

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

AUGUST 14, 2006

GRISWOLD TOWN HALL

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

1. Call to order:

Acting Chairperson P. Anthony called this public hearing of Griswold Planning & Zoning Commission to order at 6:55 p.m.

2. Roll Call:

Present: Vice Chairperson Philip Anthony, Daniel DeGuire, John Schumaker, Alternate Martin McKinney, Town Planner Demian Sorrentino, Recording Secretary Donna Szall

Absent: Chairperson Gail Rooke-Norman, Secretary Clyde Seaman, Alternate Courtland Kinnie, ZEO Peter Zvingilas

3. Determination of Quorum

P. Anthony stated that there is a quorum for this public hearing.

4. Matter Presented for Consideration:

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

D. Sorrentino recused himself from this public hearing.

John Faulise, Boundaries LLC, was present to represent the applicant. He gave a summary of the information that was discussed at the last public hearing for modifications to the site plan for the restaurant, driving range poles and netting, fencing and screening.

J. Faulise stated that there were questions regarding the drainage from the last public hearing and he explained the drainage to the Commission for the restaurant and driving range. He submitted photographs of the site and explained them for the record.

J. Faulise explained the infiltration trench to the Commission and stated that the engineer's recommendations were addressed. He reviewed the six recommendations from Chuck Eaton of CME Associates. He stated that the recommendations were not based on a site visit and were done by the site plan only.

J. Faulise explained that the stormwater manual was used as a guideline for the proposed drainage. He submitted soil maps for the record. J. Faulise explained the criteria for the Commission.

J. Faulise asked the Commission to act favorably based on the design presented.

P. Anthony asked the Commission if there were any questions or comments.

D. DeGuire asked about the trench maintenance. J. Faulise explained how the infiltration trench was constructed and that maintenance would be removing leaves from the trench. There was discussion of this matter including installation of a pipe to address the engineer's concerns for volume from the infiltration trench.

P. Zvingilas asked where the leaching trenches would be located. J. Faulise explained that the septic system will be relocated and the stone trenches will be abandoned in place. He stated that the septic system and leaching trenches would be located in the driving range as it is maintained as a lawn. There was discussion of this matter.

J. Faulise explained the amount of flow from the discharge point would be less than when the area was a runway. He explained that there would be at least an acre of overland flow to the discharge point. There was discussion of this matter.

P. Anthony asked for any other questions from audience. He asked for comments in favor of the proposal. He asked for comments against the proposal.

P. Zvingilas asked if the soil classification was changed. J. Faulise explained that it was UD designated by the soil conservation services, which are disturbed soils because it had been cleared for the airport. He explained that the soils adjacent on the highway garage side and the Latham Drive side is all Merrimac soils; and is what the designation would have been in the absence of the development that had occurred there. There was discussion of this matter.

P. Anthony asked if the Commission had any other questions. Hearing none, he closed the public hearing at 7:10 p.m.

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

1. Call to order:

Acting Chairperson P. Anthony called this public hearing of Griswold Planning & Zoning Commission to order at 7:10 p.m.

P. Anthony stated that for the record Town Planner Demian Sorrentino, ZEO Peter Zvingilas and Recording Secretary Donna Szall were present at the prior public hearing at 6:55 p.m.

2. **Roll Call:**

Present: Vice Chairperson Philip Anthony, Daniel DeGuire, John Schumaker, Alternates Martin McKinney, Town Planner Demian Sorrentino, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Chairperson Gail Rooke-Norman Member, Clyde Seaman, Alternate Courtland Kinnie

3. **Determination of Quorum**

P. Anthony appointed Martin McKinney to sit for Gail Rooke-Norman. There is a quorum for this public hearing.

4. **Matter Presented for Consideration:**

A. SE 07-06 Tilcon Connecticut, Inc., 1 Forest Road, North Branford, CT – Property Location: 22 Sibicky Road/128 Rixtown Road, Griswold. Applicant requests approval of a continuation of existing earth products excavation operation currently operating on a portion of the project site. The subject property is located in the R-60 and R-80 zoning districts.

P. Anthony asked if there was someone to represent the applicant. Harry Heller, 736 Rte 32, Uncasville, CT was present to represent Tilcon Connecticut, Inc. He explained that their presentation was made during the last two public hearings and that there was no new information. He stated that the public hearing was continued to review information that was submitted to the record at that meeting. H. Heller stated that Mr. Strauss and Mr. Lane, Director of Environmental Compliance for Tilcon are available to answer any questions that the Commission may have.

P. Anthony asked Commission members if they had any questions.

P. Zvingilas stated that the Commission was concerned that a fence be installed in the shear areas. He stated that there is a double berm. H. Heller submitted a photograph of the berm to the Commission. P. Zvingilas stated that he suggested that danger signs be placed as a measure of protection and those signs have been installed. P. Zvingilas stated that any objections he had have been satisfied and that he did not see the need for a fence. There was discussion of this matter.

P. Anthony asked for comments from the audience for the project. He asked for comments from the audience against the project. He asked if the Commission had any other questions. J. Schumaker asked about the length of time for all the phases. H. Heller explained the time line is based on the market and could last 10 to 12 years on the short side and 20 to 25 years on the outside.

P. Anthony stated that Mr. Tom Seidel of the SCCOG is present. P. Anthony asked D. Sorrentino if Mr. Seidel would be addressing any part of this meeting. D. Sorrentino stated that he introduced Mr. Seidel to the files last Thursday. D. Sorrentino stated that the

Commission can still received input from staff in this matter after the public hearing is closed.

P. Anthony asked for any other comments or questions from the Commission members. Hearing none, he closed the public hearing at 7:18 p.m. He stated that there would be a 10-minute recess until the next public hearing at 7:30 p.m.

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

1. Call to order:

Acting Chairperson P. Anthony reconvened the meeting and called this public hearing of Griswold Planning & Zoning Commission to order at 7:30 p.m.

2. Roll Call:

Present: Vice Chairperson Philip Anthony, Daniel DeGuire, John Schumaker, Alternates Martin McKinney, Town Planner Demian Sorrentino, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Chairperson Gail Rooke-Norman Member, Clyde Seaman, Alternate Courtland Kinnie

3. Determination of Quorum

P. Anthony appointed Martin McKinney to sit for Gail Rooke-Norman. There is a quorum for this public hearing.

4. Matter Presented for Consideration

A. 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.

P. Anthony asked if anyone was here to represent the applicant.

Pat Lafayette, Engineer for the project was present. He explained that this is a continuation of the public hearing. He state gave a summary of the proposed subdivision.

P. Anthony stated to let the record show that P. Zvingilas returned at 7:31 p.m.

P. Lafayette reviewed the 390 ft. sight lines would include removal of two trees to the Commission. He stated the sight lines for the driveways on Stone Hill Road were based on an excess of a 35 mph speed limit. There was discussion of this matter.

P. Lafayette stated that the Board of Selectmen must look at a 25 ft. right of way dedicated to the Town. P. Lafayette explained where this 25 ft. right-of-way was located. He stated that he has not heard from the Selectmen. D. Sorrentino stated that he has not heard from them.

He stated that a letter was sent approximately two weeks ago. There was discussion of this matter.

P. Lafayette explained that this proposed plan had a recommendation by the Inland Wetlands Commission and they suggested that 4 ft. high, chain-link fencing be installed around the basin. P. Lafayette explained that the basin is a large grass bowl about five feet deep so it is very shallow with a 3/1 slope. He voiced his concerns for putting up fencing that children would climb the fence and drop 4 to 6 ft. He suggested wooden guardrails. P. Lafayette explained that it is now a detention basin with a drain. There was discussion of this matter.

P. Lafayette explained that on lot 11, which is shaped like a large triangle, the direction of the house was changed to face the cul-de-sac and the septic system relocated to allow for the 150 ft. front line setback. There was discussion of this matter.

P. Lafayette addressed the open space stating that the development will apply the fee in lieu of open space. He stated that the appraisal was submitted for \$12,500 that is 7 percent of appraised value of \$175,000 of the remaining 23.4 acres of undeveloped land. There was discussion of this matter.

P. Lafayette stated that a waiver was requested for the sidewalks. He explained he could not find the requirement in the regulations; but it was shown on the detail for the road so the waiver is for that detail of the road design. D. Sorrentino stated that the waiver request has been submitted in writing and is in the file. There was discussion of this matter.

D. Sorrentino stated he spoke to a wetlands commission member who stated that the wetlands permit was given to Development Solutions, and the owner is Trinity Development Group. D. Sorrentino stated that the subdivision application is Trinity Development Group. D. Sorrentino explained the deed and the ownership of the property and that the wetlands permit is attached to the property not to the owner. P. Lafayette explained that he put his name on the wetlands application to insure that he would receive the correspondence. He stated that he would submit the ownership information for the file.

D. Sorrentino stated that this public hearing is at the statutory limit if the Commission wanted to continue this public hearing. He stated that a waiver was needed from the applicant. P. Anthony stated that Commission is waiting for a report from the Board of Selectmen.

P. Anthony asked for questions. M. McKinney asked if the sight line was done by a traffic engineer or were they P. Lafayette's observations. P. Lafayette stated that those were his measurements in the field. He explained that he had the DOT listing for speed limit, sight distance, and setback and height requirements. There was discussion of this matter.

P. Anthony asked if the applicant was willing to grant an extension. P. Lafayette stated that the applicant would submit an extension. P. Lafayette asked for a checklist for the next meeting. P. Lafayette asked if the sight line issues were addressed to the Commission's satisfaction. D. Sorrentino stated that the engineer had not reviewed that information. He stated that it should be sent for review before the next meeting. P. Anthony stated that that would be a good idea.

P. Lafayette stated that the appraisal was given for the value of the open space. D. Sorrentino stated that the appraisal must be submitted during the public hearing process. He stated that

the regulation reads an appraiser jointly selected. D. Sorrentino stated that he did not have an appraiser to recommend. There was discussion of this matter.

P. Anthony asked for any other questions from the Commission.

J. Schumaker asked about the length of the road and the waiver. D. Sorrentino stated that the applicant has submitted a waiver for the length of road and it is in the file.

P. Anthony asked for the granting of the extension. P. Lafayette stated that he would have the extension to the Commission by 8/15/06. There was discussion of this matter.

P. Anthony asked for comments in favor of this subdivision.

Sharon Hvisdak stated that she lived behind lots 11 and 12. She asked who would be responsible for the large basin. She was concerned about the approved dual driveway by Inland Wetlands would affect her and her neighbor and the wetlands.

P. Anthony asked P. Lafayette to address these issues and stated that this is for comments against the subdivision.

P. Lafayette stated that the detention basin is at the end of the cul-de-sac and the easement for drainage is not taking away the square footage of the lot. P. Lafayette stated that the homeowners association would be responsible for the maintenance and the rest of the drainage in the road will be the responsibility of the Town. S. Hvisdak stated that the homeowners would be assessed fees to take care of that. P. Lafayette stated yes.

S. Hvisdak asked about the shared driveway and who was responsible for that if it affects us. P. Lafayette stated that it is a shared drive and it would be the homeowners' responsibility as it was approved by the wetlands commission. S. Hvisdak asked if the homeowners would know that and the liability issue would be assessed to them. P. Lafayette explained that the pipe is a control mechanism and is more than what is there now. There was discussion of this matter including changing the flow.

D. Sorrentino asked about the homeowners association. He asked if the right to drain and to maintain is not to be granted to the Town that only the road will be. P. Lafayette stated that the structural part of the drainage system would be by the Town and Town would not maintain the basin. There was discussion of this matter of easements being granted to the Town including that this should be asked of the Board of Selectmen for their input on the drainage and the detention basis.

P. Anthony asked for other questions or comments against.

Phil Barns stated that he gave a statement for the record at the last public hearing. He explained that he is on the north end of the property and at the end of this drainage phase. He voiced his concerns for the drainage basins. He explained the drainage flow of the developed property and that when the wetlands fill up it flows across his property and he was concerned for his property flooding during a heavy storm.

P. Lafayette stated that there is an increase in the run off and the basins will compensate for the increase in the rate of stormwater runoff and the runoff will actually be less than it is now.

P. Anthony asked for other comments against the proposal. He asked if there was anyone to speak in favor of the proposal. P. Anthony asked for a motion to continue this public hearing.

J. Schumaker made a motion to continue the public hearing based on the verbal request followed by the written request to September 11, 2006 at 7:30 p.m. D. DeGuire seconded the motion. P. Anthony asked for further discussion. Hearing none, he asked for a vote. All were in favor. Motion was carried.

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

1. Call to order:

Acting Chairperson P. Anthony called this regular meeting of Griswold Planning & Zoning Commission to order at 8:05 p.m.

2. Roll Call:

Present: Vice Chairperson Philip Anthony, Members Daniel DeGuire John Schumaker, Alternate Martin McKinney, Town Planner Demian Sorrentino, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Chairperson Gail Rooke-Norman, Member Clyde Seaman, Alternate Courtland Kinnie

3. Determination of Quorum:

P. Anthony appointed Martin McKinney to sit for Gail Rooke-Norman. There is a quorum for this regular meeting. P. Anthony stated that Tom Seidel, Town Planner is sitting in on this meeting.

4. Approval of Minutes:

A. Approval of Minutes of the Public Hearings & Regular Meeting of July 10, 2006

P. Anthony asked for a motion to approve the minutes. J. Schumaker made a motion to approve the minutes of July 10, 2006. D. DeGuire seconded the motion. All were in favor. Motion was carried.

5. Correspondence and Attachments:

A. Letter dated July 16, 2006 from Walter Held to Planning & Zoning Commission regarding a request to renew special exception permit for private aircraft landing facility.

D. Sorrentino stated that this special exception was granted in 2000. This will be discussed under new business.

B. Letter dated July 10, 2006 from Inland Wetlands & Watercourses Conservation Commission to Planning & Zoning Commission regarding recommendation for four-foot high, gated chain-link safety fence around all detention and retention basin areas in Stone Hill Estates subdivision.

C. Letter dated July 25, 2006 from Rudy Mackin to Planning & Zoning Commission regarding complaints associated with a “restricted landing strip” owned by Walter Held.

D. Planning & Environmental Law subscription.

P. Anthony asked the Commission members if they had any questions on the correspondence.

3. **Matters Presented for Consideration:**

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

P. Anthony asked the Commission what they would like to do. There was discussion of this matter.

M. McKinney made a motion to approve SE 09-06 modification of the site plan. J. Schumaker seconded the motion. P. Anthony asked for discussion. P. Anthony asked for a vote. All were in favor. Motion was carried.

B. **SE 07-06 Tilcon Connecticut, Inc., 1 Forest Road, North Branford, CT – Property Location: 22 Sibicky Road/128 Rixtown Road, Griswold.** Applicant requests approval of a continuation of existing earth products excavation operation currently operating on a portion of the project site. The subject property is located in the R-60 and R-80 zoning districts.

P. Anthony asked the Commission for discussion on this matter. D. DeGuire questioned the reclamation of the area of Phase 1 stating that the reclamation could be to the edges of the road. There was discussion of this matter.

D. Sorrentino stated that there is a stipulation that the bond of \$194,586.75 be in place prior to the filing of the final plans. There was discussion of this matter.

D. DeGuire asked if a decision was needed tonight. P. Anthony stated that there are 65 days from 8/14/06 to make a decision. There was discussion of this matter.

J. Schumaker made a motion to table this matter to the next meeting on September 11, 2006. D. DeGuire seconded the motion. P. Anthony asked for discussion. Hearing none, he asked for a vote. There were 3 aye votes and 1 nay vote by M. McKinney. Motion was carried.

C. 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.

P. Anthony asked for comments from the Commission. P. Anthony stated that the public hearing on this matter was continued. J. Schumaker made a motion to continue this matter to September 11, 2006 at 7:30 p.m. D. DeGuire seconded the motion. All were in favor. Motion was carried.

D. ZP 01-07 Broatch, Duncan d/b/a Summit Hydropower, Inc., 67 May Brook Rd., Woodstock, CT – Property Location: 81 Anthony Street, Jewett City. Applicant requests approval of a Zoning Permit for construction of a 36' X 48' metal storage building. The subject property is located in the B-I zoning district.

P. Anthony asked if there was someone representing Summit Hydropower.

Duncan Broatch, Summit Hydropower explained to the Commission that he wanted to build a structure for storage in an industrial district and was not visible to the public. He explained that the building will be a two-door garage and conforms to the zoning regulations. He showed the Commission photographs of the type of building to be constructed. There was discussion of this matter including the height and color of the building.

D. DeGuire asked if it would be heated. D. Broatch stated no. P. Anthony asked what would be stored there. D. Broatch explained that equipment, materials, pumps, and filters would be stored there. He stated that there would be electricity there later explaining that the area was well lit at night.

J. Schumaker asked if there would be chemicals or hazardous materials stored there. D. Broatch stated that there would be oil. M. McKinney asked what kind of floor would be in the building. D. Broatch stated that it would be a poured floor with a frost wall. There was discussion of this matter.

D. Sorrentino explained that he looked at the site and explained his findings to the Commission. He stated that he had no issues with this application.

P. Anthony asked the Commission if they had any issues. P. Anthony asked for a motion. M. McKinney made a motion to approve as submitted. D. DeGuire seconded the motion. All were in favor. Motion was carried.

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

D. Sorrentino read a letter from the Development & Industrial Commission, Barber Road Associates and Walter Held dated August 1, 2006 to Gail Rooke-Norman, Chairperson of the

Griswold Planning and Zoning Commission withdrawing application ZC 01-06. There was discussion of this matter.

P. Anthony asked for a motion. D. DeGuire made a motion to accept the withdrawal of application ZC 01-06. M. McKinney seconded the motion. All were in favor. Motion was carried.

4. Additional Business:

A. Gravel extraction activity at 209 Rixtown Road – Ransom Young, II and Gravel extraction activity at 2247 Glasgo Road – Elias Baron

D. Sorrentino stated that this relates back to an official ruling regarding the extraction of 5,000 c. y. of material; and what amount was allowed without a gravel excavation permit. He explained that the two individuals were told they could extract 5,000 c. y. per year without a permit.

P. Anthony asked P. Zvingilas to explain what he saw there. P. Zvingilas stated that there is not activity on the Ransom Young property. P. Zvingilas stated that Ransom Young was present. P. Anthony asked Ransom Young to come forward. Ransom Young gave a history of the gravel excavations near his property. He stated that his property was grandfathered and he did not need a permit to excavate gravel. He stated that there was a lack of interpretation for the non-grandfathered portion of his property. P. Anthony asked R. Young how long he owned the property. R. Young stated since 1978. P. Anthony stated that R. Young felt that he was grandfathered. There was discussion of this matter including that 300 c. y. can be extracted yearly for a total of 5,000 c. y. in total.

P. Anthony stated that R. Young was subject to the regulations. M. McKinney asked if gravel was being removed. R. Young stated that he removes a little every year to keep the grandfathered portion open. P. Anthony stated that R. Young must come before the Commission with a site plan application to obtain a permit. There was lengthy discussion of this matter and R. Young was asked to sit down.

P. Zvingilas stated that there were a few hundred yards being taken out of there. D. Sorrentino stated that E. Baron is waiting for an approval from the DOT to submit an application. There was discussion of this matter.

B. Complete applications may be submitted and accepted by the Commission.

5. Old Business

A. No Old Business.

4. New Business:

P. Anthony that the Commission was to refer back the Correspondence for the letter from Walter Held dated July 16, 2006. P. Anthony read this item for the record. D. Sorrentino

stated that this is a special exception permit. D. Sorrentino gave the Commission a copy of the permit approved on September 11, 2000. D. Sorrentino read the letter with the six conditions for the record. He stated that the Commission may approve it if the applicant can prove that he is abiding by the stipulations and the approved site plan.

D. Sorrentino stated that Item C in Correspondence is a letter from Rudy Mackin who has filed a complaint and that Mr. Held does not comply with the regulation. D. Sorrentino recommended a new application and public hearing so that Mr. Mackin and all other abutters can voice their concerns if any to this special exception.

P. Anthony asked the Commission how they felt about a suggestion of a public hearing. There was a consensus from the Commission that a public hearing should be held.

P. Anthony asked for a motion. J. Schumaker made a motion to require a public hearing for the renewal of this special exception. M. McKinney stated that he did not want to put undue burden on the applicant by requesting new A-2 surveys. D. DeGuire agreed with M. McKinney. J. Schumaker stated that the public would be notified by a notice in the paper.

T. Seidel stated that private landing facility special exception section does not deal with that two-year renewal process. The two-year renewal process in the regulations deals with excavations. He suggested that it be a renewal and to include the abutters' notifications. There was discussion of this matter including the letter to be in the Town Clerk's office ten days prior to the public hearing.

M. McKinney made a motion to proceed with the application on a renewal basis with the property owner notifying abutting property owners of the renewal of an existing permit in a public hearing scheduled on September 11, 2006 at 6:45 p.m. D. DeGuire seconded the motion. All were in favor. Motion was carried.

Mr. Mackin asked about his letter that is on the agenda. There was discussion of this matter. P. Anthony stated that the information in the letter would be brought up at the public hearing. R. Mackin stated that he wanted his questions answered from ZEO Peter Zvingilas. P. Anthony stated that that would be addressed in Item 10. R. Mackin sent a letter to the Commission that was not answered. There was discussion of this matter.

A. Discussion of master plan/pre-application for Griswold Commons commercial development proposal.

P. Anthony asked if someone was here to address this item. J. Schumaker recused himself from this presentation.

Patrick O'Leary, Office Manager and Managing Director of Land Development, Vanasse Hangen Brustlin, Inc., Middletown, CT. stated that he was here on behalf of Ceruzzi LLC to present the master plan for the proposed development located on Preston Road. P. O'Leary asked the Commission if he should make his presentation to the Commission only. P. Anthony stated that it should be to the Commission only and cautioned the Commission that questions should be limited strictly to zoning issues, no judgments formed or comments in the form of a judgment made.

P. O'Leary stated that most people were familiar with the site of the Stott property that included a restaurant, auto body repair shop, the Dembinski property, and the Suplicki property.

Richard Duda stated there were many people here who are interested and wish to hear this presentation asked if Mr. O'Leary could raise his voice and have an opportunity to observe the map without any interfering with the Commissions opportunity to observe. P. Anthony stated that Mr. O'Leary could speak louder and that this is a pre-application discussions and public hearings will be held when this comes before the Commission.

P. O'Leary explained where the parcel was located, and its relationship to the Rte 165 and I-395. He stated that there is an open field that is steeply banked toward the Quinebaug River. P. O'Leary stated that the master plan would encompass approximately one-third of the site, and that the development would contain 400,000 square feet of retail space. He stated that there are no tenants signed to date. He also explained that the site plan could change during the application process.

P. O'Leary stated that there were many approvals to be obtained for this site before it can be developed and explained them to the Commission. He stated that the wetlands would not be impacted greatly and explained the drainage. He explained the traffic scheme on Route 164 and Rte 8-395 to handle the increased traffic.

P. O'Leary explained that the site is compliant with zoning but that the signage would require a variance to accommodate a shopping center of the proposed size. P. O'Leary continued to explain the various requirements for the site and briefly touched on architecture, landscaping and lighting.

P. Anthony asked for questions from the Commission. The Commission members asked questions regarding environmental studies, elevation changes, buffers, lighting, sidewalks and crosswalks, city water and sewer, CTDOT and Army Corp of Engineers approvals.

P. Anthony thanked P. O'Leary for his presentation.

Richard Duda asked the Commission if it would accept a letter for the record. D. Sorrentino stated that this is not a public hearing, no evidence or correspondence can be accepted. He recommended that the letter be submitted to the department as correspondence to be on the Agenda for next month's meeting. There was discussion of the matter that this was not a public hearing.

B. Chairwoman Rooke-Norman would like to discuss the possibility of two Commission meetings per month.

10. Reports from the Enforcement Officer:

A. Update on Kenwood.

There was discussion of this matter.

B. Update on site on Route 138 near Niemenen.

P. Zvingilas stated there was no permit, that the yard sales have ceased, and it is cleaned up. There was discussion of this matter.

C. Update on Tilcon gravel extraction expiration of excavation permit including a Cease and Desist Order to Tilcon Connecticut, Inc., for violation of Sections 2.3 Special Exceptions, 4.3 Special Exceptions, and 12.4 Excavation. Property location: 22 Sibicky Road/128 Rixtown Road, Griswold.

P. Zvingilas stated that the ZBA has granted an extension of time for their public hearing in this matter.

Peter Zvingilas stated that there is a violation of a home occupation permit granted to Mr. Cofone by this Commission to sell fruits and vegetables is being abused. P. Zvingilas gave a brief overview of the abuses to the Commission and that Mr. Tabor would like to speak to the Commission. There was discussion of this matter including a cease and desist order to Mr. Cone last year by the Town Planner and a question of whether the customers have the right to pass and re-pass on the private road.

Richard Tabor stated that he is the executor of his father's estate. P. Anthony asked for a motion to place Mr. Tabor on the agenda.

D. DeGuire made a motion to place Richard Tabor on the agenda. J. Schumaker seconded the motion. All were in favor. Motion was carried.

R. Tabor explained the problems he was having with Mr. Cofone's violations of his home occupation to sell fruits and vegetables using R. Tabor's private road that included signage on state property and excessive traffic. He stated that he has full liability for this private road. There was lengthy discussion of this matter including a cease and desist order from the CT DOT for the signage.

Henry Tabor explained that the signs go up for the weekend and come down during the week. He stated that there are strangers using the private road to get to Mr. Cofone's stand. There was lengthy discussion of this matter.

P. Zvingilas stated that the sign issue on state property is the State's issue. H. Tabor stated that he is concerned with signs and banners on his property. P. Zvingilas stated that the private road issue is a civil matter. There was discussion of this matter including the deeded right of way.

P. Anthony asked the Commission that if there are violations of the conditions of the approval and signage violations, the Zoning Enforcement Officer would look into the matter and a letter will be sent to Mr. Cofone for and violations of his permit. There was discussion of this matter including the 3-year renewal for the permit.

P. Anthony asked the Commission concerning Mr. Mackin. D. DeGuire stated that there is a public hearing scheduled and the Commission can hear his concerns then. J. Schumaker stated that he is requesting some feedback from the last meeting and a response to his letter. D. Sorrentino stated that he did not respond to his letter of June 26, 2006 that listed several issues.

P. Zvingilas stated that he did go to the Held property and the plane was in the hanger and there was no activity. He stated that he asked Mr. Held how many flights he did during the year. P. Zvingilas stated that Mr. Held did not log in all of his flights. R. Mackin stated that he brought this matter up in June and asked why nothing has been addressed by the Zoning Enforcement Officer. There was lengthy discussion of this matter including the stipulations of the special exception permit.

P. Anthony stated to R. Mackin that the permit is coming up for renewal and a public hearing is the venue for his complaints. M. McKinney read the stipulations for the record. There was further discussion of this matter.

Rosemarie Mackin stated that they were concerned with their safety. She was worried that Mr. Held does not have anyone monitoring his flights. There was discussion of this matter.

P. Anthony stated that all of their concerns were relevant and should be heard and that is why the Commission agreed to a public hearing for this renewal of his permit explaining that a public hearing is not required to renew the permit. This Commission is giving Mr. Mackin or any other neighbors a forum as well as a chance to renew or deny the permit.

11. Adjournment:

P. Anthony asked for a motion to adjourn. D. DeGuire made a motion to adjourn. J. Schumaker seconded the motion. All were in favor. The meeting adjourned at 10:25 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary