



# Town of Griswold



28 Main Street  
Griswold, CT 06351  
Phone (860) 376-7060, Fax (860) 376-7070

**GRISWOLD PLANNING & ZONING COMMISSION  
REGULAR MEETING  
GRISWOLD SENIOR CENTER**

**APPROVED MINUTES  
OCTOBER 13, 2015**

**I. REGULAR MEETING (7:00 P.M.)**

**1. Call to order:**

M. McKinney called this regular meeting to order at 7:00 p.m.

**2. Roll Call**

**Present:** Martin McKinney, Courtland Kinnie, James Krueger, Charlotte Geer, Alternates Stewart B. Oakes, Tom Palasky, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Also Present:** Caleb Hamel, Town Attorney

**Absent:** Erik Kudlis, Alternate Elias Baron,

**3. Determination of Quorum**

M. McKinney appointed T. Polasky to sit for E. Kudlis. There was a quorum for this regular meeting.

**4. Approval of Minutes**

**A.** Approval of Minutes of the Regular Meeting of July 13, 2015

M. McKinney asked that members review the minutes of July 13, 2015 regular meeting.

**MOTION:** C. Kinnie moved to approve the minutes as presented from July 13, 2015 from the regular meeting of the Griswold Planning and Zoning Commission. J. Krueger seconded the motion. All were in favor. The motion was carried

**5. Correspondence and Attachments**

**A.** Card to Planning and Zoning Commission to be read at October meeting.

M. McKinney stated that we received a thank you note for all their work from K. Skulczyck, First Selectman.

**B.** Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Summer 2015, Volume XIX, Issue 3

M. Tristany stated that this newsletter had good information for land use related court decisions.

**C.** Letter from Thomas Giard, Jr, Chairman, Economic Development Commission dated September 24, 2015 regarding recommended changes to the Griswold Planning & Zoning Regulations concerning C-1 and C-2 permitted and special exception uses.

M. Tristany explained that T. Giard, Chair of the EDC was to give a presentation for their recommendations regarding the C-1/C-2 zones; but could not be here tonight. M. Tristany asked that the commission review those suggested changes. M. McKinney asked if a public hearing should be set. M. Tristany stated that we should review the chart and asked that T. Giard can be placed on next month's agenda to make a presentation at the next regular meeting.

D. To be discussed under Item 10 Zoning Enforcement Officer. Email from David Vieaux complaint of violation of cease and desist violation for processing wood by J. Fellows before 8 a.m.

M. Tristany stated that Item D comes up under Item 10.

6. **Matters Presented for Consideration**

A. **SE 01-16 GRISWOLD HOUSING AUTHORITY, PROPERTY AT 230 TAYLOR HILL ROAD & 142 ASHLAND STREET, GRISWOLD, CT.** Requesting approval of a Special Exception for 25 One-Bedroom Assisted Housing Units as an expansion to McCluggage Manor. Requesting waiver of the Special Exception application fee. Property is zoned R-60.

M. Tristany explained that this application is being filed under Statute 8-30g the affordable housing statute, the zoning regulations do not apply such as set back, log coverage are not applicable. The commission must look for the health safety and welfare of future residents of the development. He stated that Attorney Caleb Hamel from Mark Branse's office is here to give us further information regarding 8-30g since this is the first time this commission has dealt an 8-30g application. M. McKinney stated that we cannot rule on this application until it has gone to wetlands; is it before wetlands now. M. Tristany stated that they will be at the next Wetlands meeting. M. McKinney asked if we will set a public hearing for this. Attorney Caleb Hamel explained that under Section 8-30g there is an open question under the law whether anyone needs to apply for a special exception at all. He stated that the commission can always hold a public hearing and in this case because they have applied for a special exception which sets the time limits for action; but whether it is required or prevented to act until after the public hearing is an open question under the law. He stated that he was not sure that one is required. C. Hamel stated that under Section 8-30g the commission could deny the application was necessary to protect the substantial public interest such as health, safety or some other matter that outweighs the need for affordable housing which is a high standard to bear. He stated that the need for the public hearing for this matter does not fit the criteria.

M. McKinney asked why then should the commission hear it. C. Hamel stated that you are required to; the commission must review this application to determine if what they are saying is true; but where there are the usual grounds for denial, such as landscaping, parking architectural requirements density limitation, setback are not judged. He stated that the commission must determine that the development is safe for the residents and for the surrounding neighborhood and environmentally friendly and will not cause environmental damage. M. Tristany stated that this application will be reviewed by our consulting engineers as part of this process.

M. McKinney asked if there should be a public hearing before or after the wetlands meeting. C. Hamel stated that it is the commission's call; you can set a public hearing now and to take the safer route to hold a public hearing. D. Sorrentino stated that the Griswold Housing Authority is not opposed to a public hearing since this was a public project and asked if the commission would like to hear an overview of this project.

Damien Sorrentino, Boundaries, LLC representing the Griswold Housing Authority. David McKay, PE from Boundaries was also present. He explained that the Housing Authority had obtained Parcel B from the Town of Griswold for expansion of the McCluggage Manor Elderly Housing Development on Taylor Hill Road. He explained that the existing 30 units and two additional tracts formerly owned by Demicco. He stated that the proposed development will be 25 units in a multi-level building and improvements to the existing development and improvements along the Norman property for stormwater and sanitary and sewer construction.

He explained the proposed improvements to the existing 30 units that includes a proposed one way access drive to provide access and parking to the handicapped apartments at the top of the hill. This

one-way drive will continue to building #8 that houses the community room and laundry facilities which will be demolished to create the curve necessary to allow the one-way drive to reach the existing lower elevation parking. A new laundry building is proposed for the remaining existing units. He stated that some of the one bedroom apartments will be converted to two bedroom apartments and are currently being remodeled. He stated that there will be parking at the back of the existing buildings.

D. Sorrentino explained that the new proposed 25 unit building will be constructed on Parcel B. The site plan details the proposed new sanitary sewer line using gravity, stormwater management, utility upgrades, sidewalks, access parking, garbage compaction, circulation drives, and landscaping. He stated that we have done our best to follow the regulations except for the density requirement. He stated that Section 8-30g was decided for the application because the setbacks cannot be maintained; and the currently buildings do not meet the setbacks or the density requirements now. He stated that the financial consultant for the project advised that when state official make laws as 8-30g, they like to see the stated agencies utilize those laws in order to obtain permits.

D. Sorrentino stated they are not opposed to a public hearing next month and will make the whole presentation; that they can have the architectural team here, the financial team here, and the MEP team here can be at the public hearing for a thorough presentation on behalf of the Griswold Housing Authority.

M. McKinney asked what the commission wished to do.

**MOTION:** C. Kinnie moved to set a public hearing for SE 01-16 Griswold housing Authority operating at 230 Taylor Hill Road and 142 Ashland Street for 6:30 pm at the next regularly scheduled meeting on November 9, 2015 at the Griswold Town Hall Meeting Room. C. Geer seconded the motion. All were in favor. The motion was carried.

## 7. Additional Business

**A. SECTION 8-24 REVIEW** Discussion of and action on a referral dated September 23, 2015 from the Board of Selectmen to reduce a 30 foot drainage easement of a Town right of way for property located at 37 Jennifer Lane, property of Andrew and Robin Drobiak.

M. McKinney asked if there was someone to represent the applicant.

Attorney Caleb Hamel left the meeting at 7:20 p.m.

Demian Sorrentino, Boundaries, LLC was there to represent the applicants, Andrew and Robin Drobiak. He explained that this is a referral from the Board of Selectmen regarding Section 8-24 to modify an existing easement on the Drobiak property on Jennifer Lane at Pachaug Pond. He explained that the street line of the subdivision over time, the street line had moved 3.25 feet to the east and the easement that was granted to the Town of Griswold did not get extended with the street line leaving a 10 foot gap between the easement and the street line.

D. Sorrentino explained that Mr. Drobiak wants to construct a garage in this location and the easement prohibits utilization of his property in that location. He has met with the Board of Selectmen and he has met with Todd Babbitt, the road superintendant; it was agreed upon that the easement would be modified with a change of width to the easement to enable the garage to be built in that location. D. Sorrentino stated that the 10 feet would be granted to the street right-of-way to connect the drainage to the catch basin outlet. D. Sorrentino stated that this would not be incompatible with the Plan of Conservation and Development as it addresses roadways.

M. McKinney asked M. Tristany for his comments. M. Tristany stated that he concurred with D. Sorrentino. He explained that he had read Section 8-24 and that the Town Attorney advised that Section 8-24 was applicable. M. Tristany stated that he had one only concern that the DPW had reasonable access once the garage was built partially within the right of way. He explained that T. Babbitt looked at

the site and the DPW will have no problems to get in there for maintenance. M. Tristany stated that the Commission would not err in approving this request under Section 8-24.

M. McKinney asked for P. Zvingilas comments. P. Zvingilas stated that he went out the property and that there is a point of access. He asked if there was a letter from the road superintendent. M. McKinney stated that there was no letter in the file; but that there is an email from M. Tristany that the location of the garage does not will not jeopardize the access to the existing stormwater basin or the drainage pipe. M. McKinney stated in answer to P. Zvingilas question that yes there is correspondence in the file.

M. McKinney asked for a motion.

**MOTION:** C. Geer moved to approve Section 8-24 as presented. C. Kinnie seconded the motion for the positive approval of the Section 8-24. All were in favor. The motion was carried.

## 8. Old Business

There was no old business.

## 9. New Business

### A. **KREATIVE PROPERTY DEVELOPMENT OF CT, LLC, 688 HOPEVILLE ROAD, GRISWOLD, CT.**

Requesting a review and approval of a “free split” of two proposed rear lots under Section 10.2.2 of the Griswold Zoning Regulations. Property is zoned C-1

M. McKinney asked if there was someone to represent the applicant. Demian Sorrentino, Boundaries, LLC, was representing the applicant, Peter Kusyk who also was present.

D. Sorrentino explained that they are requesting the creation of two rear lots under Section 2.2.2 of the Griswold Zoning Regulations. He read a letter dated September 28, 2015 by John Faulise requesting the two lots creation which he read for the record that it does not constitute a subdivision; based on a review of land records was a free split of land based on a quit claim deed from Edward L Blanchard to Ida Ruth on April 21, 1942 in volume 28, page 100.

D. Sorrentino stated that they are requesting approval to create two rear lots. He stated that the minimum buildable area of the subdivision regulations does not apply since this is not a subdivision. D. Sorrentino explained site plan showing Parcel A having 126 ft frontage on CT Route 201 with 6.2± acres and Parcel B is a flag type lot of 4.8± acres more or less. D. Sorrentino explained that this is a limited access highway access frontage and explained that Parcel A is subject to rights of way in favor of Parcel B for utilities and access as the CTDOT is not likely to grant another curb cut for this location.

M. McKinney asked M. Tristany that when this was approved was there stipulations made on the original approval. M. Tristany stated that the commission approved only the excavation and removal of gravel. He stated that there were conceptual pad sites but not in any detail. He stated that the line that runs north and south was not on the original plan. D. Sorrentino explained that they had to demonstrate to the health department and the Planning and Zoning Commission at that time to show reasonable development areas and to show that the site would not be over-excavated rendering the property undevelopable. M. Tristany stated that for the back lot there will be a need for inland wetland review of the 150 upland review areas for any development. D. Sorrentino stated that both parcels would have to have an Inland Wetlands review and have to go to Planning and Zoning for either a zoning permit or a special exception for any development of the two lots.

P. Zvingilas asked if there were two rear lots. D. Sorrentino stated that both are considered to be rear lots. M. Tristany stated that there is not enough frontage for two front lots. D. Sorrentino stated that one lot has 126 feet of frontage and the other has 64 feet of frontage. M. McKinney asked which zone it is in. He stated that C-1 frontage is 150 feet; we are proposing 190 feet. M. McKinney stated that because of limited frontage they are both considered rear lots. M. Tristany stated that will conform to

the C-1 zone as rear lots. There was discussion of this matter including that due to the proximity to the highway ramp access, CTDOT is not likely to grant another curb cut.

M. McKinney asked if M. Tristany had any problems with this request. M. Tristany stated no but that it was unique because there are two rear lots and it is permissible in the regulations. M. McKinney asked P. Zvingilas if he had any problems. P. Zvingilas stated no.

M. McKinney asked for a motion.

**MOTION:** C. Kinnie moved to approve the request for a free split for the two rear lots for Kreative Properties Development of CT, LLC located at 688 Hopeville Road, Griswold, CT and that due to the fact that this was seen conceptually when it approved for a gravel extraction, and that some of this gravel was used for the second lot. C. Geer seconded the motion. All were in favor. The motion was carried.

- B. Discussion of letter from Thomas Giard, Jr, Chairman, Economic Development Commission dated September 24, 2015 regarding recommended changes to the Griswold Planning & Zoning Regulations concerning C-1 and C-2 permitted and special exception uses.

M. Tristany explained that this is being forward to the commission to have some time to review the recommendations by the Economic Development Commission and T. Giard will be at the November meeting to answer any questions that the commission may have. M. McKinney stated that this was an important change and that the members should review the recommendations carefully before the next meeting. M. Tristany stated that this will be on next month's agenda.

- C. Discussion and action on the 2016 Schedule of Meetings requested by the Griswold Town Clerk.

M. McKinney asked for a motion for the 2016 Schedule of Meetings.

**MOTION:** C. Geer moved to approve the 2016 Schedule of Meetings of the Planning and Zoning commission. J. Krueger seconded the motion. C. Kinnie question the date of Columbus Day and the date of the meeting. There was discussion of this matter. D. Szall stated that the Columbus Day date should be October 10<sup>th</sup>.

## 10. Reports from the Enforcement Officer

- A. Update of Cease and Desist Order issued July 29, 2015 to 67 Talcott Avenue, Jewett City for violation of section 10.5 Junk Yards Prohibited in all Zones.

P. Zvingilas stated that this was forwarded to the town attorney since we were unsuccessful in reaching any one.

- B. Update of Cease and Desist Order issued on July 29, 2015 to 27 Mechanic Street, Jewett City for violation of section 10.5 Junk Yards Prohibited in all Zones.

P. Zvingilas stated that this is being forwarded to the Town Attorney for action. M. McKinney asked if these fit into the blight order. P. Zvingilas stated that we are more successful with action using the Junk Yard regulation rather than the blight ordinance which is a different legal process.

- C. **OR 01-16 John H. Wood, III, 80 North Main Street, Jewett City.** Discussion and action on a request for an Official Ruling regarding Multi-family units in building more than 30 years whether use has been abandoned. (former Zuckerbraun's Store Property)

M. McKinney asked P. Zvingilas about this. He stated that the Zuckerbraun Store there was a commercial use on the first floor and Mr. Zuckerbraun had applied for and had the upstairs changed to storage where there were units. He had been taxed on that basis for a number of years. The current owner wants to restore the units on the upper floor into apartments again. He stated that he looked at it as an abandoned use, and they he would have to reapply to get them approved. He stated that he had contacted the sewer authority and was told that there would be addition sewer hook up fees. P.

Zvingilas stated that there was one electrical service hookup which was upgraded last spring to 4 or 5 hookups for potential use.

M. McKinney stated that there are photographs showing tubs, toilets and sinks, cabinets and stoves which we are looking at. He asked if it was abandoned and they were just not renting it. P. Zvingilas explained that the upstairs was changed to storage only on the Assessor's records which are the only records that he has to go by. He stated that they were that way for 15 to 20 years.

John Wood was representing his son, and explained that there are no correspondence on record that says that they were abandoned. He stated that the kitchen sinks and bathroom sinks and tubs are still there. M. McKinney asked how many apartments were upstairs. J. Wood stated that there were three apartments upstairs. He stated that his son spoke to Ken Sullivan who told him that if the toilets are still hooked up there would be no buy-in fees. P. Zvingilas stated that he spoke to K. Sullivan and that he wanted hook-up fees. J. Wood stated that K. Sullivan told his son that there would be fees if new toilets were added. He stated that if it was abandoned, the toilets and sinks would have been ripped out. There was discussion of this matter including the question of when is a use abandoned.

C. Kinnie stated that he would like to have clarification from Ken Sullivan regarding the plumbing hook ups. J. Krueger asked if he purchased the property and that you wanted to have apartments. J. Wood stated that his son purchased the property and stated that if the apartment were there, why not.

M. McKinney stated that if everything is hooked up than it is a bathroom. P. Zvingilas stated that anything that we find in a building that is existing, then it is a valid use, it is not abandoned. M. McKinney stated that the Package Store in Voluntown, and Mr. Mackin wanted to have a package store; but that they did not keep up the permit. M. Tristany stated that they had let the license lapse. P. Zvingilas stated that if someone purchased Patryllo's and the liquor is still there, it would still be allowed. M. McKinney stated no because when Mr. Mackin came in before this board to open it back up; because the license had expired. P. Zvingilas stated that if he got a license now, he would be able to do it. M. McKinney stated then it would not be abandoned at that point.

P. Zvingilas stated that he likes to be consistent and asked when you consider something abandoned. Never? M. McKinney stated that he would consider it abandoned, if that upstairs, and this is strictly me speaking; if that was used as warehousing and all toilets and everything were pulled out, and nothing was put in and the sinks and the stove still weren't there; I just think that it was not rented, the way I am looking at it right now; it is not abandoned; it is just not rented. M. McKinney stated to commission members: no, do you see it the way I am seeing it; or am I backwards. C. Kinnie said yes and C. Geer said spot on. P. Zvingilas stated so if there is no physical change to a thing, as far as this commission is concerned, whatever use that was there at the time is still a legal use. No time table, no time table.

M. McKinney stated that if they went up there ripped all of that stuff out and made warehousing up there, then it is an abandoned use; but if they left it, like going back in time; the toilets are still there, the sinks are still there, the stove is still there, they are just not using it. He stated that it was up to the rest of the commission. C. Geer stated that it was a perfect analogy. M. McKinney stated that if the use is changed and rendered useless, then it would be abandoned. P. Zvingilas stated that if there is no physical change to a building or its use, then we don't consider it abandoned. There is no physical change.

P. Zvingilas stated that not just for Chucky, but for anyone else who comes in, I want to be consistent with what we do, if there is no physical change in that property: the cash register is still there, the toilets are still there or anything else is still there, then they can reopen that use to whatever it was before. M. McKinney asked why does this sound like a trap to me. P. Zvingilas stated that he tells this to people all the time whether they are preexisting uses. He stated that he and Chucky had a whole bunch of conversations about it. This is somewhat different than what he had told him. I don't want to be telling

him or anybody else something wrong. M. McKinney stated that he knew that P. Zvingilas had to enforce the regulations. He stated that he thinks that it stood still in time the way those pictures show. The guy just stopped renting it and didn't want people upstairs or whatever and did not need the money. He just stopped renting it. P. Zvingilas stated that he thought he stopped renting it because it was too much of a pain in the \*\*s. M. McKinney stated that he just stopped renting it, he didn't destroy it, he did not change it; he just stopped renting it that's how I am looking at it.

P. Zvingilas stated that we don't need documentation from the Assessor's records or anything else. The only thing we use is just the physical building that is there. M. McKinney stated that it would be up to the assessor to if they wanted to go back to reassess the property but it is not for us to determine. He stated any application with that same that the assessor changed it to another direction; he thought that the assessor would be able to go back and recharge for that amount. P. Zvingilas stated that those are the only records that we use, the assessor's records; we don't research deeds or anything else.

M. McKinney asked the commission wants to do about this. C. Kinnie stated that he sees old apartments frozen in time. McKinney stated so at this particular time, you want to say that the official ruling for 80 North Main is that it was not abandoned. **MOTION:** M McKinney posed the motion. C. Kinnie stated right. It is not gutted, there are still old cabinets, toilets and tubs are there; granted they are old. J. Krueger stated that if the toilets, tubs, and everything is in place and are in working order; but if the tubs, toilets and sinks are not working then it can be considered abandoned; the pipes have been disconnected; there isn't any use in that wing. J. Wood stated that the copper was stolen out of the basement. J. Krueger stated that as far as it looks like it can still be used as a bathroom. M. Tristany stated that there are several houses in town that are closed and for sale have had the copper stolen out of it which happens a lot. M. McKinney asked for a second. C. Geer seconded the motion. All were in favor. The motion was carried.

**D. Discussion and action regarding the need for port-a-potties for SZP 02-16 Ricky Landry d.b.a. Big Dawggs at DiRoma Home and Garden Center, 111 Voluntown Road, Griswold.**

M. McKinney asked P. Zvingilas what he had on that. P. Zvingilas stated that the requirement for a food trailer was to have port-a-potties to be placed where there is a food trailer. He stated that this one is at the Garden Center and is about 100 feet away from the garden center itself. He stated that the accessibility for the toilets which are handicapped assessable would be in the garden center. He stated that the he believed that the hours of operation would be the same as the operation of the garden center. He asked if this was an acceptable alternative to having a port-a-potty at the food trailer and is leaving the decision up to the commission. M. McKinney stated that in lieu of a port a potty, you are opening DiRoma's public bathrooms.

Joe DiRoma, representing DiRoma's Garden Center, stated that was correct. We are trying to be a destination place. There are a lot of patios where people can go to eat the food. The food trailer is helping our business a little bit. He stated that we have an ADA compliant bathroom inside for use; He stated that the port a potty would be detrimental to the look of the property. He would like to create a destination and want people to go into our store to the ADA compliant bathroom. J. Krueger asked if there was a time limit for this. P. Zvingilas stated that the permit was for one year. Ricky Landry stated we can renew the permit for the use of it. J. DiRoma stated that we have three patios where people can sit to eat and enjoy our ponds by the patio.

M. McKinney stated that there should be signage that the public bathrooms are available in the garden center. P. Zvingilas stated that a sign would have to go on the trailer. He asked if the hours of operation are the same; there is an assessable route to go from the trailer to the garden center. There was discussion of this matter including that the patios are well within 100 feet to the restroom. M. McKinney stated that there should definitely be signage on the trailer for ADA assessable bathrooms on

site. R. Landry stated that right now I close earlier than the garden center; but next year, it will be the same hours.

M. McKinney asked for a consensus of the commission. C. Kinnie stated that as long as the property owner and the business are in agreement. J. Krueger asked if the responsibility was to have that on site as part of the application to have to have a port a potty. M. McKinney stated that when we set up the criteria was that the vendor has port-a-potties. J. Krueger suggested that the property owner should write a letter stipulating that he will be cover that for the food vendor. M. McKinney stated that the letter should go to P. Zvingilas. R. Landry asked if this letter would go into his file. M. McKinney stated that the letter will go into R. Landry's file. J. DiRoma and R. Landry thanked the commission.

E. Discussion and possible action regarding email dated Sunday August 31, 2015 from David Vieaux complaint of violation of cease and desist order for processing wood by J. Fellows before 8 a.m.

M. McKinney asked if there was a copy of the letter. D. Szall stated that it is in the file labeled Joe Fellows. David Vieaux stated that there was the first letter sent on August 7 about sixty birds in an Aviary. M. McKinney stated that you sent a letter on August 31<sup>st</sup>. D. Vieaux stated that the date was August 21, not 32. (Note: the e-mail is dated Sunday, August 31, 2015. This email which has been certified is attached for the record.)

M. McKinney asked if this email was for the chickens. D. Vieaux stated that the letter about chickens was on August 7<sup>th</sup>. He stated that the animal control officer called it an aviary and all but two dozen birds are gone. M. McKinney asked if this has been handled. D. Vieaux stated yes.

M. McKinney stated that we have a letter regarding wood processing. D. Vieaux stated that he met with the Zoning Enforcement Officer and the First Selectman and on October 1, and was told that he has no more wood that he was processing. He stated that the first two pictures taken on October 3 showing several piles of wood. He submitted a book of photographs for the record.

P. Zvingilas stated that at his last inspection there, those logs have been removed; about two weeks ago, there was a truck and skid steer and about a cord of wood. P. Zvingilas stated that at his last inspection, there is no truck no skid steer and about two cord of wood stacked up by his house. M. McKinney asked when he was there. P. Zvingilas stated that this was last week. There was discussion of this matter.

M. McKinney stated that he, M. Tristany and P. Zvingilas will inspect the property. **Verbatim:** D. Vieaux: "I've lost another summer of not being able to sit outside and enjoy my property due to the noise, and it needs to stop. And if I have to get a cease and desist order every spring and be back in front of you with it, that's what we're gonna have to do." M. McKinney stated that it may come down to that.

M. McKinney will visit it this month and we will get back with it. P. Zvingilas stated that the question comes up is the processing wood for sale might be illegal, but do we prove that he is selling any of it. There was discussion of this matter.

M. Tristany stated that this is an email from Jeff Ryan regarding American Industries stipulated judgment which he read for the record. He gave copies to the commission. M. McKinney stated that they must come to us to modify the zone change. M. Tristany stated that, to date, we have not received an application for a zone change. M. McKinney stated that we have no application pending for us. Jeff Ryan stated that he did not want it to get slipped through. M. McKinney stated that a zone change requires a public hearing. There was discussion of this matter.

M. McKinney stated that a noise study was done a few days ago and we have not received the results. J. Ryan stated that it was not an independent study; but one that they paid for. J. Ryan stated that about a year ago, the residents said that they would pay for a noise study.

**Donna Szall**

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**From:** David Vleaux [dvleaux@snet.net]  
**Sent:** Sunday, August 31, 2014 8:58 AM  
**To:** Shannon Webster; Kevin Skuczynski; Selectmens Assistant; Steve Mikutel, Third Selectman; Donna Szall; Marie Tristany Jr. - Town Planner  
**Subject:** Violation of cease and desist order, Joe Fellows 61 Lens Ave

Gen. Lerner,

Once again Mr Fellows has violated the cease and desist order. In that at 7am Sunday morning, he was processing wood. I mentioned that it was way before 8am and Mr Fellows started screaming obscenities and threatening me. State police were summoned. I feel I have been patient enough and request that the town go forward with legal action against Mr Fellows. I feel my rights as a citizen of this have been violated more than once, and I think it's time I get to enjoy the tranquility of the Griswold countryside.

Thank you,

David Vleaux  
59 Lens Ave

Sent from my iPad

I certify that this is a true and accurate copy of the document contained in the file of the Planning and Development files.

*Donna M. Szall*

Donna M. Szall, Assistant to the Town Planner

J. Ryan stated that Section 2.2.6 has not been applied to this problem which states that it will help to protect my family. M. Tristany read the section for the record. There was discussion of this matter. M. McKinney stated that we need to see the study and then we can get an independent person if we do not agree. M. Tristany stated that about a year ago, there was discussion of getting an independent noise analysis. M. McKinney stated that if there is no pending application, costs come out of the town budget for independent studies. M. McKinney will get advice from town counsel in this matter.

D. Vieaux explained that every 3 dB raises it to be twice as loud and every 3 dB doubles in amplitude and power. J. Ryan stated that his attorney confirmed what he says.

M. McKinney asked for any other business.

**11. Adjournment**

M. McKinney asked for a motion to adjourn.

**MOTION:** J. Krueger moved to adjourn the meeting. C. Geer seconded the motion. All were in favor. The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary