

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

FEBRUARY 12, 2007

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 7:35 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Member, John Schumaker, Alternates Martin McKinney, Courtland Kinnie John Taylor, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Members Clyde Seaman, Philip Anthony. Daniel DeGuire

3. Determination of Quorum

G. Rooke-Norman appointed M. McKinney to sit for Clyde Seaman, J. Taylor to sit for D. DeGuire, and C. Kinnie to sit for P. Anthony. It was determined that there is a quorum for this public hearing.

4. Matter Presented for Consideration:

A. 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.

G. Rooke-Norman stated that this was a continuation of a public hearing on January 8, 2007. She asked if someone was here to represent the applicant.

John Faulise, Boundaries, LLC, was present to represent Edgar Fontaine who was also present. J. Faulise explained that he had received comments from the Town engineer and had revised the plans which were resubmitted to the Town Engineer on February 8, 2007 for review. He stated that the town engineer has not had a chance to review the resubmitted plans and asked that the

Commission continues this public hearing. J. Faulise read his letter dated February 12, 2007 asking for a 35-day extension of the public hearing in accordance with GS §8-3. He stated that there are no significant changes except to the drainage calculations, minor engineering revisions and site line demonstrations.

G. Rooke-Norman asked for questions or comments from the Commission.

C. Kinnie asked about Comment 4 concerning the 4 ft. deep sump versus the 2 ft. deep sump and asked J. Faulise to give an explanation.

J. Faulise explained that the 2004 Stormwater Manual requires the 4 ft deep sump and the catch basins. He read a letter from Bob Schuch's response explaining the limitations of the 4 ft sump for the record as they pertained to the Town Engineer's comments. J. Faulise stated that the 4 ft deep sump allows for a larger accumulation of debris and holds water for a longer time and become a source of pollution. He stated that B. Schuch will be present at the next meeting to give a more detailed explanation. There was discussion of this matter.

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

C. Fontneau stated that there is a letter in the project file from the Fire Marshal in the file relating to fire ponds. G. Rooke-Norman read the Fire Marshal's letter for the record recommending a dry hydrant and an alternate water supply. E. Fontaine stated that he spoke with the Fire Marshal for a location for it to go through. There was discussion of this matter including the possibility of the need for amending the wetlands permit.

G. Rooke-Norman asked if there were questions, concerns or comments from the general public. She asked for other comments from the Commission. She asked C. Fontneau if the extension was in a proper format. C. Fontneau stated yes. There was discussion of this matter.

G. Rooke-Norman asked for a motion to continue this for the first meeting in March.

J. Schumaker made a motion to continue this public to March 12, 2007 at 7:30 p.m. M. McKinney seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. The motion was carried.

G. Rooke-Norman stated that the regular meeting will be in ten minutes.

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

1. Call to order:

Chairperson Gail Rooke-Norman called the regular meeting of the Griswold Planning and Zoning Commission to order at 8:05 p.m.

2. **Roll Call:**

Present: Chairperson Gail Rooke-Norman, Members, John Schumaker, Alternates Martin McKinney, Courtland Kinnie, John Taylor, Town Planner, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Members Clyde Seaman, Philip Anthony, Daniel DeGuire

3. **Determination of Quorum:**

G. Rooke-Norman appointed M. McKinney to sit for Clyde Seaman, J. Taylor to sit for D. DeGuire, and C. Kinnie to sit for P. Anthony, and. It was determined that there is a quorum for this public hearing.

G. Rooke-Norman stated under Item 4 that SUB 04-07 was a prior public hearing that was continued to March 12, 2007 and asked for a motion to table.

J. Schumaker made a motion to table this matter to March 12, 2007 regular meeting. M. McKinney seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. The motion was carried.

4. **Approval of Minutes:**

- A. Approval of Minutes of the P & Z & BOS Combined Public Hearing of January 22, 2007
- B. Approval of Minutes of the P & Z Regular Meeting of January 22, 2007

G. Rooke-Norman asked for a motion to approve the minutes of the P & Z and BOS public hearing on January 22, 2007 and the P & Z regular Meeting of January 22, 2007. J. Taylor made a motion to approve the minutes. M. McKinney seconded the motion. All were in favor. The motion was carried.

5. **Correspondence and Attachments:**

- A. Letter dated January 3, 2007 from F. Clyde Seaman to the Griswold Planning & Zoning Commission regarding his resignation from the Commission.

G. Rooke-Norman stated that there is a letter of resignation from Clyde Seaman. She stated that he had been with the Planning & Zoning Commission for more than twenty years. There was discussion of the matter. G. Rooke-Norman asked for a motion to formally accept C. Seaman's resignation with regret.

J. Schumaker made a motion to formally accept with regret the resignation in the letter dated January 3, 2007 of C. Seaman from the Planning and Zoning Commission. C. Kinnie seconded the motion. All were in favor. The motion was carried.

G. Rooke-Norman stated that we can discuss letter to appoint a new member to the Commission.

B. Letter dated January 3, 2007 to Town Clerk Ellen Dupont from Louis E. Steinbrecher, Secretary, Town of North Stonington Planning & Zoning Commission regarding regulation change of 403.2.

G. Rooke-Norman asked C. Fontneau if there were any issues with the North Stonington regulations that might impact Griswold. C. Fontneau stated that there was no inter-municipal impact. There was discussion of the matter.

C. Letter dated January 9, 2007 to Town Clerk Ellen Dupont from Louis E. Steinbrecher, Secretary, Town of North Stonington Planning & Zoning Commission regarding regulation change of Section 503.4, 509, and 703.2(b).

G. Rooke-Norman asked C. Fontneau if there were any issues. C. Fontneau stated that there was no inter-municipal impact. There was discussion of the matter.

D. Copy of letter dated January 8, 2007 to Robert Tarkowski from John S. DeCastro, P.E. CTDOT regarding proposed residential drive on Route 138.

G. Rooke-Norman asked C. Fontneau about this item. C. Fontneau stated that it is a document for a road cut and no action is required.

E. Letter dated January 11, 2007 to Town Clerk Ellen DuPont from Louis Soja, Jr., Town Planner regarding a public hearing for various text amendments on Tuesday, February 13, 2007 at 7:00 p.m.

G. Rooke-Norman asked C. Fontneau if there were any issues. C. Fontneau stated that there was no inter-municipal impact. There was discussion of the matter.

F. Letter dated October 6, 2006 from Matthew J. Willis, Branse, Willis & Knapp, LLC to Anne P. Hatfield, First Selectwoman regarding ownership of Red Barn Road.

G. Rooke-Norman stated that there is correspondence to A. Hatfield in regard to Red Barn Road. C. Fontneau stated that it is in the agenda under addition business.

G. Letter dated January 24, 2007 to Anne P. Hatfield, First Selectwoman from Gail Rooke-Norman, Chairperson, Planning & Zoning Commission regarding resignation of Martin McKinney from the Building Committee.

H. Letter dated January 8, 2007 Planning & Zoning from Edmond J. Wambolt, Mew Development Corporation regarding River Run Town Houses at 61 South Main Street requesting to release/reduce the performance bond.

G. Rooke-Norman asked if this was on the agenda. C. Fontneau stated that it is the second item under additional business.

I. Letter dated January 17, 2007 from Connecticut Association of Wetland Scientists regarding registration for their Annual Meeting on February 27, at the Sheraton Four Points in Meriden.

J. Avalonia Trails Newsletter, Avalonia Land Conservancy, Winter 2007

K. 2007 New England Private Well Water Symposium, Save the date December 3 & 4, 2007, Hyatt Regency, Newport, Rhode Island

L. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Winter 2007 Volume XI, issue 1

6. **Matters Presented for Consideration:**

A. **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.

G. Rooke-Norman stated that this matter was to be tabled. J. Schumaker stated that this item was already tabled to the March 12, 2007 meeting.

B. **SE 02-07 Strain, Patrick, 13 Rudy Circle, Griswold, CT. - Property Location: 1061 Voluntown Road, Griswold.** Applicant requests approval a Special Exception to Section 7.3.1 for a motor sports business with ATV sales, motorcycle sales and repairs. The subject property is located in the C-2 zoning district.

G. Rooke-Norman asked if there was someone here to represent the applicant. G. Rooke-Norman stated that this would require a public hearing. C. Fontneau stated yes and that this time the application should be accepted and the public hearing set. C. Fontneau stated that the applicant was asking for a waiver of the A-2 survey but the details of for the special exception are not on it. He stated that the Commission can review the plan and decide whether to act on the waiver. He explained the layout of the buildings on the site would not change and that the only changes would be signage for the business and signage for the location of parking. G. Rooke-Norman asked if there was a parking conflict. C. Fontneau stated that there was no parking conflict. There was discussion of this matter.

C. Fontneau stated that the applicant was asking if the Commission would accept any penciled in changes to the survey. G. Rooke-Norman was concerned for the access to the area. There was discussion of this matter. C. Fontneau will have the applicant submit documentation for the access right of way.

G. Rooke-Norman asked how the customers would get to the back for parking. C. Fontneau explained where the customers would drive in the back using the common access. There was discussion of this matter.

C. Kinnie asked if P & J Overhead Doors used the back of the building. C. Fontneau stated that P & J Overhead Doors had never opened. P. Strain has a rental agreement for all of the empty space. C. Fontneau stated that the building is not changing in shape only the use is changing. P.

Zvingilas stated that the applicant is asking for a waiver of the A-2 survey. There was discussion of this matter.

M. McKinney was concerned with encroaching on the driveway and whether it was wide enough for all the new traffic. G. Rooke-Norman asked who owned the driveway. There was discussion of this matter whether parcel C owned the driveway and if the right of way will be retained over parcel B.

M. McKinney asked if there would be outside displays of vehicles. C. Fontneau stated that it could be shown in the plan during the public hearing. M. McKinney would like more detail of the corner of the building. M. McKinney stated that the current survey needed more detail on the plan. There was discussion of this matter.

G. Rooke-Norman asked the Commission members if the elements of the regulations that would have required the building to be redrawn on an A-2 survey, not be necessary. C. Kinnie stated that he did not think it needed to be redrawn but that the parking to be delineated. M. McKinney suggested that the lighting be shown. G. Rooke-Norman stated that it can be done with words added to the site plan. P Zvingilas stated that the rights of the easement should be researched. There was discussion of this matter including that the applicant must show ownership of the driveway in an acceptable way.

G. Rooke-Norman asked for a motion to set a public hearing. J. Schumaker made a motion to set the public hearing for March 12, 2007 at 7:15 p.m. in this room. M. McKinney seconded the motion. G. Rooke-Norman asked for a vote. All were in favor. The motion was carried.

C. OR-05-07 Still, Scott, 522 Plainfield Road, Griswold, CT. – Applicant requests an official ruling of Section 7.3.1 of the Griswold Zoning Regulations as it applies a continued use of automotive repairs and used car sales in order to obtain the necessary Commission signatures to complete the Department of Motor Vehicles license application requirement. The subject property is located in the C-2 zoning district.

G. Rooke-Norman stated that this was a official ruling and asked who was representing the applicant. Scott Still, owner, read a statement for the record for 522 Plainfield Road explaining that it was owned by American Industries as a continued use as an automotive repair facility.

S. Still stated that he will submit an A-2 survey and photographs of the site showing all the work he has done cleaning the site. He asked for an official ruling and for a signature required by the Department of Motor Vehicles.

G. Rooke-Norman explained that she felt that the applicant apply for an official ruling so that the Commission could determine whether the site was a continued use. P. Zvingilas stated the use had not changed for the site and gave a history of the site from the Arpin Garage to Clayville Automotive. He stated that it has always been automotive. There was discussion of this matter of the non-conforming use.

C. Fontneau stated that the DMV has changed their internal regulations that now requires an A-2 survey and also requires the signature of the commission chair. There was discussion of this matter including abandonment of use.

G. Rooke-Norman asked for questions from the Commission. M. McKinney stated that he was fine with it.

G. Rooke-Norman asked for a motion. M. McKinney made a motion that it is a continuation of a use and does not require a special exception. C. Kinnie seconded the motion. All were in favor. The motion was carried.

J. Schumaker made a motion to move Item 10 C to Additional Business Item 7 A. J. Taylor seconded the motion. All were in favor. The motion was carried

7. Additional Business:

- 7. A 10. C** Bergeron, David & Melissa 169 North Main Street, Jewett City, CT. Violation of Section 10.7 storage container without zoning permit (permit expired) **a)** Discussion of letter dated January 25, 2007 to Mr. & Mrs. David Bergeron from Atty. Erick Knapp of Branse, Willis & Knapp, LLC regarding violation of Section 10.7 Storage Containers Storage Container without a Zoning Permit. (Permit expired) **b)** E-mail dated January 30, 2007 to David Bergeron from Shannon Webster regarding a 30 day extension to remove storage container.

P. Zvingilas stated that Mr. Miller leases property from Mr. Bergeron to use a storage container for recycling bottles and cans and he is here asking for a new permit to continue to use the storage container. There was discussion of this matter.

G. Rooke-Norman asked if the back fees were included. P. Zvingilas stated that there has been no action to recoup the back fees. M. McKinney asked about the legal fees. P. Zvingilas stated that there would be legal action to stop the use of the storage container. There was discussion of this matter.

G. Rooke-Norman asked if there was a system to track the temporary permits. There was discussion of this matter that the planning office will track the temporary permits.

M. McKinney suggested that there be a compromise for the fees and to collect the \$72.50 for legal services. G. Rooke-Norman asked Mr. Miller if he would pay the legal fee of \$72.50. Mr. Miller agreed to pay the \$72.50.

M. McKinney made a motion to approve the application fee for one year and to collect the \$72.50 for legal fees. J. Schumaker seconded the motion. All were in favor. The motion was carried.

- A.** Continuation of preliminary discussion of commercial development of property located at Voluntown Road and SR 630 on behalf of Democles Angelopoulos and Cumberland Farms, Inc.

C. Fontneau stated that Boundaries LLC and Democles Angelopoulos withdrew coming in with revised plans. G. Rooke-Norman asked if this should be tabled. C. Fontneau stated no, nothing should be done at this time.

B. Discussion of a request to release/reduce the performance bond from Edmond J. Wambolt, Mew Development Corporation regarding River Run Town Houses at 61 South Main Street

C. Fontneau stated that he and P. Zvingilas looked at the site. He suggested that \$25,000 would be a more appropriate amount to finish the top course of bituminous concrete and this accounts for the market adjustment for material. There was discussion of this matter.

J. Schumaker made a motion to reduce the surety bond of \$287,735.00 and/or replace it with a new surety bond in the amount of \$25,000. C. Kinnie seconded the motion. All were in favor. The motion was carried.

8. Old Business

A. Input from the Commission members to Town Planner on items in zoning and subdivision regulations needing possible revision.

G. Rooke-Norman stated that this can be placed on the next agenda for February 26, 2007.

C. Fontneau stated that he would like to talk about adding regulations that address common and loop driveways. G. Rooke-Norman suggested having flag lots side by side each utilizing the same driveway with limited lot frontage. There was discussion of this matter.

C. Fontneau asked about neighborhood retirement complexes for over 55 housing and condominiums stating that these were tax-positive construction. There was discussion of this matter including a larger front yard requirement as well as a larger side yard requirement.

M. McKinney stated that he did not want to see the problems that the Commission experiences with the conservation subdivisions in practice. He stated that it seemed the open space ended up behind the subdivisions and that the open space should be in front of the subdivision. There was discussion of this matter.

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

9. New Business:

A. Discussion CT 8-24 Review of the ownership of Red Barn Road as it concerns Ransom Young based on a letter dated October 6, 2006 from Matthew J. Willis, Branse, Willis & Knapp, LLC to Anne P. Hatfield, First Selectwoman regarding ownership of Red Barn Road.

C. Fontneau explained the request by A. Hatfield for the Commission's 8-24 review of Red Barn Road for a recommendation. C. Fontneau stated that there are no homes on Red Barn Road. He

stated that the road could be deeded back to the property owners. He stated that the road has been discontinued and there are no records to support Red Barn Road. There was discussion of this matter.

Ransom Young was present to speak on the Red Barn Road matter. He explained that he was to see the selectmen when John Faulise researched the deed for Tom Kisilywicz; and at that time, R. Young was told that he had to talk to the selectmen. He stated that the deed was lost in 1749. He suggested that it should remain a town road be that it be kept closed. He explained the list of the road's use and that it was the only way to get to the farm. R. Young explained that the selectmen did a search of the title and that the town does own the road. There was lengthy discussion of this matter including a letter from 1843 that the town discontinued the road.

G. Rooke-Norman stated that the Commission cannot determine whether a road should be closed. She stated that the selectmen can only ask for a review by the Commission and by state statute to make a recommendation to the selectmen.

G. Rooke-Norman asked Mr. Young to summarize his argument. R. Young summarized his argument to the Planning and Zoning Commission.

Daryl Schlender, 7 Red Barn Road, stated that he bought his property 18 years ago and stated that he has maintained Red Barn Road where he uses it. He was concerned that it would be open to the public. He asked that the Commission have a vehicle for people who live on this road. P. Zvingilas asked which house was his. D. Schlender stated that it was the A-frame that was built in 1979. He stated that he has property frontage on Red Barn Road. M. McKinney stated that D. Schlender contact A. Hatfield and to get a copy of his deed to determine if there is a right of way to Richardson Hill Road. There was discussion of this matter.

G. Rooke-Norman stated that the Commission does not have enough information to make a decision. C. Fontneau stated that there is a 36-day period for the commission to comment. There was discussion of this matter.

M. McKinney made a motion to table this to March 12, 2007 of Red Barn Road 8-24 review. J. Taylor seconded the motion. All were in favor. The motion was carried.

10. Reports from the Enforcement Officer:

A. Tanguay, James Jr. & Suzette, 99 Banjo Sullivan Road, Griswold, CT. Violation of Section 11.17 Unregistered Motor Vehicles.

P. Zvingilas stated that the vehicles have been removed.

B. Laguerre, Brenda, 72-74 Carely Avenue, Jewett City, CT. Violation of Section 10.5 Junk Yards Prohibited in All Zones

P. Zvingilas stated that Brenda Laguerre, owner of the property, told the renters to remove the vehicles. He stated that two vehicles have been removed and two are remaining but are in compliance with the regulations.

C Bergeron, David & Melissa 169 North Main Street, Jewett City, CT. Violation of Section 10.7 storage container without zoning permit (permit expired) a) Discussion of letter dated January 25, 2007 to Mr. & Mrs. David Bergeron from Atty. Erick Knapp of Branse, Willis & Knapp, LLC regarding violation of Section 10.7 Storage Containers Storage Container without a Zoning Permit. (Permit expired) b) E-mail dated January 30, 2007 to David Bergeron from Shannon Webster regarding a 30 day extension to remove storage container.

P. Zvingilas stated that this matter was resolved earlier this evening.

G. Rooke-Norman asked if there was any other business.

G. Rooke-Norman stated that she spoke to C. Seaman to take him to dinner on March 2, 2007 which is a Friday. She asked that members should let her know if they will be attending. She stated that she will get a plaque to present to C. Seaman. There was discussion of this matter including where the dinner will be held.

C. Fontneau state that the annual budget is due and he will make adjustments to the budget for the Commission. He asked if the Commission ad any new line items. There was discussion of this matter.

G. Rooke-Norman stated that the zoning regulations should be printable off the website. There was discussion of this matter. D. Szall will see that the regulations can be printed.

C. Fontneau stated that there will be some adjustments to the fee schedule for non-staff reviews paid by the applicant to cover the costs better. There was discussion of this matter.

C. Fontneau stated that there should be a line item for a wide format copier, printer, scanner submitted for the budget under capital improvements. There was discussion of this matter.

J. Schumaker stated that there should be money for training in the budget for members. There was discussion of this matter of increasing the conferences and dues line item.

11. Adjournment:

G. Rooke-Norman asked for a motion to adjourn.

J. Taylor made a motion to adjourn. M. McKinney seconded the motion. All were in favor. The meeting adjourned at 9:56 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary