 2003. H. Heller stated that this is being presented as a new application including the continuation of activity. There was discussion of this matter.

G. Rooke-Norman asked how many truck trips there were. Frank Lane sated that there are 60 -75 trips using a 25 cubic yard truck. G. Rooke Norman asked if that included the finished product leaving the facility, would there be that many trips per day. F. Lane stated that it depends on the market ant the material can be stockpiled. There was discussion of this matter.

H. Heller stated, in conclusion, that though the existing permit has expired, the operation is being conducted according to the permit approval granted in 2003. He stated that the application complies with the general criteria and the special exception criteria and that the site plan was designed to minimize impact to neighbors. He asked that the Commission approve the application.

F. Lane stated that he was responsible for the lapse of the 2003 permit and so we are treating this application as a new permit.

G. Rooke-Norman asked for questions from the Commission. D. Sorrentino stated the volumetric calculation report and the revised bond estimate envelopes were date June 7, 2006, from the southern Connecticut post office. He also recommended Commission should drive by to see the scale of the operation. There was discussion of this matter including F. Lane's statement that no one can enter the premises due to the Bureau of Mining regulations.

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

Ransom Young stated that he would like to excavate his property which is across the street. He stated that a portion of his property is grandfathered. He stated that dormant rights exists explaining that an excavation once it has been started can be abandoned for 20 years and be resumed without any consequence and came to be known as grandfathered rights. He stated that he didn't understand why there is such a problem with renewal. There was discussion of this matter.

R. Young stated that Sibicky Road is a town road and stated that the selectmen are waiting for the town attorney for determination of the abandonment of adjoining roads done in 1853 and so recorded in the town record. There was discussion of this matter.

G. Rooke-Norman asked for other comments.

Charles Sibicky, owner of the 10 acre piece, stated that Tilcon has been good neighbors. He stated that as far as regulating traffic, they do what they say they will do. He stated that the permit process is until 7:00 p.m. and most times they are done by 4:00 p.m. C. Sibicky stated that if Jake brakes are used, the drivers are off the job immediately. He stated that they are moving the topsoil over to one side which they plan to put back as they have no interest in topsoil. He stated that he plans to grow hay crops like the rest of his farm when the topsoil is put back.

D. Sorrentino asked that the woman with the child have a chance to speak. G. Rooke-Norman stated yes.

Marissa Williams, 135 Rixtown Road, voiced her concerns about any increase in truck traffic and asked how the speed of the trucks would be monitored. She stated that it was not safe. G. Rooke-Norman stated that it was a zoning enforcement issue. D. Sorrentino stated that the Town of Griswold does not regulate the speed of trucks. She stated that when she went to Troup E, she was made to sit for an hour and never saw anyone. She stated that she had called Tilcon repeatedly and was ignored when truck drivers were disrespectful to her.

G. Rooke-Norman asked the applicant to respond to the truck issue.

H. Heller stated that the volume of truck traffic would not change. He stated that the traffic from the permitted excavation will be going across the street to the processing plant and the traffic from the processing plant will be using Town roads. G. Rooke-Norman stated that the permitted sue is one item and the issue of the truck traffic being disrespectful to residents is another issue. H. Heller stated that F. Lane will look into this matter. There was discussion of this matter including public perception and an enforcement problem.

G. Rooke-Norman asked for other comments.

Bruce Rajewski, abutting property owner, stated that Tilcon runs the best operation around. He stated Tilcon will continue to operate on the site which is an industrial site. He stated that the Commission should approve the application.

G. Rooke-Norman asked for any other comments in favor of this application. She opened the floor for comments opposed to the application.

Bill Staley, Rixtown Road, wanted to know the weight of the gravel trucks when they leave the Rixtown site with product. F. Lane stated that all the trucks go over the scale and they meet the state weight requirements depending on their permit. He stated that it ranged from 70,000 to 80,000 pounds. B. Staley stated there should be an amendment that Tilcon should contribute to the road maintenance because the gravel trucks are responsible for much of the damage to

Rixtown Road. He stated that this was a long-term 20 year project; he asked what Tilcon's business plan was. G. Rooke-Norman stated that that question was outside of the scope of this public hearing.

G. Rooke-Norman asked for other comments.

Tim Turner, Rixtown Road, was concerned that only one reclamation project goes on in twenty years. He stated that the northwest side is continually falling in and nothing has been done and asked if that would go on for an addition twenty years while they work on another site. G. Rooke-Norman stated that that was not part of this application. He was concerned that there would be no reclamation for this site when the original site has not been taken care of. He was also concerned for the state of Rixtown Road and Route 201.

G. Rooke-Norman asked for other comments

Mark Wickerd, 442 Rixtown Road, stated that he when he called Tilcon about speeding truck traffic, Tilcon did respond to his calls, and truck slowed down for a time. He stated that the state police do not respond to Griswold's complaints of the speeding trucks.

Gerry Brown, 101 Rixtown Road, voiced her concerns for the speeding trucks and that the loads are not always covered by tarps. She stated she was concerned for the traffic if material is brought in from other areas. She stated that she was also concerned for the safety of the children waiting for the bus.

G. Rooke-Norman asked for other comments from the floor. She asked for comments from the Commission members.

Bill Jacobik, 46 Sibicky Road, stated that he works the night shift and that if the truck traffic moves from Rixtown Road to Sibicky road it would be devastating to his schedule. He stated that Tilcon should come up with a procedure for rogue truck drivers and present it to the residents as how they would be handled. He was concerned for the dust and the dirt fills his storm gutters and is reluctant to make improvements to his house. J. Schumaker asked where he lived and B. Jacobik showed where he lived. P. Anthony asked how long he lived there. B. Jacobik stated 1977.

Ann Cheney, 46 Sibicky Road, stated that they have missed the notices of the meeting and stated they were appreciative that they were notified through the mail. She voiced her concerns for the dust and the traffic.

G. Rooke-Norman stated this public hearing needed to be continued and asked for a motion. P. Anthony made a motion to continue this public hearing to July 10, 2006 at 7:30 p.m. D. DeGuire seconded the motion. G. Rooke-Norman asked for discussion. D. Sorrentino stated that the Commission has 35 days to conduct the public hearing. She asked for a vote. All were in favor. The motion was carried.

G. Rooke-Norman stated that the general public would not be noticed again for the continuation of this public hearing. She stated that the public hearing scheduled for 7:45 p.m. will continue after a five minute recess.

III. PUBLIC HEARING (7:45 P.M.)

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of the Griswold Planning & Zoning Commission to order at 8:56 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Members Philip Anthony, Clyde Seaman, Daniel DeGuire, Alternates Martin McKinney John Schumaker, Town Planner Demian Sorrentino, Recording Secretary Donna Szall

Absent: Member Roland Harris, Alternate Courtland Kinnie, ZEO Peter Zvingilas

3. Determination of Quorum:

G. Rooke-Norman appointed M. McKinney to sit for R. Harris. 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.

G. Rooke-Norman asked if there was someone representing the applicant.

John Faulise, Boundaries, LLC stated he was to represent the applicant.

J. Faulise submitted additional green cards and one unclaimed letter for the record that were received since the last public hearing. G. Rooke-Norman asked if all the abutters had been notified by mail. J. Faulise stated yes.

J. Faulise submitted the following documentation for the record:

1. A letter from D. Sorrentino dated June 7, 2006 to Boundaries LLC responding to comments received by the Town Engineer, Norman Tibeault of CME Associates.
2. A letter from CME Associates., June 9, 2006 outlining the items reviewed and was read for the record.
3. Revised Bond Estimate in the amount of \$295, 428.90.

J. Faulise reviewed the items submitted last month to the Commission. He explained the revisions on sheet three to the Commission of lot 9 and the installation of the erosion and sedimentation control fabric to stabilize the 3 to 1 slope.

J. Faulise stated that the size of the anti-tracking pad where the construction traffic will enter on route 138.

J. Faulise explained the details on sheet 4 of 7 of the water quality basin

J. Faulise explained the road plan and profile to the Commission.. There was discussion of this matter.

J. Faulise stated that he received a review by Fire Marshal S. Merchant regarding a cistern or dry hydrant system such as on Quiet Cove There was discussion of this matter and the feasibility of a cistern or dry hydrant based on soil conditions.

M. McKinney asked if this road would tie into another road. J. Faulise sated no and explained why to the Commission. D. Sorrentino read 5.3.3 of the Subdivision regulations for the record. There was discussion of this matter regarding the maximum road length including a formal waiver request.

G. Rooke-Norman asked if a conservation subdivision had been considered for a different configuration for this subdivision. J. Faulise stated that he did not consider a conservation subdivision because it is located in the R-60 zone. There was discussion of this matter including the slopes of the parcel.

M. McKinney stated that in Section 6.3 of the Subdivision regulations, the lots should be nearly square. He stated that the regulations need to be reviewed. There was discussion of this matter.

G. Rooke-Norman asked for any questions from the Commission. D. Sorrentino stated that lot 10 the house can be moved. J. Faulise stated that the lots are conceptual and the house can be moved when the building lot is developed. There was discussion of this matter.

G. Rooke-Norman and for questions from the Commission. D. Sorrentino stated that the lots meet the minimum requirements and that there are two waiver requests. He stated that one waiver is to reduce the tangent distance of the transverse curves of the proposed roadway at CDOT's recommendation. J. Faulise explained that roadways come in as close to perpendicular to existing roadways as possible. There was discussion of this matter.

D. Sorrentino stated that the second waiver request is for Sections 8.1 and 8.1.4 of the Subdivision regulation for the waiver of the open space is for more than 10 lots. J. Faulise He stated that this request for a waiver should be withdrawn. There was discussion of this matter.

C. Seaman asked about the underground tank. J. Faulise stated that there are no underground tanks in Griswold. There was discussion of this matter.

G. Rooke-Norman stated that there should be a request for a waiver before the close of this public hearing. There was discussion of this matter including a waiver for all roads longer than 600 feet.

G. Rooke-Norman asked for comments from the audience.

Seth White, 726 Voluntown Road, stated that someone had gone to the Town Hall asked if the subject parcel could be subdivided and was told that it could not be subdivided due to the lack of road frontage. He stated that now it is being subdivided into 10 lots with a road. D. DeGuire asked who he spoke with about the property. S. White stated that he has spoken to Peter or his secretary Shannon. He explained to the Commission where his house was located by photographs of his property and the proposed subdivision and submitted them for the record. P. Anthony stated that CL&P should be contacted regarding the pole and the height of the wires since it is not this Commission's jurisdiction.

S. White was concerned for his well with 10 more wells going in and asked who would be responsible for fixing any problems that should occur. He was concerned for his lack of privacy with the proposed subdivision. P. Anthony stated that all land use issues should be discussed with the Town Planner.

G. Rooke-Norman asked if the applicant can address a natural barrier to restore some privacy. J. Faulise stated that the house can be moved further away. There was lengthy discussion of this matter.

G. Rooke-Norman asked for other comments from the general public.

Tom Miller, 744 Voluntown Road, stated his property abuts lots 8, 9 & 10. He stated that he sympathized with Mr. White. He stated that there was a pond in the back and he was concerned that the road and runoff into the spill way would go into the wetlands. He asked how the runoff from the houses would be addressed. He was concerned about the septic systems. T. Miller agreed with M. McKinney that the lot shape should be addressed. He stated that the road length should be 600 feet and should not be changed.

P. Anthony asked about the drainage basins. J. Faulise explained the basin behind lot 7& 8 and was reviewed by the Town Engineer and that it would handle the runoff and will not have a negative effect on the Fontaine property. J. Faulise stated that the applicant and her family will be living in the proposed subdivision.

J. Faulise submitted a waiver request for the road length to the Commission. G. Rooke-Norman stated to let the record show that a waiver request was received by the applicant concerning the road length and submitted it to the file.

G. Rooke-Norman closed this public hearing at 9:57 p.m.

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

1. Call to order:

Chairperson Gail Rooke-Norman called this regular meeting of the Griswold Planning & Zoning Commission to order at 9:57 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Members Philip Anthony, Clyde Seaman, Daniel DeGuire, Alternates Martin McKinney John Schumaker, Town Planner Demian Sorrentino, Recording Secretary Donna Szall

Absent: Member Roland Harris, Alternate Courtland Kinnie, ZEO Peter Zvingilas,

3. Determination of Quorum:

G. Rooke-Norman appointed J. Schumaker to vote on the matters he sat in on and she appointed M. McKinney to vote on the matters he sat in on; and for matters not the subject of a public hearing, J. Schumaker was appointed to vote on all other matters of the regular meeting.

There is a quorum for this meeting.

4. Approval of Minutes:

- A. Approval of Minutes of the Special Meeting of April 26, 2006
- B. Approval of Minutes of the Public Hearings of May 8, 2006
- C. Approval of Minutes of the Regular Meeting of May 8, 2006

G. Rooke-Norman asked for a motion on the minutes. P. Anthony made a motion to accept all the minutes as presented. C. Seaman seconded the motion. All were in favor. Motion was carried.

5. Correspondence and Attachments:

G. Rooke-Norman stated that there is correspondence that is not on the agenda from Chairman Tom Giard, Chairman of the Development and Industrial Commission. She read the letter dated June 12, 2006 for the record of the D & IC's request that the Planning and Zoning Commission withhold the rendering of a decision on application ZC 01-06 and asked for a 65-day extension of time continuing the application to the regular meeting of August 14, 2006.

She referenced the following correspondences that will be dealt with at a later date.

G. Rooke-Norman asked for a motion put the D & IC letter on the agenda for item. ZC 01-06 Griswold Development & Industrial Commission to act on their request of a 65-day extension.

C. Seaman made a motion to put the letter of the D & IC on the agenda. P. Anthony seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

G. Rooke Norman asked for a motion regarding the request for a 65-day extension to August 14, 2006 in regard in withholding our rendering of a decision on this application. P. Anthony made a motion for item ZC 01-06 to August 14, 2006 on the regular meeting agenda. C. Seaman seconded. G. Rooke-Norman asked for a vote. All were in favor. Motion was carried.

A. Letter dated April 21, 2006 from Atty. Mark Branse to Demian Sorrentino, Town Planner regarding “remaining lands of Richard and Sharon Breen” located south of State Route 165.

B. Letter from Edgar M. Ware to Demian Sorrentino dated May 20, 2006 regarding IW&WCC approval granted to Peter & Ellen Zvingilas Application CC 18-06 to excavate approximately 1000 cubic yards of material in a residential area and a possible violation of Section 21.14 definition of Excavation: The removal from any land premises within the Town of Griswold of earth, sand, gravel, clay, quarry stone or other natural earth products in excess of 300 cubic yards in a single twelve (12) month period, except as surplus material resulting from: sub sections a – d.

C. Connecticut NEMO Newsletter, Spring 2006

D. Publications available through the American Planning Association Planners Press.

E. Letter from Stuart Norman regarding Clark lot line adjustment.

6. Matters Presented for Consideration:

F. 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.

A. SUB 07-06 Trinity Development Group, LLC, 2 Hennessey Court, Griswold, CT. – Property Location: 146 Stone Hill Road. Griswold. Applicant request approval of a 17-lot subdivision with 1155 ft. of new public roadway. The subject property is in the R-40 zoning district. This application requires a public hearing.

G. Rooke-Norman stated that this application requires a public hearing. C. Seaman made a motion to set a public hearing for next month on July 10, 2006 at 7:00 p.m. P. Anthony seconded the motion. G. Rooke-Norman asked for any discussion. Hearing none, she asked for a vote. All were in favor motion was carried.

B. SE 09-06 Rodriguez, Nelson, 91 Dawley Road, Griswold, CT - Property Location: 1071 Voluntown Road, Griswold. Applicant request approval of Site Plan modifications to an approved driving range SE 04-05 to include the addition of a restaurant use in the existing building. The subject property is located in the C-2 zoning district. This application requires a public hearing.

G. Rooke-Norman stated that this application requires a public hearing. P. Anthony made a motion to set a public hearing for next month on July 10, 2006 at 7:45 p.m. J. Schumaker seconded the motion. G. Rooke-Norman asked for any discussion. Hearing none, she asked for a vote. All were in favor motion was carried.

C. 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 stated that Mr. Wickerd amended his application. G. Rooke Norman asked for a motion to move this to the end of number 6. C. Seaman made a motion to move Item 6C to Item 6F. J. Schumaker seconded the motion. All were in favor. Motion was carried.

D. 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. The subject property is located in the R-60 and R-80 zoning districts.

G. Rooke-Norman asked for a motion to table this application. M. McKinney made a motion to table to the next regular meeting. C. Seaman seconded the motion. All were in favor. Motion was carried.

E. 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.

G. Rooke-Norman stated that this was a prior public hearing. C. Seaman made a motion to approve the application. G. Rooke-Norman stated that there were waiver requests to act on. There was discussion of this matter. C. Seaman withdrew his motion. G. Rooke-Norman asked for a motion on the waiver request regarding the length of the road.

M. McKinney made a motion to deny the waiver. D. DeGuire seconded the motion. G. Rooke-Norman asked for discussion on the motion. M. McKinney stated that the Commission needed to take a stand to stop development growth. D. DeGuire stated that is what he has been trying for many years. There was discussion of this matter including lot shapes, lot sizes and the length of the roadway.

G. Rooke-Norman asked for a vote on the motion. D. Sorrentino explained that a waiver requires a 3/4 vote. She stated that the voting members were G. Rooke-Norman M. McKinney, C. Seaman, P. Anthony, D. DeGuire. There were 1 aye votes and 3 nay votes. The motion does not carry.

C. Seaman made a motion to approve the application. G. Rooke-Norman stated that this is for a waiver. C. Seaman withdrew his motion to approve the application.

C. Seaman made a motion to approve the waiver for the length of the road for up to a length of 1010 ft. D. DeGuire seconded the motion. G. Rooke-Norman asked discussion on the motion. She asked for a vote. There were 4 aye votes and 1 nay vote from M. McKinney. Motion was carried.

G. Rooke-Norman asked for a motion on the CDOT waiver.

C. Seaman made a motion to approve the CDOT waiver. P. Anthony seconded the motion. G. Rooke-Norman asked for a vote. There were 4 aye votes and 1 nay vote by M. McKinney. Motion was carried.

G. Rooke-Norman stated we have the application for the subdivision. She state that there are some matters put into the record. G. Rooke-Norman stated that the letter from the Fire Marshal for the subdivision. D. Sorrentino stated that a stipulation that the bond of \$295,428.90 be submitted to the Town prior to the endorsement of the Mylars as..

P. Anthony made a motion to approve this application with the conditions that (1) the bond of \$295,248.90 is in place prior to the endorsement of the Mylars, (2) that a cistern or dry hydrant be installed with the base minimum standards required by the State. C. Seaman seconded the motion. There was lengthy discussion of this motion including taking other agency recommendations into consideration.

G. Rooke-Norman read the letter of the Fire Marshal dated 6/12/06 for the record. She stated that a report can be accepted by staff that the Fire Marshal to revise his letter and to make recommendations with the specifics that that this Commission could vote on matter with more understanding and asked for a motion to table. There was discussion o this matter.

P. Anthony retracted his motion for the record. C. Seaman retracted his second. P. Anthony made a motion to table SUB 06-06 to the next regular meeting C. Seaman seconded the motion. All were in favor. Motion was carried.

C. 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 stated that this application was moved to the end of the agenda to amend his application in writing that the kennel permit will be for a maximum of 40 cats. M. Wickerd submitted his amendment in writing to the Commission.

P. Anthony made a motion to approve the application as amended. J. Schumaker seconded. All were in favor. Motion was carried.

C. Seaman left the meeting at 10:34 p.m.

G. Rooke-Norman appointed M. McKinney to sit for C. Seaman.

7. Additional Business:

8. Old Business

A. Set an effective date for ZC 02-06 which was approved on May 8, 2006 to Sections 8.5, 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 an effective date must be set for ZC 02-06. J. Schumaker made a motion to set the effective date for ZC 02-06 on June 28, 2006. P. Anthony seconded the motion. All were in favor. Motion was carried.

B. Workshop for Plan of Conservation and Development.

G. Rooke-Norman asked for a date for this workshop. J. Schumaker made a motion to set the workshop for June 19, 2006 for 6:00 p.m. - 8:00 p.m. P. Anthony seconded the 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 for a motion to table this to the next application. P. Anthony made a motion to table this to the next regular meeting. M. McKinney seconded the motion. All were in favor. Motion was carried.

9. New Business:

A. Gravel extraction activity at 2247 Glasgo Road – Elias Baron

G. Rooke-Norman asked if P. Zvingilas was to report on these matters. G. Rooke-Norman asked for a motion. D. DeGuire made a motion to table to the next regular meeting. P. Anthony seconded the motion. All were in favor. Motion was carried.

B. Gravel extraction activity at 209 Rixtown Road – Ransom Young, II

D. Sorrentino explained this matter to the Commission stating that there is a property line dispute in litigation and that the issue of 5,000 c. y. per year can be removed per the zoning enforcement officer. There was discussion of this matter.

P. Anthony made a motion to put a clarification language in the regulation regarding the 5,000 c.y. at the meeting of 6/19/06. D. DeGuire seconded the motion. All were in favor. Motion was carried.

C. Un-permitted commercial operation at 502 Voluntown Road – Robert Paddon, Jr.

D. Sorrentino stated that it was a tag sale, car sale, plant sale, tent sale, dolor sale at 502 Voluntown Road and that there was an add in the paper. There was discussion of this matter including the frequency of yard sales.

G. Rooke-Norman asked the Commission's pleasure. P. Anthony made a motion authorizing D. Sorrentino as substitute ZEO to send a Cease and Desist order to Robert Paddon, Jr. at 502 Voluntown Road. There was discussion on the motion. D. DeGuire seconded the motion. All were in favor. Motion was carried.

D. Sorrentino stated that Edgar Ware wanted be added to the agenda to speak on an IW&WCC matter. P. Anthony made a motion to add Edgar Ware to the Agenda. D. DeGuire seconded the motion. All were in favor. Motion was carried.

G. Rooke- Norman stated that a permit was issued to Zvingilas to excavate 1000 c.y. in order to make a pond. She asked what the matte was before the Commission.

D. Sorrentino stated that it is the definition of an excavation and Mr. Ware wants an interpretation of the regulation of the removal of 1000 c.y. of wetland soil constitutes an excavation. D. Sorrentino read the definition of excavation for the record.

Edgar Ware explained that a permit should be required for the excavation that was approved through inland wetlands for P. Zvingilas. He stated that he thought that this material would be removed from the Zvingilas' premises to sell it or move it to his other properties. She stated that he should have appealed the IW&WCC decision. There was lengthy discussion of this matter.

G. Rooke-Norman stated that it was premature to act on something that he might do. There was discussion of this matter. G. Rooke-Norman stated that this was not the forum for this issue.

G. Rooke-Norman asked for any other business.

10. Reports from the Enforcement Officer:

She asked for a motion to table the items in Reports from ZEO. P. Anthony made a motion to table the ZEO matters. J Schumaker seconded the motion. All were in favor. Motion carried.

- A. Update on Kenwood.
- B. Update on site on Route 138 near Niemenen.
- C. Update on Tilcon gravel extraction expiration of excavation permit including a Cease and Desist Order to Tilcon Connecticut, Inc., for violation of Sections 2.3 Special Exceptions, 4.3 Special Exceptions, and 12.4 Excavation. Property location 22 Sibicky Road/128 Rixtown Road, Griswold.

11. Adjournment:

P. Anthony made a motion to adjourn. J. Schumaker seconded the motion. All were in favor. The meeting adjourned at 11:18 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary