Town of Griswold

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GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING **UNAPPROVED MINUTES**
GRISWOLD TOWN HALL **APRIL 13, 2015**

I. PUBLIC HEARING (6:30 PM)

1. Call to order

Vice Chairman Courtland Kinnie called this public hearing to order at 6:36 p.m. at the Griswold Town Hall meeting room.

2. Roll Call

Present: Courtland Kinnie, Charlotte Geer, Alternates Stewart B. Oakes, Tom Polasky, Town Planner Mario Tristany, Recording Secretary Donna Szall

Absent: Martin McKinney, Erik Kudlis, James Krueger, Alternate Elias Baron, ZEO Peter Zvingilas,

3. Determination of Quorum

C. Kinnie appointed S. Oakes to sit for M. McKinney and T. Polasky to sit for E. Kudlis. There was a quorum for this public hearing.

4. Matters for Public Comment

A. ZC 01-15 (Revised) BOUNDARIES, LLC, 179 PACHAUG RIVER DRIVE, GRISWOLD. Requesting a Text Amendment change in the Griswold Subdivision Regulations to Section 5.3.3 to add new language for Commercial/Industrial cul-de-sac requirements to all for parcel design flexibility.

C. Kinnie stated that this was a continued public hearing from last month and asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC stated that H. Heller is not available to represent the application and submitted a letter last week requesting that this public hearing be continued to the next regular meeting.

C. Kinnie stated that on April 9, there is a letter from the Griswold Fire Marshall. C. Kinnie asked if there were other communications for this application. M. Tristany stated that M. Branse was to present an amendment draft which we have not received yet. C. Kinnie asked if Attorney Branse will be at the next meeting. M. Tristany stated that it is up to the Commission and that it is required he will make sure that attorney Branse is here. C. Kinnie stated that if he is sending a communication, then there is no need.

C. Kinnie asked if there were any comments from the public.

Tom Giard, Chairman of the Economic Development Commission stated that the EDC still supports the concept of a vehicle for an applicant to request a review to extend beyond the present distances in the regulations now. He stated that it is paramount issue for economic development since there are large parcels located off of major state highways Rte 138 and Rte 164 that potentially could benefit commercially from a 1200 foot limitation to extend further into the property.

C. Kinnie asked if J. Faulise knew if the regulations the cul-de-sac lengths were bifurcated for residential and commercial. J. Faulise stated that he could not answer that but would get that information. C. Kinnie asked if it is separate, have there been challenges to the constitutionality or to the regulatory

authority from residential developers that if the fire suppression and water supply requirement could be met. J. Faulise stated that he would look into that. C. Kinnie asked him to bring other examples of communities that have similar regulations. There was discussion of this matter.

T. Giard commented that the EDC was concerned that there was no road ordinance for commercial development and to update the regulations for commercial development for better constructed road for heavy commercial vehicles. He stated that it was important to have an update of the road ordinance for standards that support commercial/industrial vehicles. C. Kinnie asked M. Tristany if CME had those recommendations for higher standards for commercial use. M. Tristany stated yes.

C. Kinnie asked if there were other comments or questions from the public or the commission. C. Kinnie asked for a motion to continue this public hearing to May 11, 2015 at 6:30 pm. in the Town Hall meeting room.

MOTION: S. Oakes moved to continue CC 01-15 to May 11, 2015 at 6:30 in the Town Hall meeting room. C. Geer seconded the motion. All were in favor. The motion carried

II. PUBLIC HEARING (6:50 PM)

1. Call to order

Vice Chairman Courtland Kinnie called this public hearing to order at 6:52 p.m. at the Griswold Town Hall meeting room.

2. Roll Call

Present: Courtland Kinnie, Charlotte Geer, Alternates Stewart B. Oakes, Tom Polasky, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Martin McKinney, Erik Kudlis, James Krueger, Alternate Elias Baron,

3. Determination of Quorum

C. Kinnie appointed S. Oakes to sit for M. McKinney and T. Polasky to sit for E. Kudlis. There was a quorum for this public hearing.

4. Matters for Public Comment

B. SE 02-15 H & M HOLDINGS, LLC, 2 and 4 BUSINESS PARK WAY, GRISWOLD. Requesting approval of a Special Exception to create a new development for automotive sales and service. Two lots are to be merged upon approval of this application. Property is zoned C-1.

C. Kinnie asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was present to represent the applicants who will be here shortly. C. Kinnie asked if it was his representation that all of the abutters were notified. J. Faulise stated yes. J. Faulise submitted the following documentation: abutters' notification packet, correspondence from Joyce McKlusky, VP Standard Petroleum (Valero) that they were in support of the project; Official Ruling dated January 14, 2015 to Dan Hunter that the use for auto sales in the C-1 are consistent with the regulations and prior uses.; Economic Development minutes of December 12, 2014 supporting this project; letter dated March 5, 2015 from the Griswold Fire Marshal that there are no negative comments of the site plan. March 4, 2015 Review from Uncas Health District Approval with 5 conditions for the sanitary system and well that have been addressed for well placement and notes to be added to the plan.

J. Faulise stated that the project located at 2 and 4 Business Park Way, there is one other business located at one Business Park Way of a financial office, no other properties within the business park have been developed. He stated that the Valero gasoline station was developed prior to the business park subdivision.

J. Faulise explained that Lot 2 at 41,600 square feet and Lot 4 at 40,800 square feet. The parcels will be merged into a single parcel for development. He stated that the applicants Dan Hunter and Mike Dingavin. J. Faulise stated that the applicants have taken ownership of 2 Business Park Way and are under contract for 4 business parkway pending action by this commission.

J. Faulise explained Sheet 2 shows the building setbacks, existing topography, adjacent street, utilities and existing conditions. He stated that Sheet 3 shows the layout and landscaping plan for a 6,000 square foot building located on 2 Business Park Way; 1500 feet is office and showroom adjacent to Voluntown Road and, the reaming 4500 square feet will be for repairs, maintenance, tire alignment and emissions testing.

J. Faulise explained the parking on the south side of the building adjacent to Route 138 are 30 spaces for display of vehicles sales; access is from the east on to Business Park Way and a second access north east side of the building to Business Park Way. East of the building will have 9 spaces for customer parking with associated landscaping. The southeast corner of the front of the building will have a ground level portico for customers to look at vehicles and to take delivery of vehicles in inclement weather. The building will be accessed by pedestrian doors along the office areas; two 12 foot wide overhead doors one located on the easterly side and westerly side of the building and a 16 foot wide overhead door on the north side of the building. Northwest of the building on 4 Business Park Way will be used for employee parking, traffic bound gravel surface proposed and a fenced in outdoor storage area of approximately 15,000 square feet that will be used for auction car deliveries and sold vehicles prior to delivery this will be fenced and landscaped with a traffic bound gravel surface.

J. Faulise explained that the stormwater drains to the northeast, south and southeast into infiltration swales are located adjacent to the edges of the roadway. He stated that Dave McKay can answer any drainage questions. J. Faulise stated that the drainage plan was designed to accommodate the site with little to zero increase in peak flow. This plan is in harmony with the prior drainage approvals.

He explained the landscaping that is adjacent southwest lines adjacent to the multifamily property has plantings along southerly and westerly borders of the subject parcel and street trees along the proposed font of the property on Business Park Way. The fenced in area will be landscaped and slatted privacy fence. He explained the proposed fencing and showed the photographs of the fencing and proposed landscaping to be used along the fence.

J. Faulise explained the proposed lighting. He stated there are building mounted full cut-off, wall pack LED lighting for security purposes. There will be light poles adjacent to the parking field of two poles on the Route 138 side and three on the Business Park Way side, an additional pole adjacent to the employee parking area ; and two poles on the southerly side of the 15,000 foot storage area. He submitted specification for all the full cut off LED lighting to not adversely impact adjacent properties.

J. Faulise explained that CL & P took an easement along Business Park Way to route 138 and an easement at the division line between the two parcels. He submitted a letter from Eversource (CL&P) and a plan agreeing to release the easement between 2 and 4 Business Park Way. J. Faulise stated that the applicant is granting an easement along the westerly side of Business Park Way in front of 2 Business Park Way.

J. Faulise explained Sheet 4 that showed the site grading, location of drainage structures, the infiltration swales, the location of the well adjacent to Route 138 southerly of the building and the display vehicles. He stated that the drainage system largely incorporates flow from Edmond Road; and that there is a drainage easement that was created at the time of the subdivision that drains from Edmond Road to the south of the site discharging on to 4 Business Park Way and this discharge has been accommodated and is included in the calculations. J. Faulise submitted a copy of the drainage report from the original

subdivision April 2005 by Reynolds engineering and the Storm water management report that was prepared for this project.

J. Faulise explained Sheet 5 that shows the sanitary system of a row of 4 by 4 by 4 concrete gallery easterly of the building with the septic tank to be located outside the portico area.

J. Faulise explained Sheet 6 that consisted of notes, construction details, piping stormwater trenches, dumpster enclosure, and tree planting and landscaping, traffic bound gravel surface area and conceptual sign positioned on Business Park Way to the north of the driveway closeted to route 138.

J. Faulise submitted building floor plans and elevation drawings for the record. He explained the southerly and easterly building elevations showing a peaked roof, the front of the building shows clapboard style siding and cedar impressions top and bottom area. This area may be stone finish or cedar impressions. The right elevation facing Valero, shows the 12 foot overhead door and the portico towards the front of the building. He explained the shop area that will have an elevated roof. He explained that the building materials will have vinyl style clapboard with a single overhead door.

J. Faulise explained the floor plan at the southerly end of the building housing the offices, showroom, a customer waiting area that is 1500 square feet. The 4500 square foot shop area will be accessed from the north; there will be 4 service bays, an alignment bay, an exit door on the westerly side of the building and a door on the easterly side of the building that will be used for emissions testing. Adjacent to that is a service counter and customer lounge area that is required for visibility purposes.

J. Faulise submitted a previously approved site plan for Cyr Construction July 2007 that the proposed site plan is consistent with this prior approval except that there is a display area for car sales. He stated that the stormwater management is consistent with this prior approval.

J. Faulise explained that this site plan was reviewed on April 1, 2015 by the town's consulting engineer, CME Associates, who submitted recommendations; he submitted a letter dated April 9, 2015 responding to the CME review. He stated that comments 1-10 related to landscaping and plan labeling for which the commission and staff is reviewing in this process. J. Faulise explained comments 11 – 16: 11) discusses the drainage report and soil conditions utilizing the POOR condition for grass and brush on site and recommended revising calculations for a more vegetative site. J. Faulise stated that the response to CME recommendations is in a report with the revised calculations is in the file. 12) Riprap spill way in drainage infiltration swales, CME recommended concrete curbing barrier so the water will flow uniformly. He stated that this has been done. 13) CME recommended that the outdoor storage area and this has been addressed in a hydrology table included on the sheet. 14) CME recommended that additional test holes to determine soil suitability of infiltration for the proposed infiltration swales. J. Faulise stated that these test holes have been added to the plan. 15) He stated the inflation swale on the northerly portion of 4 Business Park Way has been increased in width and decreased in depth to maintain the 3 foot separation of the swale and water table based on CME's recommendation. 16) Recommendation to add hooded outlets to the two proposed catch basins to collect floatable in the stormwater and those have been included in the plan. J. Faulise stated that these recommendations have been added to the site plan before you and the Stormwater table of calculations submitted.

J. Faulise explained that a bond estimate dated March 2, 2015 for erosion and sedimentations controls based on RS Means cost analysis for site work and landscape in the amount of $29,689.50. There was no comment from CME in their letter.

J. Faulise stated that this plan is consistent with the prior approval for the site development in 2011 and the addition of the use change and the addition of 4 Business Park Way. He asked for questions from the Commission.

C. Kinnie asked for comments or questions from the Commission and staff. He asked if the landscaping met the requirements. M. Tristany stated that the CME report addressed some of the landscaping requirements and that some of the landscaping needs to be tweaked. This can be addressed with the design engineer and staff once the commission has taken formal action. C. Kinnie asked about meeting the parking requirements. M. Tristany stated yes, the number of employees has been address and adequate space for the display vehicles at Route 138 and for customers that visit the lot. M. Tristany stated that a change in the drainage design incorporates a green design keeping stormwater on site to infiltration into the ground which has been well addressed for this project.

C. Kinnie asked about the 2011 plan that had one entrance of 32 ft wide and the other entrance was 20 feet wide. This plan has two 30 foot wide entrances He asked if CME found this adequate. J. Faulise stated that the 2011 plan was for a mixed use of retail, office for a construction, food service and salon. The 20 foot wide access was to be used only for as loading area for the construction office. The rest of the traffic would you the front access. He stated that with the addition of 4 Business Park Way, it afforded having two 32 foot accesses for better traffic flow. C. Kinnie asked the proposed location for the sign. J. Faulise stated it was to the south of the driveway adjacent to Route 138. C. Kinnie asked if it was proposed to be lit. J. Faulise stated it will be lit from the ground.

C. Kinnie asked if there was a total impervious surface amount. J. Faulise stated that it was 34 percent and the regulations allow 45 % in the C-1 zone. C. Kinnie asked for questions from other commission members.

C. Geer asked if the 4-6 foot arbor vitae will block the site from Edmond Road. J. Faulise explained that you will see the row of arbor vitae, a six foot privacy fence and arbor vitae extending southerly along the easterly side of Edmond Road. He stated that there is naturally growing vegetation along the boundary line and showed the area on the site plan. He stated that this vegetation will remain on the adjacent property. He submitted a photograph of that area to the commission as it looks currently. C. Geer asked if there will be customer entrance from Edmond Road. J. Faulise stated that the entrance will not be from Edmond Road.

Peter Zvingilas, ZEO stated that the State Water Compliance Division required that there be an increase separation between the septic system and the water supply because water fountains are required by the Building Codes. J. Faulise stated that State water compliance regulation is for a transient well source that serves more than 25 people on a regular basis. P. Zvingilas stated that because of required handicapped accessible handicapped restrooms requires a water fountain between them. J. Faulise stated that the size of the customer space is only 1500 square feet and that the use does not require that Drinking water permit from the State DEEP. There was discussion of this matter including that the new building code requires a water fountain. P. Zvingilas asked J. Faulise to look into this matter. C. Kinnie asked for comments from staff. M. Tristany stated that the permit would be beyond the scope of the planning and zoning commission; and the public health department may become involved during the building permit phase.

J. Faulise stated that if this separation was required to be increased, there is adequate area to increase the separation and maintain the 75 ft. protective radius for the well. He stated that the soils are Hinckley soils which are well draining soils and there is adequate space to move the septic system.

C. Kinnie asked for questions from the public and asked them to state their name and address for the record.

David Vieaux, 59 Leha Avenue, stated that he was concerned that this was being passed off as a service station in the C-1 zone when it falls into Section 7.3.1 Automotive Sales Service and Repairs. He was concerned that the lot coverage of the site that there is no place for snow removal. He stated that he was concerned that the cars would be test driving at speed down Edmond Road endangering

pedestrians in a residential area. He was concerned that there was no provision for hazardous waste materials on site. He stated that this not a good use for this property and was interested in protecting the neighborhood. He stated that this is different than what was proposed in 2011 which fell into C-1 zoning.

P. Zvingilas stated that this came up in his request for an Official Ruling whether it was qualified for sales. The commission determined that it was an allowed use in that zone. D. Vieaux stated t that it says service station not sales, service and repair. M. Tristany stated that the existing site is also in a C-1 zone. D. Vieaux stated that it was a quick lube. P. Zvingilas stated that the determination included all of those things.

C. Kinnie asked for any other questions from the public. Bruce Laney, owning property at 816 Voluntown Road stated that he was involved when it was subdivided and there was a lot of discussion of the use of the lots. He asked if the commission compared the uses from that meeting. C. Kinnie stated that the minutes would have to be pulled. He asked it would be used after business hours for wrecker pickup and towing services.

Lorna Burkhart, owned the other property in the park, she was concerned for contamination and what is proposed for this. She stated that she was required to have an environmental survey regarding the adjacent5 and adjoining properties in the subdivision. She was concerned how it would affect the resale of her property. She stated that she has been complaining about the traffic on Business Park Way where State trucks, town trucks, 18 wheelers park along Business Park Way around the blind corner from traffic coming from Edmond Road. She stated that she would like information about that.

Jeff Burkhart, husband and co-owner of the property. He stated that the sales and service and asked if the applicant can explain exacting what it does. He asked about the single overhead door. He stated that they wanted to keep their building neighborhood friendly. He stated that this is a single story building and asked if it would look like the Advanced Auto building.

J. Faulise answered the proposed questions: He explained that that style building that the portico for this building will be at the ground level, the roof line is elevated to accommodate lifts. The size and scope of the building is similar but with only one overhead door and a single door facing the Burkhart property. He stated that the sales and services; the primary activity is vehicles sales.. They will prepare and prep vehicles purchased; repair work on vehicles sold and repair from the general public. There is no truck rental no car rental. J. Burkhart asked if they will bring in vehicle emissions. J. Faulise stated that is something proposed and takes additional DMV licensing; if not, it does not change the scope of the operation, or the size of the building.

J. Faulise stated that he will defer the wrecker service question to the applicant. Dan Hunter stated that they do not want to be involved with wrecker service.

J. Faulise addressed the traffic. He stated that he has seen trucks parked on Business Park Way; he stated that it is convenient at this time. M. Tristany stated that there are no parking signs on that road. J. Faulise stated that once the construct begins and activity on the site, the trucks will not use this as a parking lot since driveways cannot be blocked.

J. Faulise explained that the subdivision approval was for the creation of the lots in 20005 and did not dictate the uses. He stated that the Commission has latitude of what the uses of the lots may be based on what the zoning regulations are relative as regulations change over time.

J. Faulise stated that the DMV regulates the licensing for sales and repairs and DMV includes contracts with certified waste haulers and approved containment for antifreeze oil and gasoline which is stored within the building in holding tanks.

He stated that the site has space adjacent to the parking areas for snow storage as well as the 15,000 square foot area to store snow.

J. Faulise explained the C-1 zoning Vs C-2 Zoning question was a long discussion in January with the commission where we provided several examples of prior commission actions, similar uses in the C-1 Zoning districts, and automotive sales and licenses issued in the past and the commission ruled that it was consistent with their past considerations in the C-1 zone. He stated that the existing site currently in operation was licensed in 1994 in the C-1 and the sales license was issued in 1994 and has been an automotive sales and service ever since.

Ed. Burdick, 764 Voluntown Road, had comments for consideration. He stated that Route 138 tracks there in the morning and was concerned that there would be glare during the summer there is a lot of commuter traffic and can cause traffic problems. He stated that a water fountain would be convenient for the customers. D. Hunter stated that there would be a bubbler. E. Burdick asked if the impervious services included the building or just the hard surfaces. C. Kinnie stated that includes all surfaces on the site, sidewalks parking, and building. E. Burdick asked about the drainage going somewhere. C. Kinnie stated that the impervious surface drainage has changed over the last decade for infiltration on site. E. Burdick asked if the new drainage was applied to Valero. C. Kinnie stated that Valero is existing; and you cannot change an existing use.

Val Grills, 6 Edmond Road, owns the house across Edmond Road. She asked that the request to merge the two lots be denied because it would lose the village commercial look and overwhelm the village complex and will not blend in the residential area.

She was concerned about the locked fence area and that chain link fences were ugly and did not fit into the neighborhood. She had concern that the trees would take years to cover the chain link fence and that she will be looking at a chain link fence and cars from her porch. She suggested planning fast growing arbor vitae. She asked if the light poles will be on all night and the lights will come into her second floor windows all hours of the night. She asked if there would be a PA system like other cars sales dealers. She asked what the hours of operation would be and if it would be open at night, and if it would be operating 7 days a week.

She was concerned for the traffic in that area where people fly down Edmond Road to the intersection; you cannot walk on that road without taking your life in your hands. She stated that there are accidents there all the time. She stated that this business is not a good fit for this area.

She reiterated her concern about merging the two building lots which will take up the whole business park to create a big business. She was also concerned that the nature of the business would change to have wreckers and do what they wanted to after it is approved. She stated that we have to be careful what we agree to.

She was concerned that this size of a business will decrease her property value when she goes to sell her house. She stated that it will impact the way they live in their home

J. Faulise stated that there will not be a PA system; He explained that 40,000 square foot lots size is the minimum lot size in a C-1 zone. The developer at the time wanted the most lots that they could have. There are no regulations that prohibit merging lot parcels. He cited examples of Dollar General and DiRoma Landscaping that purchased two lots which were merged for their businesses. He cited other examples that the power equipment company across the street is two lots and is being used as a single lot. Merging lots does not fall under the purview of the commission unless the lots are part of an approved subdivision.

J. Faulise stated that the application is providing the fencing to screen the use from the neighbors and the landscaping is to hide the cars from view. He stated that the trees are proposed 10 feet apart. He stated that the commission can condition the approval that fast growing arbor vitae be used.

J. Faulise explained that the lighting will come on at dawn and go off at dusk. He submitted a Google image of the area showing the site and the adjacent houses. He stated that the Grills house is not direction across from 4 Business Park Way; but further south toward Voluntown Road. He stated that the existing vegetation will remain in place at the property line.

J. Faulise stated that there is no proposal for towing or vehicle recovery. He stated that any changes to the approved use established in the application, the applicant would have to come back to the commission for any changes to add uses.

C. Kinnie stated that Mrs. Grills asked about the hours of operation. J. Faulise stated that he will have the applicant address that question.

D. Hunter stated the hours will be the same: 9 am to 6 pm Sat 9 am to 3 pm. and closed Sunday and probably keep those hours. C. Kinnie stated we need more than a probably. J. Faulise stated that the hours would be the same and a condition of the commission's action that those hours be established.

D. Vieaux stated the comparison of this lot with the Dollar General and DiRoma lots which are C-2 lots. Is there any c-1 lots that have a facility this size on it. J. Faulise stated that the existing station is the same size in a C-1 zone that had a sales license in 1994 and the NAPA store is 8,000 square feet in a C-1 zone.

Ed Burdick 764 Voluntown Road, stated that this can have a negative impact and Mrs. Grills makes valid points and a chain link fence is a fundamental change to Pachaug historical ambience

Yvonne Polinsky, 59 Popple Bridge Road, was concerned about the traffic and the speed on that street. She asked if a real-estate agent did a study of who would want to buy a home next to a used car dealership; and that it would bring down property values.

Thom Giard, Jennifer Lane, stated that this issue of the fact that it is hard for commercial to be compatible with residential. He stated that it is a business park; the one upside is that it is a low volume capacity use. He stated that there will be test drives. He stated that it is not a high volume retail operation were people drive in and out like at Ocean State Job Lot

B. Laney 816 Voluntown Road stated that working hours be established as part of the approval process. He disagreed that the commission should address the original approval since the lots were designed to keep it a village type small business atmosphere.

V. Grills asked about lot 4 Business Park Way are the cars driven in are they brought in on flat beds. J. Faulise stated that the operation is small and some of the cars are driven in and some are brought by truck. D. Hunter stated that the wholesaler has a four car truck carrier. D. Hunter stated that P. J Tire operates on Edmond Road.

C. Kinnie asked if the applicant would consider an alternative to that type of fencing to accomplish the same goals and to an alternative landscape plants or increasing the size. J. Faulise stated that chain link fencing is more expensive; he stated that split rail fencing can be used with additional trees and plantings staggered on both sides of the fence to screen the area.

Beth Cholewa, 16 Fairview Avenue, was concerned about the life span of alternative fencing. J. Faulise stated that the split rail fencing can be vinyl as well.

James Grills, 6 Edmond Road, stated that his swimming pool that is across from the proposed site and he did not want to look at a car lot since his swimming pool is at a higher elevation that the proposed site.

Lorna Burkhart asked if it was a gravel base. J. Faulise stated that it was a traffic bound gravel surface that is recommended by the DEEP for water infiltration into the site based on the Hinckley soils on that site and the water table is much deeper than in other areas. She asked about oil and gas leaking into the ground. J. Faulise stated that it is monitored by the DMV permit; there cannot be leaking vehicles. J. Faulise stated that it is not a vehicle recovery operation of crashed vehicles: it is used car sales. She was concerned because in other parking areas there are oil puddles from every day vehicles. J. Faulise stated that the stores in Lisbon Landing cannot regulate which cars go into their parking lot. The applicants have control of what vehicles are on their lot.

Martha Laney, 816 Voluntown Road, was concerned about the impact to their well from contamination when construction is started behind them. She was also concerned how the proposed well would impact their well because their property is a four-family apartment building. J. Faulise stated that the development of the property is down gradient from that property; He stated the impact for the well meets the separation distances required by the health code of State Department of Health to protect that separation of a well from a property line of a 75 foot radius of a well must remain on the property to protect adjacent property owners and we are obligated to follow those requirements. She asked who she would go to if she had a problem. J. Faulise stated that it would be the Uncas Health District.

Jim Grills, 6 Edmond Road, stated that something was done about the drainage. He stated that from now until June a natural spring runs under road. He asked where the water would go when the buildings go in and if it would run back on to his property. J. Faulise stated that the water runs along your property and runs into the stormwater system that was designed for the actual subdivision when it was created. He stated that the infiltration swales will mitigate any increase of water from running off of the site. J. Faulise stated that the applicants' property takes on the water that comes off of Edmond road and Route 138 when the intersection was redone.

C. Kinnie asked for any other questions. He stated that there are outstanding issues to address and should keep this public hearing open. He stated that there are issues for fencing alternatives; the possibility of increasing landscape plantings, definite hours of operation; hours for the lighting. C. Kinnie asked if CME'S report was complete. M. Tristany stated yes. C. Kinnie asked if there would be further review by the Town's engineer. M. Tristany stated no; that drainage issues have been satisfied. He stated that he will meet with the applicants' representatives to discuss the landscaping issues. C. Kinnie asked P. Zvingilas to find out more about the drinking fountain and if a bubbler was an option. P. Zvingilas will check into those matters.

C. Kinnie asked about other issued prior to the next meeting. D. Hunter stated that they had looked at many options for the fencing. He was concerned that the vinyl fencing would break if cars back up into the fencing. He stated that he is putting in a large about of landscaping. He stated that he wanted the fencing to look rural. He stated that the chain link fencing was black vinyl coated fencing.

James Grills, 6 Edmond Road, stated that he wanted to bring business to Griswold. He is in Griswold so why move. J. Faulise stated that wants to own his own location.

D. Vieaux asked if there is a limit of the number of used cars they can have and what state of disrepair and for how long so that it will not turn into a junk yard. J. Faulise stated that the vehicle sales area has a limit of 30 vehicles. He stated that the display area is licensed by the DMV who inspects and levies fines if vehicles are outside of the display area. J. Faulise stated that the storage area is a revolving inventory dependent upon the number of vehicles going in and out from the site. He stated that the vehicles in the storage area are being prepped for sale, not crashed or disassembled vehicles.

C. Kinnie asked for any other comments from the public.

C. Kinnie asked for other questions from commission members. T. Polasky what was the height of the lighting. J. Faulise stated that the light poles are proposed at 20 feet. He stated that they will work with M. Tristany and explained that LED lighting are more accurate in controlling where light is cast, how light is cast and how much light is cast. He stated that the pole locations are based on the lighting anticipated for the site; and if the standards can be lowered in terms of height, they will look at that before the next meeting. He stated that the poles with inverted shoe box LED fixtures and the height of the lighting is consistent with the Valero gasoline station.

C. Geer asked whether the fencing and landscaping facing the grills property, because of the elevation of their property, is there any way that they will not be able to see the cars from their porch or pool. J. Faulise stated that it is a commercial property across from a residential property; and there is only so much that can be done. He stated that they will do their best to soften the view with landscaping and fencing; but he could not say cannot say that they will never see a car across from their driveway.

C. Geer asked the owner if the lots have been purchased. D. Hunter stated that they have purchased 2 Business Park Way and we are under contraction with Gail Whitney for 4 Business Park Way. J. Faulise stated that the applicants gave taken title to 2 Business Park Way.

C. Kinnie asked for any other questions from staff. He stated if there are no other questions or comments. D. Sorrentino, Boundaries, LLC. asked what type of barrier from the abutters across the street are looking to see C. Kinnie asked the abutters what they wanted to see fencing that blocking the view or something in keeping with the neighborhood. V. Grills stated that if the green giant arbor vitae, and put them in properly, you won't see the fence and to use larger plantings, not 1 foot high plantings. She didn't want to look at a fence for the next ten years and suggested staggering the plantings along the fence. J. Grills stated that he can look at this fence with the arbor vitae but stated that from his porch and pool area, they look over the fence. D. Sorrentino stated that if everyone is fine with the fencing that is black vinyl coated with black slats, he can focus on the planting plan to incorporate giant arborvitae or other species of planning. C. Geer suggested a Leland cypress as a barrier tree that grow very fast. M. Tristany stated that the cypress has no root structure and blow over easily in a storm.

C. Kinnie thanked everyone for voicing their comments and questions and thanked the applicant and their representative for being her tonight. He asked for a motion to continue this public hearing to May 11, 2015.

MOTION: C. Geer moved to continue the public hearing for SE 02-15 H & M Holdings to May 11, 2015 at 6:50 pm at the meeting room of the Town Hall. S. Oakes seconded the motion. All were in favor. The motion was carried.

III. REGULAR MEETING (7:00 P.M.)

1. Call to order:

Vice Chairman C. Kinnie called this regular meeting to order at 8:52 p.m.

2. Roll Call

Present: Courtland Kinnie, Charlotte Geer, Alternates Stewart B. Oakes, Elias Baron, Tom Polasky, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Martin McKinney, Erik Kudlis, James Krueger, Alternate Elias Baron,

3. Determination of Quorum

C. Kinnie appointed S. Oakes to sit for M. McKinney and T. Polasky to sit for E. Kudlis. There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of March 9, 2015

C. Kinnie asked for any corrections or omissions to the minutes.
MOTION: S. Oakes moved to approve the minutes of the March 9, 2015 meeting. T. Polasky seconded the motion. All were in favor. The motion was carried.

5. Correspondence and Attachments

There was no correspondence or attachments.

6. Matters Presented for Consideration

A. ZC 01-15 (Revised) BOUNDARIES, LLC, 179 PACHAUG RIVER DRIVE, GRISWOLD. Requesting a Text Amendment change in the Griswold Subdivision Regulations to Section 5.3.3 to add new language for Commercial/Industrial cul-de-sac requirements to all for parcel design flexibility.

C. Kinnie stated that this was a previous public hearing for a text amendment change that was continued and asked for a motion to table. **MOTION:** S. Oakes moved to table ZC 01-15 to the May 11, 2015. C. Geer seconded the motion. All were in favor. The motion as carried.

B. SE 02-15 H & M HOLDINGS, LLC, 2 and 4 BUSINESS PARK WAY, GRISWOLD. Requesting approval of a Special Exception to create a new development for automotive sales and service. Two lots are to be merged upon approval of this application. Property is zoned C-1.

C. Kinnie stated that this was a prior public hearing that was continued to May 11, and asked for a motion to table. **MOTION:** C. Geer moved to table SE 02-15 H & M Holdings to the regular meeting of May 11, 2015. S. Oakes seconded the motion. All were in favor. The motion as carried.

C. ZP 04-15 FRANK J. RUBINO, 37 D MAIN STREET, JEWETT CITY. Requesting approval of a Zoning Permit in order to add a concrete Patio to an existing side walk for outdoor dining. Property is zoned BC - Borough Commercial

C. Kinnie stated that there was only one outstanding item of the actual property lines in terms of where the expansion is.

Frank Rubino, 18 Ruzinas Street stated that John Faulise of Boundaries has research the deeded rights and the lines go and the measurements that you need.

John Faulise, Boundaries, LLC, submitted copies of a site plan and stated that Frank Rubino retained Boundaries to do the records and survey work of where the boundaries are for 37 and 31 Main Street in Jewett city in the area referred to as fanning court. He stated that he will submit documents for the record. He read a letter for the record from the Fire Marshal to Mario Tristany that is already in the file.

J. Faulise explained that people had referred to Fanning Court because in 1886 Frederic Fanning to ownership of the Finn Block, The Maynard Building (Arremony Bakery) and the Rite Aid parcel behind it to the property of the Board of Electrical Commissioners on Water Street. He stated that there were several houses and barns in the Rite Aid area. He explained the parcel history to the commission citing the conveyances as follows: in 1886 Fanning took ownership of the whole parcel; in 1894 Fanning conveyed 37 Main Street lot to James Finn who developed the Finn Block the original creation of the subject property. From 1894 to today there were no grants of easements or ROWs for any other properties and no grants of easements or ROWs added after the fact by any of the property owners in succession in that chain of title. He showed the location of the property line between 37 Main Street and 31 Main Street and runs 10 feet parallel to 31 Main Street to the South. He submitted for the record the original deed of Fanning to Finn creating 37 Main Street and attached is a copy of the current deed from Richard Hebert to Soulor Main LLC with the same descriptions carried from 1894 with no additions or deletions and no rights established or granted.

J. Faulise stated that 27 Main Street is currently owned by the Andrews Stevens Trust that parcel was created by Mr. Fanning and Mr. Fanning's descendents conveyed to William Maynard as one parcel that included the Arremony Building. In 1959 Mr. Maynard conveyed that parcel to Nor Main Corporation that currently is Rite Aid included a 10 foot right of way to the north Arremony building that was retained by the Mr. Maynard.

J. Faulise stated The Andrew Stevens trusts the current owner acquired the land from Sovereign RA II which is the current title to that property. He submitted the copy of the deeds from the Maynard Family to the Nor Main Corporation in 1959 and the current deed of the Andrew Stevens Trust for the Rite Aid property. He stated that description of the 10 foot right of way north of the Arremony building is the first time right of way is reference and does not encumber 37 Main Street. He submitted these deeds for the record. He stated that the Maynard family retained title to the 31 Main Street until 1962 when it was conveyed by the Maynard heirs to Philip Arremony. The current title to the Arremony property is now under ownership by 31 Main Street LLC; he submitted those deeds for the record and the descriptions are consistent with the original conveyances.

J. Faulise stated that in all of the deeds, nowhere does it reference in record the driveway as Fanning Court or as a road. He submitted an unrecorded map from 1959 survey Chandler and Palmer engineers that showing the property boundary that shows the houses and barns of the original property. He submitted a roads inventory list of abandonments and acceptances of roads from 1815 to the early 2000's by the Town. There are no references to Fanning Court being created or accepted as a town road in selectmen's minutes. He submitted a list of maintained roads from 1993 and Fanning Court is not listed.

J. Faulise explained that the proposed expansion of the sidewalk for patio are within the 37 Main Street property and does not encroach on any public rows or rows of adjacent properties that have been established and does not impact. He stated that there is not side yard setback between commercial properties in the borough zoning regulation.

He explained that the patio will be approximately 5 feet on the northwesterly end and 4.5 feet on the southeasterly end from the property line to the proposed bollards adjacent to the improvement positioned a foot off the improvement. There is a 10 foot that exists between the property line and the Arremony building and the pins and spikes were found that were referenced in prior surveys at Main Street and in the back at the southwest corner of the Arremony property. He stated that there are more current surveys were done for the Rite Aid property and the Arremony property and are referenced in notes on the face of the plan. C. Kinnie asked about note 5. J. Faulise stated that it is for the easement for Jewett City Electric for utilities poles.

He asked if there were any questions and that's what he knows about Fanning Court. P. Zvingilas stated that that was the frontage for 31 Main Street. J. Faulise stated that 31 Mains Street has frontage on Main Street. 31 Main Street owns 10 feet of the alley. P. Zvingilas ask3d how trucks will get in there to deliver to Mr. Rubino. P. Zvingilas asked who owns the row. J. Faulise stated that Rite Aid, 27 Main Street owns the row. P. Zvingilas asked how the Finn block gets access. J. Faulise stated that the Finn block has access along the street. He stated that if 31 Main Street wanted to put a fence on their property line they could. P. Zvingilas asked how he would get deliveries. J. Faulise stated deliveries can be delivered from the front door. He stated that 37 Main Street does not have deeded access though the Arremony property. Frank Rubino stated that the trucks come in through the Rite Aid parking area. There was discussion of this matter.

C. Kinnie stated that for the record at last months, K. Skulczyck stated that DOT was in favor of that ally not being an exit on to Route 12. J. Faulise stated that he is not and he cannot, DOT does not have jurisdiction and it is an existing curb cut which cannot be taken away. There is nothing coming from DOT.

C. Kinnie stated that this was the outstanding question from last month and has been answered in depth. M. Tristany stated that he reviewed the deeds in depth two months ago; J. Faulise is correct it has never been listed as a town road. C. Kinnie asked what the commission would like to do. He stated that this has been before us for the past two months and the last request was to find the property lien and property owner of record so there was no doubt that construction was on said property C. Geer asked if F. Rubino would be putting umbrellas will be over the tables. F. Rubino stated that there will be umbrellas over the tables. C. Geer asked if the umbrellas would be matching or would they contain advertisement. F. Rubino stated that he is looking into the options of advertisement but he believed that they would be one color. C. Geer asked if concrete patio would be stamped or plain. F. Rubino stated that it would match the existing sidewalk.

C. Kinnie asked for a motion.
MOTION: C. Geer moved to approve ZP 04-15, Frank Rubino, to add a patio to the existing sidewalk. S. Oakes seconded the motion. All were in favor. The motion was carried.

D. SE 03-15 TILCON CONNECTICUT, INC., 43 SIBICKY ROAD & 176 RIXTOWN ROAD, GRISWOLD. Requesting approval of a Special Exception for an earth products excavation and removal operation with all material taken from the site to be hauled to the processing plan of Tilcon Connecticut, Inc. located on adjacent real property at 176 Rixtown Road. Property is zoned R-80 and Industrial.

C. Kinnie read a letter dated April 9, 2015 from Harry Heller for the record requesting that this application be accepted and that a public hearing be set for May 11, 2015. C. Kinnie asked for a motion to accept the application and to set a public hearing.

MOTION: C. Geer moved to accept SE 03-15 Tilcon Connecticut, Inc. and to set a public hearing for May 11, 2015 at 6:55 pm in this meeting room of the Griswold Town Hall. S. Oakes seconded the motion. All were in favor. The motion was carried.

7. Additional Business

C. Discussion of new information and updates regarding American Industries

John Faulise stated that H. Heller is way at a meeting. He stated that American Industries is on the Inland Wetlands agenda on Thursday night. American Industries is in process of having Northeast Utilities set a new pole so that the utilities can be underground so the height of the berm can be increased. He stated that some of the stockpiles are being moved to create space to accommodate the increased size of the berm. He stated that American Industries has made application to DEEP to increase the height of the stack on the asphalt plant to address odor and air quality.

8. Old Business

There was no old business.

9. New Business

There was no new business.

10. Reports from the Enforcement Officer

A. OR 02-15 Steven J. Winnick, 42 Cook Hill Road regarding repairs to a garage after trailer has been removed. Accessory Use or Building: A subordinate use or building or structure customarily incidental to the principal use of land or buildings and on the same lot.

P. Zvingilas stated that he was looking for an official ruling for a zoning regulation that there must be a primary structure before you can have an accessory structure. P. Zvingilas explained that this property has a trailer and a garage on Cook Hill Road where the trailer will be demolished leaving the garage. He stated that the application wants to keep the garage. P. Zvingilas stated that he wants to keep it as a second lot and to maintain the garage. He asked the commission for a ruling for how to treat the accessory use without a primary use. C. Kinnie stated that it is a preexisting use. M. Tristany stated that if you don't allow the use then it is a taking because it is a preexisting use. He stated that this is not a new construction on a vacant lot.

C. Kinnie asked Mr. Winnick if he would like to address the commission. Steven Winnick and Heidi Winnick, 36 Cook Hill Road explained that they purchased 42 Cook Hill Road adjacent to his property. He submitted photographs to the commission. He explained that the trailer is scheduled to be demolished and wanted to keep the garage for their personal use. He stated that he would like to rebuild the garage on the existing footprint which is 20 feet deep by 22 feet wide. He stated that on the advice of Attorney Norman who did the closing for the property, they want to keep the two lots separate. C. Kinnie asked the size of the lots. C. Kinnie asked if the trailer was being demolished. S. Winnick stated yes. S. Winnick stated that 36 Cook Hill is .5 acres and 42 Cook Hill is .6 acres. He stated that the roof of the garage collapsed in from the snow this winter but that side walls are in excellent shape. C. Kinnie asked if the garage was fixed before the trailer was demolished, what then. M. Tristany stated that you still have the right to repair a damaged building by zoning. P. Zvingilas stated that it would have to be listed as a non-conforming building.

S. Winnick stated that there is a regulation for Reconstruction which he read for the record. P. Zvingilas stated that if the trail and the garage was there that it was still conforming. C. Kinnie stated that in his opinion, it was an existing building; they should be able to put back what was there. There was discussion of this matter.

C. Kinnie asked when it was last occupied. S. Winnick stated that it was acquired by the former owner in 1988. He stated that he is cleaning up the properties on Cook Hill Road. He stated that the garage is important for his family.

C. Kinnie stated that this was an existing structure and it can be repaired or rebuilt on the existing footprint. There was consensus by the commission that it can be repaired.
MOTION: T. Polasky moved to allow the reconstructed of the garage on the existing footprint and that the garage was a conforming structure and is now non-conforming. C. Geer seconded the motion. All were in favor. The motion was carried.

P. Zvingilas had zoning violation on Rte 201 across from the commercial property at exit 86 of the Marsh Family Trust. There have been a series of vehicles for sale on the property. He had received complaints that it was becoming commercial sales. He stated that there are no for sale signs on the car so he did not have a problem and this lot is on a commercial use. P. Zvingilas stated that trailer shave collapsed on Sam Chickan Road that will be removed. He stated that on 33 Quinebaug Camp Road there is the commercial use of a property with a lot of storage of forms and construction equipment where the residential use is hard to distinguish. The owner has agreed to remove those and is cooperating so he has 30 days to comply. 379 Roode Road at the corner of Stone Hill Road has been abandoned and has been taken over by squatters and there is garbage all around so the owners were cited and the garbage will be removed.

C. Kinnie acknowledged Jeff Ryan, 72 Johnson Cove Road, stated that American Industries is operating after hours and are going against the court order. He asked why they are being tested at night because they are not supposed to be operating at night. He thought that someone was supposed to be monitory American Industries. P. Zvingilas stated that the Selectmen are in charge and made the agreements with American Industries. People have been hired to come up with solutions to the problems. J. Ryan stated that was not what he was told. P. Zvingilas stated that he has not been told of anything to do out there. There was discussion of this matter. C. Kinnie stated that acoustical testing is holding off until the construction of the berm is completed. C. Kinnie stated that no one has been appointed. J. Ryan thanked the commission for their time.

11. Adjournment

C. Kinnie asked for a motion to adjourn. S. Oakes moved to adjourn. C. Geer seconded the motion. All were in favor the motion was carried. The meeting adjourned at 9:53 pm.

Respectfully Submitted,

Donna M. Szall

Recording Secretary