

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

**NOVEMBER 13, 2006**

**GRISWOLD TOWN HALL**

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

**1. Call to order:**

Chairperson G. Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 7:01 p.m.

**2. Roll Call:**

**Present:** Chairperson Gail Rooke-Norman, Members Philip Anthony, Daniel DeGuire, John Schumaker, Alternates Martin McKinney, Courtland Kinnie, Town Attorney Mark Branse, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Member Clyde Seaman

**3. Determination of Quorum**

Atty. M. Branse explained to the Commission that the legal notice as published for the next public hearing SUB 02-07, O'Keefe Building Company Inc. was advertised also at 7:00 p.m. He wanted to indicate those who are here for the O'Keefe Building, that it will not be heard before 7:30 p.m. and you are in the right public hearing and right Commission.

**4. Matter Presented for Consideration:**

**A. SE 01-07 Pickett, Norman & Priscilla, 22 Felix Street, Griswold, CT. Property Location: 32 Dey Street & 17 Charles Street, Jewett City.** Applicants request approval of a Special Exception in accordance with Section 9.1.3 of the Borough of Jewett City Regulations. The request is to reduce the frontage of an existing lot located at 32 Dey Street from 101.50 ft. to 50.75 ft in order to create 25.41 ft. frontage on Dey St. for a new flag building lot, and to create 25.34 ft. frontage on Dey St. as access to a land-locked parcel located at 17 Charles Street. The subject property is located in the R zoning district.

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

Bob Mullen, CLA Engineers, representing the applicant, stated that he revised the map that the Commission requested at the last meeting. He gave copies to the Commission. He explained the revisions to the Commission. He explained that the access to lot 3 is 25 ft.

B. Mullen submitted the required letters from the water company and the sewer division for lots 1, 3, 4 and 5. P. Anthony stated that the Slater Avenue lot was zoned commercial. B. Mullen explained that the Commercial lot, as well as 2, 3, 4, and 5 are strictly residential.

G. Rooke-Norman asked Atty. M. Branse to look at Note #10 on the site plan. M. Branse asked about the restriction by the Commission. G. Rooke-Norman stated that she did not want the lots to be rezoned commercial in the future. M. Branse suggested that a declaration be filed in the land records as a condition by the Commission. There was discussion of this matter.

D. DeGuire asked about the buffer zones for commercial and residential. M. Branse stated that in 9.5 of the Borough regulations it was 20 feet for residential and 15 feet for residential/commercial. B. Mullen stated that there was a 10 ft. buffer for residential. P. Anthony asked what the minimum frontage was. C. Fontneau stated that the minimum frontage was 25 feet. There was discussion of this matter.

G. Rooke-Norman asked C. Fontneau if he had any questions or comments. C. Fontneau stated that the applicant has responded to the Commission's requests.

G. Rooke-Norman asked if the monuments have been set. B. Mullen stated that the pins have not been set. C. Fontneau stated that it could be a condition to monument the pins and the declaration.

B. Mullen asked the Commission if they had any other questions and he could send a letter to the Commission when the monuments have been set.

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

Phyllis Pickett asked if this was all that was needed by the Commission, or would they have to come back again. G. Rooke-Norman stated that the application was complete.

M. McKinney asked if the sewer could be extended. B. Mullen stated that the application would bear the cost of any necessary extensions.

P. Anthony made a motion to close this public hearing. J. Schumaker seconded the motion. All were in favor. This public hearing was closed at 7:18 p.m.

M. Branse stated that the next public hearing should be held at 7:30 as that time was noticed to the abutters. G. Rooke-Norman stated that the Commission will delay opening the public hearing until 7:30 p.m. G. Rooke-Norman called for a recess until 7:30 p.m.

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

### **1. Call to order:**

Chairperson G. Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 7:30 p.m.

2. **Roll Call:**

**Present:** Chairperson Gail Rooke-Norman, Members Philip Anthony, Daniel DeGuire, John Schumaker, Alternates Martin McKinney, Courtland Kinnie, Town Attorney Mark Branse, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Member Clyde Seaman

3. **Determination of Quorum**

G. Rooke-Norman appointed M. McKinney to sit for Clyde Seaman. It was determined that there is a quorum for this public hearing.

4. **Matter Presented for Consideration:**

A. **SUB 02-07** O’Keefe Building Company, Inc. 34 Fallow Road, Pawcatuck, CT. Property Location: 130-135 Coal Pit Hill Road, Griswold. Applicant requests approval of a 33-lot subdivision “Coal Pit Hill Farms” including a cul-de-sac. The subject property is located in the R-80 zoning district.

G. Rooke-Norman asked if anyone was present to represent the applicant. Robert Sitkowski, Robinson & Cole, Hartford, Connecticut stated that he represented Camp Wightman. He stated that according to the Connecticut State Statute 22a-19a, he is submitting an Intervention Petition in this matter. He submitted the petition for the record. EXHIBIT 1

Attorney Harry Heller, 736 Route 32, Uncasville, was representing applicants O’Keefe Building Company and property owner Alva Thomas Trustee. He stated that the authorizations have been submitted with the application from the property owner Alva Thomas Trustee to O’Keefe Building Company Inc to file the subdivision application and authorizations for the our development

G. Rooke-Norman stated that the abutter notifications have been make part of the file. She asked H. Heller if it is his representation to the Commission that all the appropriate abutters have been notified. H. Heller stated yes. He also presented another abutters’ notification for the record sent from the Connecticut DEP and the stamped receipt that it had been mailed.

H. Heller explained where the 144 acres for the proposed subdivision was located on the east and west sides of Coal Pit Hill Road to the Voluntown town line to the east and the North Stonington town line to the south in the Town of Griswold.

H. Heller explained the proposed 33 residential lots using the conservation subdivision design of Section 6 of the subdivision regulations. He explained that a conventional design was submitted for review earlier in the year to determine the maximum lot yield that contained an extension of Coal Pit Hill Road as well as the construction of a cul-de-sac road off Coal Pit Hill Road where 50 % of the lots were tested. He stated there are now 33 lots that have been submitted in this conservation subdivision plant.

H. Heller explained Sheet 2 is the Boundaries survey of property that has 72.9 acres of land on the east side of Coal Pit Hill Road and 69.94 acres on the west side. He showed where the locations of the wetlands and watercourses were delineated on the proposed site on either side of Coal Pit Hill Road. He explained where the drainage culverts were located on Coal Pit Hill Road. He stated that the wetlands systems and their functions have been delineated in a report by Robert Russo. He stated that that report was submitted in the public hearing that is currently in progress before the Griswold Inland Wetlands Agency.

H. Heller stated with him this evening are John Faulise, Project Surveyor and Robert Schuch, project engineer from Boundaries, LLC and William O'Keefe, Vice President of O'Keefe Building Company.

H. Heller stated that an intervention petition was received this evening and he explained the duties of the Commission to make a finding that no feasible and prudent alternatives exist to the activities being proposed. He explained the definitions of feasible and prudent to the Commission regarding the proposed development's design. He stated that Robert Schuch is present to answer any questions the Commission may have concerning the impact on wetlands and watercourses in the project.

H. Heller explained that the proposed conservation subdivision is 144 acres with 33 residential lots that will contain an extension of Coal Pit Hill Road as well as the construction of a cul-de-sac road off Coal Pit Hill Road. He stated that the applicant is proposing to dedicate 91 acres as permanent open space. He explained Sheet 3 containing the overall subdivision plan with 46 acres on the east side of Coal Pit Hill Road and 45.27 acres on the west side of Coal Pit Hill Road for open space. He stated that the amount of open space is 63 percent of the total parcel that exceeds the minimum required for a conservation subdivision. He stated that the open space that abuts State of Connecticut land is proposed to be dedicated to the Town of Griswold, or it could be dedicated to the State of Connecticut, or to a homeowners association.

H. Heller stated that Coal Pit Road was an unimproved town road rising from Rte 201 for 1900 feet before reaching the proposed subdivision running east/west, then turns to a southeasterly orientation. He stated that the unimproved roadway, with stone walls on either side of it, runs through the property along a ridge at the high point of the property grading to the east and to the west away from the high point allowing surface flow to run away from the roadway.

H. Heller stated that the applicant is proposing to build 500 ft. of a new town road to be known as Thomas Court running northeasterly from Coal Pit Hill Road. He stated that Thomas Court would be built to the design standards of the Town of Griswold Road ordinance consisting of a 28 ft of paved surface with curbing. He explained Sheet 11 of 15 showing Thomas Court and its profile consisting of installation of a culvert under the road to allow for flow between wetland systems.

H. Heller explained that there will be filling in the wetlands to accommodate a stormwater management system designed to meet the 2004 Stormwater Quality Manual of the CT DEP. He explained the 2-bay water quality basin to be constructed in the upland area and discharged to a modified riprap spill way in the fore bay and secondary bay to filter out 80%

of the suspended solids where the water would be released back into the environment transmitted under the road and released to the wetland systems. There was discussion of this matter including easements for maintenance of which he explained on sheet 5 of 15.

H. Heller explained that the design engineers used the conservation subdivision regulations to delineate and concentrate the development of the site to those areas that are most amenable for development. He stated that using the R-40 set back standards he explained where the conceptual houses, wells and septic systems would be constructed where the land is more gently sloping and with much less impact than with the R-80 constraints.

H. Heller stated that on sheet 11 of 15, they are proposing to pave Thomas Court and the areas around the intersection of Thomas Court and Coal Pit Hill Road. He stated that one of the issues is the condition of Coal Pit Hill Road explaining that it is gravel in its entirety.

He Heller stated that the right of a municipal planning commission to adopt regulations requiring a developer to make off site improvements. He cited Pope v. Town of Killingworth of 1979 to the Commission. He also cited the Maule Case of 2006 that off site improvement was beyond the enabling legislation.

He stated that his client is aware that there should be improvements to Coal Pit Hill Road to make the development more marketable. He stated that at the next Commission meeting, they would present a proposal for road improvements to Coal Pit Hill Road. There was discussion of this matter.

H. Heller explained that the lots comply with the bulk requirements of R-40 zoning district for house well and on site septic systems. He explained that the testing was witnessed by R. Schuch, project and Sanitarian A. Gosselin and that all the lots comply with the minimum requirements for the installation of on site septic systems. All of the test pit data have been noted on the plans and the calculations for the MLSS requirements have been met. He stated that some of the lots were retested based on the comments of the sanitarian and the results submitted.

He stated that was the overview of what was submitted and asked the Commission for any questions.

G. Rooke-Norman asked the Town Planner or the Town Attorney if they had any comments of questions. Attorney Mark Branse stated that he had questions. M. Branse asked about the yield plan that included an extension of Coal Pit Hill Road. He asked the length of Coal Pit Hill road from Rte 201 to the current terminus. H. Heller stated about 4500 ft. M. Branse asked what the length of the road was from Rte 201 to where the property line intersects. H. Heller stated 1900 ft. M. Branse asked the length of Thomas Court. H. Heller state it was 500 ft.

M. Branse asked the length of the extension based on the yield plan. H. Heller stated it was 1000 ft. of Coal Pit Hill Road. There was lengthy discussion of this matter including a reference to Section 6.4.3 for dead end streets that was read for the record.

M. Branse asked about the number of lots for the parcel if Coal Pit Hill Road could not be extended. H. Heller stated that it would be 34 lots and they are proposing 33 lots. M. Branse asked that he sees two proposed cul-de-sacs, the new road and the extension of Coal Pit Hill Road that extend the total length of the dead end road. H. Heller stated correct. There was discussion of this matter of the number of lots involved if the two cul-de-sacs.

M. Branse read 6.4.1 into the record regarding two means of access for subdivisions in excess of 30 lots and stated that the conventional plan and the current conservation plan both exceed 30 lots; he asked John Faulise if there were two means of access. H. Heller stated that they interpreted that regulation to be applied to subdivision that creates a new road. He stated that there are not two means of access. There was discussion of this matter.

M. Branse read 3.1.2 was read for the record and asked if two sets of plans were submitted to the Board of Selectmen to confirm that it complied with the Town Road Ordinance. J. Faulise stated that the plans were submitted to the Planning Commission and the original submission requirement was 6 sets until recently when it was increased to 10 sets where copies would be provided to the selectmen, fire marshal, and sanitarian. He stated that he believed it would be done by the planning commission.

M. Branse read 4.3.5 for the record and asked if the locations of trees of more than 2 ft. in diameter were shown on the plan. J. Faulise stated that there are numerous trees on the site and that Bob Russo the soil scientist who delineated the wetlands would better able to answer that question, as he is more familiar with site. J. Faulise stated that most of the trees are at the two ft. or smaller since it had been logged in the past. There was discussion of this matter.

M. Branse stated that H. Heller's answered that 6.4.6 and 6.4.7 was beyond the enabling legislation; he asked H. Heller if it was his position that the Commission cannot enforce those regulations. H. Heller stated that that was their position. There was discussion of this matter including reaching a an accommodation to assist us in developing this subdivision but help the residents already living on Coal Pit Hill Road and why this accommodation was not made as an application.

M. Branse read 6.6.3 for the record regarding dedicated open space to be contiguous. He stated that there is a gap on the north side for wild life on lot 32 but on the east side there was no gap for wildlife to traverse across the open space. He asked H. Heller how the proposed plan complies with that section. H. Heller explained that the open space complies since it interconnects with the adjacent state property south of the subdivision. There was discussion of this matter including that open space be contiguous within the subdivision

M. Branse addressed Section 6.7 regarding pedestrian easements and pedestrian circulation. He asked H. Heller what provision has been made for movement of pedestrian's within the subdivision and public pedestrian access to the open space and state forest. H. Heller stated that the regulation must be read within the context of the area where the application proposal is situated addressing the rural nature of Coal Pit Hill Road, the minimal traffic flow and the location of Camp Wightman beyond the subdivision that uses Coal Pit Hill Road for access. He stated that they did not see the need for developing trails or sidewalks. There was discussion of this matter.

M. Branse asked the width of Coal Pit Hill Road. H. Heller stated that the road was 18 ft. wide and that a shoulder might not exist from wall to wall. He explained this matter to the Commission including ground elevations within 2 ft. of the walls being higher than the bearing surface. He stated that the current application proposes no improvements to Coal Pit Hill Road. There was discussion of this matter including the width of the proposed highway right of way of 50 ft.

G. Rooke- Norman asked if C. Fontneau had any questions. C. Fontneau stated that he had some of the same questions that Atty. Branse had. He stated that the issues had been identified such as improvement to roads. He stated that some items were incomplete in the application.

C. Fontneau addressed some issues that included 3.1 plans to be filed with the assessor for road name review; 4.1.2 that prints do not include name of property owner; 4.3 bonding survey map should be 1" equals 100 ft.; 4.3.13; 4.3.14 signature block only on front page; Section 4.1, Section 4.6.4, Section 6.3, Section 6.3.4, 6.4.1., 6.4.3. There was discussion of these matters, including safety issues for the subdivision.

M. Branse read Section 4.7.1 Material provided in support of an application was read for the record. H. Heller stated that the application was before wetlands in a public hearing. There was discussion of this matter.

G. Rooke-Norman asked for questions from Commission members. P. Anthony stated that Atty. Branse had addressed the issues. D. DeGuire asked about the rebuilding of rock walls. J. Faulise explained that the walls would be moved for driveway access. There was discussion of this matter.

C. Kinnie asked about access to open space on the eastern side. J. Faulise explained that there was access to the open space from the State of Connecticut property has a DEP access. There was discussion of this matter including section 6.6.2.

G. Rooke-Norman asked for other questions from commissioners.

C. Kinnie asked if it continued beyond the limits of the road. He stated that the access for the open space on the side of northerly of lot 32 and lot 33 access, he asked about the regulated area of the wetlands. J. Faulise stated that it was shy of 75 feet. There was discussion of this matter including the required frontage for the open space.

C. Kinnie asked about the existing house and questioned its historic nature. J. Faulise stated that there was no historic value and the house will be demolished.

G. Rooke-Norman asked for comments from the audience for comments in support of the application. She asked for comments in opposition to the application or neutral observations.

Kevin Butler, Director of Camp Wightman and resident of Coal Pit Hill Road stated that he had a letter from residents who could not attend. He read a letter from Jeffrey and Catherine Finger, 18 Coal Pit Hill Road in opposition to the subdivision as it is proposed, they requested that less homes be built on the site, the impact to the gravel road, and the minimal

plowing of snow in winter to the for the record. EXIBIT 2 He submitted photographs of Coal Pit Hill road for the record. EXIBIT 3.

Kevin Butler addressed his concerns for the subdivision proposed. He explained the conditions of the existing road. He listed his concerns for school bus pickup, no postal delivery, traffic congestion on the narrow road, concerns for emergency vehicles and snow removal. He stated that no traffic studies have been done by the applicant. He was concerned for the sight lines from the driveways. He was concerned for the obstruction of traffic during construction as well as dust. He voiced his concerns for drainage problems adding to the already existing drainage problems. He was concerned that the risks would be borne by the Town. He explained the shoulders of Coal Pit Hill Road. There was lengthy discussion of these matters including M. Branse explaining how the Town has the authority to upgrade existing roads by assessing the owners of the frontage properties.

G. Rooke-Norman asked about the where free split lot was located. H. Heller explained where the lot was located and the house is on the right-of-way. There was discussion of this matter.

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

Jim Patterson, 36 Coal Pit Hill Road stated that he had safety concerns from Rte 201 since the road is 18 ft wide where he nearly collided with a vehicle coming down the road. He voiced his concerns for the poor drainage and severe rutting of the roadway. He stated that the one of the three catch basins has been filled for the past year. He stated that the gravel from the road washes into the woods. He was concerned for emergency vehicles not able to enter driveways or turning around on the narrow road.

Robert Sitkowski, Robinson & Cole on behalf of Camp Wightman explained how the intervention was derived based on the environmental impacts and the effects of water and sewage, grading, flooding and erosion issues. There was lengthy discussion of these matters including airborne dust and pollution during the dry seasons, prudence of the project.

Bob Schuch, profession engineer on the project explained the drainage to the Commission and where it would run off down either side of the road and that 80 percent would go into the grass and lawn areas. There was discussion of this matter.

G. Rooke-Norman asked for other questions from the Commission

P. Anthony asked if the abutting towns were notified. C. Fontneau stated that the towns and the council of governments have been notified. There was discussion of this matter including that the Commission be informed of any correspondence received by the towns and council of governments.

G. Rooke-Norman asked M. Branse that if the public hearing could be closed and can still receive reports from staff. She asked if it was the same for the agencies. M. Branse explained that if there was new information received from the adjoining towns and the council of governments and raises new issues, after the public hearing is closed, it deprives the right to be heard by the abutting towns and council of governments.

K. Butler, Camp Wightman, asked question of clarification about access to the public land to the west side. He asked if the road was public or private. H. Heller stated that it was not public road and that the road was discontinued and he explained the abutting ownership reverts to the centerline and the public easement is discontinued. There was discussion of this matter including the only location of access to the open space resources being open to the public and pedestrian circulation.

J. Schumaker asked a question about the extension of the dead end road to 1200 ft and that the yield plan is based on that, does that invalidate the yield plan; and does it have to be redone to show the average number of lots or is that something the Commission can decide. M. Branse stated that the commission has latitude to determine it; and he explained the yield plan is to show how the number of lots can be determined under a conventional subdivision and complies with the regulations. There was discussion of this matter including the lack of compliance and the lack of two points of access as a risk to public safety.

G. Rooke-Norman asked for questions or concerns from the audience. She asked for comments from the applicant.

H. Heller asked that the public hearing be continue to the next regular meeting.

Norman Higgins stated the applicant suggested that if the Town takes over the open space. He voiced his concerns if the public access that there could be liability and the open space should be left in the applicant's hands to do the maintenance. He would like to see the town spend their money for something different.

G. Rooke-Norman asked when the application was received from the commission. C. Fontneau stated that the date is on the application. There was discussion of this matter.

M. Branse asked C. Fontneau when the notices were mailed to the Towns and the regional planning agency. C. Fontneau stated that they were mailed October 16 & 17 and recorded on the 18<sup>th</sup>. There was discussion of this matter including hold the public hearing open for 30 days.

G. Rooke-Normans stated the Commission has received incomplete applications in the past. She stated that the applications are to be completed when the application is submitted and the fee paid before coming before the Commission. There was discussion of this matter including holding a special meeting.

G. Rooke-Norman stated that the consensus is for continuing the public hearing. H. Heller stated that it is his position is that this is a complete application. There was discussion of this matter.

H. Heller stated that an intervention petition was received tonight and they did not receive it until tonight and would need a reasonable period of time. M. Branse asked R. Sitkowski if the intervention petition's substance was the same as that submitted to the Inland Wetlands Commission. R. Sitkowski stated that the allegations are the same and this one includes the dust from the road. There was discussion of this matter.

G. Rooke-Norman stated that two weeks would be sufficient. H. Heller asked that it be continued to the December meeting. There was discussion of this matter.

G. Rooke-Norman asked for a motion to continue this public hearing to either November 27, 2006 or to December 11, 2006.

D. DeGuire made a motion to continue the public hearing to December 11, 2006 at 7:00 p.m. P. Anthony seconded the motion. G. Rooke-Norman asked for a vote. There were three aye votes and two nay votes by M. McKinney and G. Rooke-Norman. The motion was carried.

G. Rooke-Norman called for a five-minute recess.

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

#### **1. Call to order:**

Chairperson G. Rooke-Norman called this regular meeting of Griswold Planning & Zoning Commission to order at 9:55 p.m.

#### **2. Roll Call:**

**Present:** Chairperson Gail Rooke-Norman, Members Philip Anthony, Daniel DeGuire, John Schumaker, Alternates Martin McKinney, Courtland Kinnie, Town Attorney Mark Branse, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Member Clyde Seaman

#### **3. Determination of Quorum:**

G. Rooke-Norman appointed M. McKinney to sit for Clyde Seaman. It was determined that there is a quorum for this regular meeting.

#### **4. Approval of Minutes:**

**A.** Approval of Minutes of the Public Hearing of October 10, 2006

**B.** Approval of Minutes of the Regular Meeting of October 10, 2006

G. Rooke-Norman asked for a motion on the minutes of the Public Hearing and Regular Meeting of October 10, 2006.

P. Anthony so moved.

C. Kinnie stated that he had a question on page 2 regarding the amount of \$23,000 for the walls. He read it for the record. He thought it was for the road improvement. There was discussion of this matter.

P. Anthony withdrew his prior motion. P. Anthony made a motion to table the minutes of October 10, 2006 to the next regular meeting pending review by Recording Secretary Donna Szall. J. Schumaker seconded the motion. All were in favor. The motion was carried.

C. Approval of Minutes of Special Meeting of October 23, 2006

G. Rooke-Normans asked for a motion on the minutes of October 23, 2006.

P. Anthony made a motion to accept the minutes. J. Schumaker seconded the motion. All were in favor. The motion was carried.

**5. Correspondence and Attachments:**

A. Letter dated October 3, 2006 to Gail Rooke-Norman, Chairperson of the Griswold Planning & Zoning Commission from John Faulise Boundaries, LLC regarding lot line modifications for the approved SUB 11-04 "Cedar Glen Farms" Subdivision.

B. Letter dated September 27, 2006, from Connecticut Water Company regarding notification pursuant to Public Act 06-53 to State Department of Public Health of projects located within aquifer or watershed areas

C. Letter dated September 2006 to Municipal Clerks regarding Public Act 06-53 notification to Connecticut Department of Public Health of projects within a public water supply aquifer protection area or watershed area.

D. Letter dated September 27, 2006 to BBC Griswold, LLC c/o Cerruzzi Holdings LLC from Anne P. Hatfield in response to letter dated August 29, 2006.

E. Letter dated October 17, 2006 to Gail Rooke-Norman regarding Board of Selectmen meeting minutes of October 10, 2006 authorizing bond reduction for Zvingilas Road and Quiet Cove Lane.

F. Letter dated October 18, 2006 to Peter Zvingilas, ZEO from Atty. Mark Branse regarding Medbery Division of Property on George Palmer Road

G. Rooke-Norman stated that there was a recent dated November 10, 2006 letter from Janet Putman Keffer and Heidi Putman and asked for a motion to table this matter to place on an agenda for the next regular meeting or schedule special meeting. There was discussion of this matter to put this on the agenda of November 27, 2006.

J. Schumaker made a motion to hold a special meeting on November 27, 2006 at 7:00 p.m. P. Anthony seconded the motion. All were in favor. The motion was carried.

G. Rooke-Norman asked C. Fontneau if there was any correspondence to be added to the agenda. C. Fontneau stated that Item 5 D could be placed on the agenda. G. Rooke-Norman asked for a motion to place Item 5 D on the agenda under Item 7 B.

P. Anthony so moved. J. Schumaker seconded the motion. All were in favor. Motion was carried.

**9. Matters Presented for Consideration:**

**A. Discussion of the Priority Ranking of the Goals for Plan of Conservation and Development**

G. Rooke-Norman asked if everyone gave C. Fontneau the rankings of the Plan of Conservation and Development. There was discussion of this matter. She asked that everyone get the rankings to C. Fontneau before November 27, 2006.

P. Anthony made a motion to have the Plan of Conservation and Development on November 27, 2006 agenda. D. DeGuire seconded the motion at 7:00 p.m. All were in favor. The motion was carried.

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

G. Rooke Norman stated that this was a prior public hearing and that there were multiple parts and that there were issues of who could vote on what. P. Lafayette stated that the Commission would review the records from the last meeting. G. Rooke-Norman stated that if the Commission is ready to vote and to look at the application to vote on it tonight.

P. Anthony asked if the Commission has received the revised plans that contained the sight lines for the stone walls. P. Lafayette stated he gave seven revised plans to the Commission. There was discussion of this matter including that P. Lafayette submit revised plans and a revised bond estimate for the November 27, 2006 meeting at 6:30 p.m.

G. Rooke-Norman asked that members should listen to the tapes so that there is a full voting board in this matter.

P. Anthony made a motion to table the decision of the application to November 27, 2006 for print review at 6:30 p.m. J. Schumaker seconded the motion. All were in favor. The motion was carried.

**C. SE 01-07 Pickett, Norman & Priscilla, 22 Felix Street, Griswold, CT. Property Location: 32 Dey Street & 17 Charles Street, Jewett City.** Applicants request approval of a Special Exception in accordance with Section 9.1.3 of the Borough of Jewett City Regulations. The request is to reduce the frontage of an existing lot located at 32 Dey Street from 101.50 ft. to 50.75 ft in order to create 25.41 ft. frontage on Dey St. for a new flag building lot, and to create 25.34 ft. frontage on Dey St. as access to a land-locked parcel located at 17 Charles Street. The subject property is located in the R zoning district.

G. Rooke-Norman stated that this was a prior public hearing. C. Fontneau stated that there were no outstanding issues identified in the last month and no new issues at this public hearing. He stated that the Commission is ready to decide on this Special Exception; this is not a subdivision. G. Rooke-Norman stated if the Commission was to approve the application she stated that that the condition that the applicant files a declaration on the land records after review by the Town Attorney regarding a limitation to single-family homes.

M. McKinney made a motion to approve the application with the condition that 1) the applicant file a declaration on the land records after review by the Town Attorney regarding the limitation to single-family homes. D. DeGuire seconded the motion. All were in favor. Motion was carried.

M. McKinney asked about the information by Robinson & Cole and asked for copies of the intervention petition and a copy of the declaration.

**D. SUB 02-07 O’Keefe Building Company, Inc. 34 Fallow Road, Pawcatuck, CT. Property Location: 130-135 Coal Pit Hill Road, Griswold.** Applicant requests approval of a 33-lot subdivision “Coal Pit Hill Farms” including a cul-de-sac. The subject property is located in the R-80 zoning district.

G. Rooke-Norman stated that this public hearing was continued to the next regular meeting on December 11, 2006.

J. Schumaker made a motion to table to December 11, 2006. D. DeGuire seconded the motion. All were in favor. Motion was carried.

**E. SUB 04-07 Fontaine, Edgar J., 70 Norman Road, Griswold, CT. Property Location: 70 Norman Road, Griswold.** Applicant requests approval of “Kingsbridge Estates” an 11-lot subdivision on 59.68 ± acres that will include 530-l.f. of proposed new roadway. The subject property is located in the R40/R60 zoning district.

C. Fontneau stated that this application requires a public hearing. John Faulise, Boundaries, LLC requested that the public hearing be set for a January public hearing. P. Anthony made a motion to schedule a public hearing on January 8, 2007 at 7:00 p.m. J. Schumaker seconded the motion. All were in favor. The motion was carried.

## **10. Additional Business:**

**A.** Discussion of lot line modifications for the approved SUB 11-04 “Cedar Glen Farms” Subdivision.

John Faulise, Boundaries, LLC explained that this was a subdivision that was approved in 2004.

P. Anthony recused himself from this item only and he left the meeting.

G. Rooke-Norman appointed C. Kinnie to sit for P. Anthony in this matter.

J. Faulise explained Sheet 3 where the area of change for the lot line modifications creating changes to lots 6, 16, 18 and 19 to the Cedar Glen Subdivision that were based on the requirements by the U. S. Army Corp of Engineers for open space dedication of lot 20 increasing open space acreage to 17.8 acres. R. Sitkowski, Robinson & Cole representing the applicant read CT State Statute 8-28 for the record defining a resubdivision. There was lengthy discussion of this matter including whether this was a resubdivision.

M. McKinney made a motion to approve the lot as denoted on the plans dated November 13, 2006. D. DeGuire seconded the motion. There was discussion of the motion. C. Fontneau asked that the Sheet 3 be identified SO3 J. Faulise stated that an entire new set would be submitted for recording.

**B.** Letter dated September 27, 2006 to BBC Griswold, LLC c/o Cerruzzi Holdings LLC from Anne P. Hatfield in response to letter dated August 29, 2006.

C. Fontneau explained that a small piece of land that is required by the DOT for a future project which is an 8-24 approval to Quit Claim that property to BBC Griswold, LLC c/o Cerruzzi Holdings, LLC for Griswold Commons that was presented to the Commission as a concept. He stated that it is located on the corner of Rte 138 and Preston Road.

Vice Chair P. Anthony stated that Chairwoman G. Rooke-Norman recused herself from this matter and left the meeting.

P. Anthony asked C. Fontneau to point out anything on this. C. Fontneau stated that it would eventually be of use in a future project that is before the State Traffic Commission and without the Quit Claim deed to that 1100 s.f. of that property. There was discussion of this matter.

A. Hatfield stated that the Planning & Zoning would make a recommendation under 8-24 to the BOS of Selectmen hold a town meeting to Quit Claim the land to the developer so the development can continue. P. Zvingilas stated that the town should not give land to a private developer. There was discussion of this matter.

P. Anthony appointed C. Kinnie to sit for G. Rooke-Norman.

J. Schumaker made a motion to table to the next regular meeting on December 11, 2006. D. DeGuire seconded the meeting. All were in favor. Motion was carried.

## **11. Old Business**

G. Rooke-Norman asked for a motion to put Anne Hatfield on the Agenda. P. Anthony made a motion to put A. Hatfield on the agenda B. C. and D before A. J. Schumaker seconded the motion. All were in favor. Motion was carried.

**B.** Discussion of Advanced Automotive requesting a Quit Claim Deed for land between Rte 138 and Pine Road

A. Hatfield explained that the property on Rte 138 and Pine Road and it was unclear who the owner was Town or State and there were issues with the Title. She stated that this would be a report from the P & Z for a decision of CT S8-24 and referred it to a Town Meeting. J. Faulise submitted a map of the property to the Commission and he showed the location of 350 s. f. that was once Pine Road. There was discussion of this matter including a possible payment for this property.

J. Schumaker stated that he was not in favor of turning land over to private landowners. He stated that it would be a distraction to passing vehicles having vehicles parked so close to the road.

J. Schumaker made a motion to table this matter to December 11, 2006 at the regular meeting. P. Anthony seconded the motion. All were in favor. Motion was carried.

**C. Discussion of Quit Claim Deed for two pieces of property on Bethel Road**

A. Hatfield stated that an S8-24 is for Quit Claim deed on Bethel Road located at 41 Bethel Road, giving property to the town to comply with the 25 ft. a right of way. There was discussion of this matter.

P. Anthony made a motion to recommend for Viens, 41 Bethel a favorable recommendation for the Town of Griswold to accept Quit Claim deed for two pieces of property on Bethel Road. J. Schumaker seconded the motion. All were in favor. Motion was carried.

**D. Discussion of issues on the Brickett property located on Upland Road**

A. Hatfield stated that Mrs. Brickett stated to her that the town promised to take over this property and had stopped paying taxes on it. A. Hatfield stated that there are liens on the property at this time. She asked the Planning and Zoning Commission for a S8-24 review. P. Zvingilas stated that it the road by Mr. T's and it once was a dump. He stated that he was not in favor of giving a favorable report. There was discussion of this matter.

P. Anthony made a motion to recommend a negative report for S8-24 on Item 8D not to accept the properties on Upland Road. D. DeGuire seconded the motion. All were in favor. Motion was carried.

**A. Consideration and appointment to fill the vacancy of an alternate member on the Planning & Zoning Commission**

G. Rooke-Norman explained that in speaking with C. Fontneau that the Planning & Zoning Commission recommends the appointment of someone and voted to appointment, he suggested that the Board of Selectmen ratify the appointment. C. Fontneau stated that there are no clear guidelines when it is a vacancy of an alternate. There was discussion of this matter.

J. Schumaker made a motion to appoint John Taylor as an alternate and that it is the Planning and Zonings recommendation that the BOS ratify the appointment. M. McKinney seconded the motion. There was discussion of this matter.

D. DeGuire stated that he wanted to see the letters. D. Szall stated that the members were given copies of all the letters. There was discussion of this matter. G. Rooke-Norman asked for the vote. There were 3 aye votes and 1 nay vote by D. DeGuire.

**9. New Business:**

**A.** Discussion for release of bond for completion of road project for Lily Pond Estates that was approved by the Board of Selectmen on October 24, 2006

C. Fontneau explained that the as-built as been submitted, the Mylar has been sent and there appears that the information is correct. G. Rooke-Norman asked if C. Fontneau had any other questions or requirements. There was discussion of this matter.

P. Anthony made a motion to approve the release of the bond for Lily Pond Estates and to reduce the bond to the 6 percent maintenance level. J. Schumaker seconded the motion. All were in favor. Motion was carried.

**B.** Request from T. M. Builders, LLC for clarification of what type of board or other vehicle would be required for road/drainage improvements relating to construction Arthur's Way.

C. Fontneau stated that this subdivision was approved in July and a 90-day extension was granted, and the owners are interested in selling the property to T. M. Builders who was asking for the type of recommended by the Commission. He stated that it was a policy decision that would protect the town for the drainage and the road. Jerry Giuliano read information from Peter Zvingilas and Anne Hatfield for the record relating to bonds. C. Fontneau read 202-18 of the Road Ordinance relating to driveways not to roads. There was lengthy discussion of this matter including surety bonds and ironclad letters of credit.

G. Rooke-Norman recommended \$10,000 cash bond and the rest in a surety bond. C. Fontneau stated that the company should have an A rating or above. There was lengthy discussion of this matter including the percentage amount to be in the form of cash.

P. Anthony made a motion that T. M. Builders, Section 9 Item B accept a 6 percent cash bond as well as the balance in the form of a surety bond from a company licensed in the State of Connecticut with a minimum of an A rating. G. Rooke-Norman seconded the motion. J. Schumaker stated that the percentage should be 10 percent. There was discussion on the motion for the percent of cash and from whom the bond would come. G. Rooke-Norman asked for a vote. There was one aye vote. She asked for another motion.

J. Schumaker made a motion that the owner of record to accept a 10 percent cash bond as well as the balance in the form of a surety bond from a company licensed in the State of Connecticut with a minimum of an A rating. M. McKinney seconded the motion. G. Rooke-Norman asked for a vote. There were 3 aye votes and 2 nay votes from D. DeGuire and P. Anthony. The ayes carry.

**10. Reports from the Enforcement Officer:**

A. Complaint of a barbershop operating out of a shed with no running water, no bathroom and no zoning permit.

P. Zvingilas stated that the man who said that he was not running a business in his shed. He stated that he only cuts hair of his friends and family. There was discussion of this matter including application for a home occupation or a cease and desist order.

**11. Adjournment:**

J. Schumaker made a motion to adjourn. M. McKinney seconded the motion. All were in favor. Meeting adjourned at 11:51 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary