



# Town of Griswold



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**GRISWOLD PLANNING & ZONING COMMISSION  
PUBLIC HEARING & REGULAR MEETING  
GRISWOLD TOWN HALL**

**APPROVED MINUTES  
JANUARY 11, 2016**

**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 Tom Palasky, Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Erik Kudlis

**3. Determination of Quorum**

M. McKinney appointed P. W. Zvingilas 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 October 13, 2015**

M. McKinney asked for approval of the October 13, 2015 minutes.

**MOTION:** C. Geer moved to approve the minutes of October 13, 2015. C. Kinnie seconded the motion.

**B. Approval of Minutes of the Regular Meeting of December 14, 2015**

M. McKinney asked for approval of the December 14, 2015 minutes. C. Geer moved to approve the minutes of December 14, 2015. C. Kinnie seconded the motion. T. Palasky pointed out typos for the year 2015 to 2016. The typos will be corrected. M. McKinney asked for a vote. C. Geer amended her motion to approve the minutes with the corrected dates. C. Kinnie amended his second. All were in favor. The motion was carried.

**5. Correspondence and Attachments**

**A. Letter dated February 15, 2016 to Harry Heller, 736 Norwich-New London Turnpike, Uncasville, CT regarding Brooks Acoustic Sound Study dated October 22, 2015.**

**6. Matters Presented for Consideration**

**A. SE 02-16 MATT KORNATOWSKI, PROPERTY AT 5 COLONEL BROWN ROAD, GRISWOLD, CT.**  
Requesting approval of a Special Exception application for an Equine Veterinary Office with the possibility of a future building for haul-in purposes. The property is zoned R-80.

M. McKinney asked if anyone was present to represent the applicant. Matt Kornatowski was present. M. McKinney stated that this application must go to public hearing and asked the applicant to give a brief explanation. M. Kornatowski explained that the land is zoned R-80 and would like to have a veterinary office than a small animal veterinary office. He would build a barn to do examinations and to keep horses overnight in stalls. He stated that the property is 2.1 acres so keeping large animals is not allowed. He stated that animals will be kept overnight in stalls and will not be there permanently.

M. McKinney asked M. Tristany about this. M. Tristany stated that the regulations stated that Residential zones allow veterinary clinics, hospitals as a special exception with no language for minimum acreage for that type of veterinary offices; residences can have two horses in three acres which implies that the horse is a pet and will graze. M. Tristany explained that the horse owner will bring the horse to the office for a shot or to draw blood or for an overnight stay for 24 hour medical attention. M. Kornatowski stated that there may be a small area for a turn out for the horses during their stay for a few days; but they would mainly be in the stalls.

M. McKinney stated that we need to have a public hearing and asked if M. Kornatowski met with M. Tristany for what was needed for the site plan. M. Kornatowski stated that we need to go over the plan. He stated that we the purchasing the property was contingent upon being able to use this property for the office and barn. M. McKinney asked if the house would be the office. M. Kornatowski stated yes. M. McKinney gave suggestions of what the barn will be used for, how many animals will be able to stay, an A-2 survey. M. Tristany stated that there is an A-2 survey when Mr. Czczotka re-subdivided his property. M. McKinney stated that it should showing the barn and showing as much information as possible.

C. Kinnie asked if he would be ready to go to public hearing for February 8, 2016. M. Kornatowski stated that there would be some work to be done and he will be away for a time period. M. McKinney asked when the meeting was for March. R. Parrette stated that it was March 14, 2016. M. Kornatowski asked if it would be just generalizations of what we are planning. C. Kinnie stated no, we need to know the size of the barn, and the number of animals it will accommodate. M. McKinney asked M. Kornatowski if he wanted to do everything in one shot. M. Kornatowski stated it would be nice all in one shot because it is contingent upon purchasing the property. M. McKinney stated then an A2 survey and setbacks for the barn would be needed.

**MOTION:** C. Kinnie moved to set a public hearing for SE 02-16 for March 14, 2016 at 6:30 p.m. in the town hall meeting room. J. Krueger seconded the motion. All were in favor. The motion was carried.

## **7. Additional Business**

M. Tristany stated that his letter to H. Heller was under correspondence. He passed out Atty. H. Heller response that he received today to the commission members. M. McKinney asked him to go through this letter. M. Tristany read the questions of his letter to H. Heller for the record. He read Atty. Heller's letter in response for the record including that further sound studies at night were not needed since the asphalt plant is in compliance with state sound emission standards and acknowledge the erosion that occurred during a heaving rain event on the evening of January .9, 2016 and the day of January 10, 2016 and will be evaluated to determine stabilization measures implemented during winter months until berm construction can be completed and to determine if it is prudent to engage in mitigation measures before Spring of 2016.

M. McKinney asked if there was a list of the DEEP violations against AI. M. Tristany stated that he contacted DEEP for additional information; and the person he spoke to indicated that because it involved the Attorney General's office no additional information can be given. M. McKinney stated that our hands are tied at this time. M. Tristany stated that the State looks at the 2002 permit was not being followed. M. Tristany stated that the Commission at one time, wanted to do their own noise testing. There was discussion of this matter including that the residents had concerns about how the second testing was conducted.

M. McKinney stated that because we have no pending application, we have to hold off. Cathy Londe explained that the State does not do noise ordinance any more, it is up to the town. M. McKinney stated that we do not have a noise ordinance.

R. Parrette asked if we could get more information from DEEP if we asked M. Branse to write a letter. M. Tristany explained that there was a meeting with Atty. Branse, Atty. Heller, and AI representatives in the Attorney General's Office and that it was not for public information and that there may be other things pending.

## **8. Old Business**

- A. Further Discussion of the Brooks Acoustics Report for the American Industries, New Sound Study dated, October 22, 2015.**

- B. Letter dated December 15, 2015 to Harry Heller, 736 Norwich-New London Turnpike, Uncasville, CT regarding Brooks Acoustic Sound Study dated October 22, 2015.

**9. New Business**

M. Tristany stated that there is a written complaint. M. McKinney asked Mr. Ryan to comment. Jeff Ryan, 72 Johnson Cove Road, explained that AI has been told many times not to slam the tail gates on the trucks. He stated that this morning, they were driving the trucks and breaking over and over. He wants to make the Board aware of what is going on.

**10. Reports from the Enforcement Officer**

- A. Cease and Desist Order for violation of Section 11.12, Refuse Disposal / Junk Yard Definition to Elizabeth Ellsworth, 1585 Glasgo Road for outdoor storage of used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles or parts thereof.
- B. Cease and Desist Order for violation of Section 11.12 Refuse disposal / Junk Yard Definition to Priscilla Botchis, 32 Griswold Drive for outdoor storage of used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles or parts thereof.

P. Zvingilas explained that two cease and desist orders were sent out to 1585 Glasgo Road. It was brought to our attention by a neighbor in a written complaint. He stated they he has not heard from the property owners.

P. Zvingilas stated that at 32 Griswold Drive, the cease and desist is for the same thing; they have hired a dumpster and are in the process of cleaning it up. M. McKinney asked if this should be under the blight ordinance. P. Zvingilas stated that the blight ordinance doesn't have any teeth. He stated that we have had success with the junk yard as a zoning violation. The town attorney prefers to work with the zoning junk yard regulation. M. McKinney stated that it is for unregistered vehicles; but the discarded materials are different. P. Zvingilas stated that it is also for discarded materials still qualifies as a junk yard.

P. Zvingilas stated that they observed the activities after erosion at AI that J. Ryan brought to our attention this morning. He and the first selectmen saw some serious erosion. He stated that it is being addressed He stated that he contact P. Camputaro who was out of state, to have his men start working on the road access way that was silted with up to 6 inches of silt. M. McKinney asked if it was for the dyke that was new dyke or the old dyke. P. Zvingilas stated that it was next to Route 12. P. Zvingilas stated that it was for the berm. P. Zvingilas explained that the silt fence was blown out with the amount of silt that came down. He stated that he will take another look at it in a few days; but that they won't do much before spring time. There was discussion of this matter including that he will get more pictures in a few days.

Bill Sugden, 39 Johnson Cove Road, stated that the sand from the berm was all in the road. He stated that they use this road in an emergency; and you would get stuck if you tried to drive through it. Fabiola Proulx, Fairview Avenue asked if more than one representative from the town could attend as well as someone from Johnson Cove Road for another test. She stated that it was bias if only American Industries was represented and no one else is represented.

M. McKinney stated that our dilemma is that there is no pending application before us; our hands are tied. We can request information if there is a pending application. M. Tristany stated that H. Heller had submitted an outline that listed the steps they would take; a second sound test would be done after completion of the berm. He stated that the commission may have some standing. F. Proulx asked who had 24 hour notice. M. McKinney stated that he got a call from the First Selectman if he could be there that night. C. Kinnie stated that he got an email the afternoon of the test. M. Tristany stated that he was not called and the Zoning Officer did not get called. M. McKinney stated that one hour was enough notification. C. Kinnie stated that, in his opinion, he did not think so.

M. McKinney stated that our strongest point is that the berm was not completed when the sound test was completed. F. Proulx stated that the first test in November 26, 2014, the berm was not done and the sound figures are out of whack to the second sound test which has completely different figures and the berm is not done. M. Tristany stated that the first test was the baseline. P. Zvingilas stated that the second figures should be less. F. Proulx stated that they are less. She stated that in the test, they can hear the acorns dropping and planes flying over but cannot hear the tail gates or the rock crusher. Earl Proulx stated that when they do their testing, they shut down the equipment during the test.

M. McKinney stated that the residents can conduct a sound test from their own acoustical company to refute American Industries acoustical testing. J. Ryan stated that he feels that the town believes this report and they are allowed to continue to operate based on the phony report. He stated that their attorney told them that the report can be thrown out of court.

David Vieaux, 51 Leha, stated that the stated has a noise ordinance but here is no state organization to enforce it; the town does not have one and does not want a noise ordinance to enforce against American Industries. M. McKinney stated that this was looked into and that calibrated equipment is required as well as someone to do it, and that the state police did not want to enforce noise ordinances. J. Ryan explained that there is no such thing as an ordinance. They have noise guidelines in their regulations.

Cathy Londe stated that the berm is made of sand and sand does not freeze so this can happen again. She asked why American Industries took down all the berms. C. Londe stated that they took down the northwest section and the berm in front of Johnson Cove Road. M. Tristany stated that the berm was to remain intact according to the stipulated judgment. M. McKinney stated that they took down the berm for CL & P to put in the telephone pole. There was discussion of this matter.

M. Tristany suggested that Atty. Heller's letter be placed on the agenda for next month so there is time to review it. M. McKinney asked that the letter be put on the agenda for next month.

R. Parrette suggested that it would be prudent to send a letter to Atty. Branse that we fully expect that they were to be in compliance to do the testing after the berm was complete. We should let Atty. Branse know and that he to respond to Atty. Heller that when the berm is complete we are expecting another sound test; and to mandate that x amount of hours in advance that we want 48 hours notice so that we can make sure that we have at least two or more representatives from the town and the board present.

M. McKinney asked M. Tristany to draft a letter. M. Tristany suggest that this be put into a motion. M. McKinney asked for a motion.

**MOTION:** C. Geer moved the letter dated January 11, 2016 from Atty. Heller to be on the agenda for February 8, 2016 regarding American Industries and to send a letter to be sent to Mark Branse review Atty. Heller's letter to determine if we can get a further test after completion of the berm. J. Krueger seconded the motion. P.W. Zvingilas asked if there was any data on this. M. McKinney stated that there was a discussion with DEEP, the attorneys and American Industries. M. Tristany stated that we will send you copies of the two reports. M. McKinney asked for the vote. All were in favor.

## 11. Adjournment

M. McKinney asked for a motion to adjourn. J. Krueger moved to adjourned at 7:53 pm. C. Kinnie seconded the motion. The meeting adjourned at 7:53 pm.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary