



Town of Griswold



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

JANUARY 14, 2013

GRISWOLD TOWN HALL

I. PUBLIC HEARING (6:15 P.M.)

1. Call to Order

M. McKinney called this public hearing to order at 6:20 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Lawrence Laidley, James Krueger

3. Determination of Quorum

M. McKinney appointed B. Hull to sit for L. Laidley. There was a quorum for this public hearing.

4. Matter Presented for Public Comment

A. ZC 01-13 Geer, Thomas & Geer, Richard, Geer Tree Farm II, 852 Voluntown Road, Griswold CT 06351. Applicant requests a text amendment to Section 4.2 to add Section 4.2.5f as an accessory use for weddings, wedding receptions, birthday parties, nuptial showers, barbecues, cross country running events, craft shows and similar type uses to the principal farm use. Said facility may contain structures and may be developed in phases provided that each phase must be subject to appropriate site plan review by the Commission.

C. Geer recused herself from this matter.

M. McKinney asked if there was someone to represent the applicant. Attorney John Fitzgerald was here to represent Thomas and Richard Geer and Geer Tree Farm and asked the commission to amend the zoning regulations to allow limited accessory uses to a farming use. He showed the commission an aerial photograph of the 140 acre farm where 100 acres are a Christmas tree farm. He explained that though the selling period is a short time; it is a 52 week job maintaining the area. He asked to amend the regulations for Weddings, receptions, barbecues, running races. He explained that to keep the farm viable, a more intensive use year round will defray the costs of maintaining the tree farm. He showed the location of the area of the property as an accessory use for weddings, barbecues, craft sales; the principle use will always remain the farm. He stated that if the farm is abandoned, the accessory use is abandoned. He showed photographs of the farm showing the area looking down on the tree farm from the proposed accessory use.

J. Fitzgerald stated that the farm must have at least five acres and that there must be parking facilities at the site or within the area that you own; the parking will be gravel parking. He stated that the use will principally be in the summer and on the weekends. He stated that there can be alcoholic beverages on the property; but that the caterer must have a liquor permit from the State of Connecticut. J. Fitzgerald explained that the use can be utilized from 7 am to 10 pm.; but if there are bands, the hours would be from 9 am to 10 pm. He stated that people will be bused from the parking area to the facility.

J. Fitzgerald explained that the sanitation will be initially be provided by portable sanitation facilities. He stated that all water and sanitation facilities must satisfy the Connecticut public health code and be approved by the Uncas Health District.

He explained that running races cannot involve motor vehicles, ATVs, motorcycles, snow mobiles and things of that nature. He stated that if this is adopted, this applies to anyone in the R 40, R 60, R 80 zone. He stated that to obtain the actual use, a site plan must be approved by the Commission. J. Fitzgerald stated again that the principle use must be farming and that this is an accessory use to help preserve the farm since Christmas tree farming is so competitive and he cited a number of Christmas tree farms in the area and it would provide additional income to sustain the farming operations. J. Fitzgerald stated that there are other towns in Connecticut that have adopted regulations such as these here. He asked the commission for any questions. He stated that a site plan would show more of the accessory use.

M. McKinney asked for comments from the public. C. Kinnie arrived at 6:30 p.m.

Joel Francouer submitted a letter to the board about this application. He stated that he felt that the applicants, Thomas and Richard Geer would go above and beyond and do a great job making a facility like this. He stated that there are zoning regulations that these uses are permitted are under as Commercial. He stated that he looked up the definition of farming; he did not find and of these words are under this definition. He stated that the majority of farms, farmlands and farming in Griswold are under the classification PA 490. He read the declaration of policy of PA 490 for the record regarding forced conversion to more intensive used as a result of economic pressures of the assessment and property taxation. He stated that if the proposed text amendment is added to the regulations, he suggested that another addition be that this cannot be done under PA 490 farm lands.

J. Fitzgerald stated that they do get an agricultural exemption and explained that this area being dedicated to the actual accessory use will lose its farming classification but that would be a fraction an acre of the 140 acres. He stated that this has been done elsewhere in Connecticut to help preserve the farm. He stated that this will be a limited use with little use in the winter months; and weddings are on the weekends.

M. McKinney asked for other comments from the public. B. Hull asked about the use of alcohol for only when there is an activity going on. J. Fitzgerald stated that the size of the activity would be the determining factor; if it is a large wedding a caterer will be used and this caterer must have a state liquor license. He stated that if it is a small affair such as at home, they would be able to have alcohol, but that the sale of liquor is prohibited. P. Zvingilas asked if it would be an open bar like for an hour and then he would have to buy-in tie-in his liquor. Bowman Geer explained that there is no cash bar. B. Hull stated that there was a farm in Franklin that did similar activities on their farm which was a full blown farm.

M. McKinney asked if the whole parcel was in one person's name. J. Fitzgerald stated that the farm is in Thomas and Richard Geer's name. He asked how many acres. Richard Geer stated that it is a 140 acre farm, but the activity will be on less than half an acre. He stated that this can be seen on the site plan when it is done. M. McKinney stated that the whole use is the accessory on the quarter acre. J. FM. McKinney asked if the parking was on the same deed. J. Fitzgerald explained that the parking is where there is the sale of Christmas trees which as plenty of room. M. McKinney asked the number of parking spaces. Richard Geer stated that there was room for 3 to 4 hundred cars. J. Fitzgerald stated that we provided for 1 space for 3 potential guests. He stated that guests will be bused to the accessory use.

M. McKinney asked if the kitchen area is at the bottom of the hill or it it will be at the accessory use. J. Fitzgerald stated that there will be no kitchen, it will be catered and that there is water there. Bowman Geer stated that the caterers are self-contained. They bring what they need and come with what they need. J. Fitzgerald stated that if this project is successful, then we will want to put up a permanent structure especially sanitation.

M. McKinney asked if they would be using their own buses. R. Geer stated that it would be outsourced buses. D. DeGuire stated that the port-a-potties and state regulated. M. McKinney asked if C. Kinnie for any questions. C. Kinnie stated that he wanted to just listen to comments and questions.

P. Zvingilas stated that it would be a great improvement and it is beautiful up there. He stated that the definition of a farm is five acres what would prevent any from doing this. He suggested putting a higher limit on this particular farm use such as 20 acres. He asked if farms are registered with the state. J. Fitzgerald stated that to get the farming classification from the assessor for tax exempt status. R. Geer stated that we have the state tax permit. J. Fitzgerald stated that that's to sell products. J. Fitzgerald stated that if the commission wants to increase the minimum acreage that would be fine. P. Zvingilas suggested increasing the acreage. M. McKinney stated that this accessory use must fit on the acreage based on a site plan. There was discussion of this matter that state exemptions are forestry, open space and farming.

M. McKinney asked if the accessory use would the tax exemption be lost on the whole property. J. Fitzgerald stated that he hoped not, because this use would make the farm more viable. He stated that the accessory use would be taken out of the forestry or agricultural assessment by the assessor. M. McKinney stated that maybe the parking as well. R. Geer stated that there is a certain amount of sales of product to get the tax break. P. Zvingilas stated that there is state qualification for

no tax on agricultural products and gasoline is where the registration comes from. P. Zvingilas was concerned regarding traffic and asked if there was input from the Fire Marshal. M. McKinney stated that the site plan would have the requirements. J. Fitzgerald stated that in Section 13, there are requirements for what is needed on the site plan. There was discussion of this matter.

M. McKinney asked for comments.

Joel Francouer stated that in the letter he submitted there is an example of a PA 490 exemption in Griswold where a farm built a commercial building was on farm land it was never taxed by the town. He stated that there should be an item that this is not meant for farm land and forest land under PA 490. J. Fitzgerald stated that the taxes are between the property owner and the assessor and is not a zoning issue. M. McKinney stated that he did not know enough about PA 490. P. Zvingilas stated that PA 490 does not have anything to do with a zoning use. He stated that in Lebanon there are farms that put on many events where 300 people attend which don't occur that often.

Richard Geer stated that he goes to tree farm meetings where they talk about making ways to make extra income for tree farmers. He stated that there are many out there doing it in this state. He stated that during Christmas time, there are more cars than we would have at these events. We want to keep the farm viable. Tom Geer stated that to qualify for 490 a registered forester and you must meet certain criteria. He stated that parking areas don't qualify for 490 and where we would have the event in open space it would not be in 490. M. McKinney stated that there would be minimal trees removed. He stated that there would be no trees on the area we want to use and we already have the parking area. R. Geer stated that there is Ag-tourism to help farms to keep them a farm. T. Geer stated that there must be so much income from the farm to qualify for the tax exemption and qualify as a farm. There was discussion of this matter including there are Griswold ordinances that offer qualified exemptions.

Joel Francouer stated that if the \$15,000 income, the classification of farmland is totally up the discretion of the assessor. He stated that zoning in Griswold, the 4.2.5 for a farm unit, the minimum is five acres. He stated that the applicants' text amendments to have it added that you would need a farm unit that is larger than five acres to use the text amendment.

John Faulise spoke in favor of the Geer application, stating that the application is a land use application tied to farming uses and acreage; you can as a board you are in your authority to make the acreage stricter during the public hearing process by increasing the acreage minimum but not relax it. He stated that the issue of taxation has nothing to do with this board or a text amendment for land use and has no bearing on what this application should include. P. Zvingilas stated that in the future we can get a definition of farm to add to the regulations at a later date.

M. McKinney asked for further public comments and comments from the board. Hearing none, he asked for a motion to close the public hearing.

MOTION: E. Kudlis made a motion to close the public hearing for the text amendment proposed. D. DeGuire seconded the motion. All were in favor. The motion was carried.

II. PUBLIC HEARING (6:30 P.M.)

1. Call to Order

M. McKinney called this public hearing to order at 7:07 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Lawrence Laidley, James Krueger

3. Determination of Quorum

M. McKinney appointed B. Hull to sit for L. Laidley. There was a quorum for this regular meeting.

4. Matter Presented for Public Comment

- A. **SUB 03-13 Fontaine, Dennis E. Fontaine & Lisa A., 1946 South Drive, Casselberry, FL 32707. Property Location: 109 Oakville Road, Griswold.** Applicant requests approval of a 3 lot re-subdivision consisting of 27.78 acres: lot #1 1.39 acres; lot #2 1.40 acres; Lot #3 25.00. Property is zoned R-60.

M. McKinney asked if there was someone to represent the applicant. Demian Sorrentino, Boundaries, LLC was representing the applicants Dennis and Liisa Fontaine on a 3 lot re-subdivision of Lot 11 of the Kingsbridge Estates. He submitted extra copies of site plans. He submitted the abutters' notifications to the commission. M. McKinney asked if it was his representation that all abutters were notified. D. Sorrentino stated yes. He submitted a Declaratory Ruling from the Inland Wetlands Watercourses Conservation Commission that there is no activity in the regulated area. He submitted a letter dated December 5, 2012 from Uncas Health District and read for the record for that all lots require engineered septic systems before a permit to construct. D. Sorrentino stated that the state archeologist Mr. Nicholas F. Ballentoni was contacted and he read Mr. Ballentoni's letter December 11, 2012 for the record that there is no archeological effect on the State's cultural resources.

D. Sorrentino explained that the property has frontage on Oakville and Norman Roads. Lot 11 29 acres in area will be re-subdivided into a proposed lot 1 has 60, 549 s. f. with frontage on Oakville Road with an onsite well and septic system; lot 2 has 60,954 s. f. with frontage on Norman Road, both lots are the minimum lot size required for the R 60 zone; lot 3 has the primary frontage on Oakville Road is wetlands, there is a proposed driveway access on Norman for and he stated that the site lines, the applicants will maintain a smaller 2 bedroom home on lot 3 as their summer residence. D. Sorrentino explained on Sheet 2 shows the buildable area for lots 1, 2 showing the standard 3 bedroom colonial with primary and reserve septic with e and s controls. He stated that none of the lots have any regulated activity. D. Sorrentino explained the sight lines for lot 1 with 285 ft to the Ease and 265 ft to the 4-way stop sign; lot 2 has 200 ft to the 4-way stop and 230 ft to the South; lot 3 has 280 feet in both directions.

D. Sorrentino explained that the existing well house that serves on the existing house and part of the Kingsbridge Estates there is a note on the plan that this well will be abandoned or used for agricultural uses and will not be used for lot 3. M. McKinney asked if the existing lot will get a new well. D. Sorrentino stated yes and the existing well will be truncated and the existing owners are keeping lot three; it will not be sold.

D. Sorrentino explained Sheet 3 that shows deep test pit data, the percolation test data, sanitary design criteria, project narrative and construction sequence and maintenance of erosion and sedimentation control measures. M. McKinney asked if the lots meet the zoning requirements. D. Sorrentino stated that the lots are all zoning compliant lots for the R 60 zone.

M. McKinney asked for comments from the public. Joe Miller, 111 Oakville Road was concerned that the new wells will affect his well. D. Sorrentino explained the hydrology of the surface water did not have an effect on the ground water.

M. McKinney asked for other comments from the public. B. Hull asked if the lots were forested and will they be cleared. D. Sorrentino showed the existing tree line and that the trees are mature and showed the proposed tree line for lot 1 and the rear portions of the lots are existing fields and lot 3 is all a cultivated field so clearing will be minimal.

C. Kinnie asked about the driveway grading of Lots 1 and 3 at 8 percent so none of the driveways will be paved. D. Sorrentino stated that only the aprons will be paved. C. Kinnie asked if the side slopes at the driveway regarding will be seeded and that no additional drainage structures are required. D. Sorrentino stated that he did not think so and explained how the runoff drained to the existing wetland.

M. McKinney asked for any other comments or questions. Hearing none, he asked for a motion to close the public hearing. **MOTION:** D. DeGuire made a motion to close the public hearing for SUB 03-13. C. Kinnie seconded the motion. All were in favor.

III. PUBLIC HEARING (6:45 P.M.)

1. Call to Order

M. McKinney called this public hearing to order at 7:25 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Lawrence Laidley, James Krueger

3. Determination of Quorum

M. McKinney appointed B. Hull to sit for L. Laidley. There was a quorum for this public hearing.

4. Matter Presented for Public Comment

- A. SE 01-13 Trahan, Kevin and Delaine M, 318 Bethel Road, Griswold, CT 06351.** Applicant requests approval of a gravel excavation of 9,000 cubic yards of sand and gravel for expansion of the existing lawn on the property. The property is currently developed with a single family home. Property is zoned R-60.

M. McKinney asked if there was anyone to represent the applicant. David Held, Engineer, Provost and Rovero, represented the applicants who were also present. He submitted revised plans in response the town engineer's comments on 12/20/12 to the commission. He submitted the certificates of mailing to the commission. M. McKinney asked if it was his representation that everyone was notified. D. Held stated yes and submitted a copy of the packet that was sent to the abutters.

D. Held stated that this project was approved by the Inland Wetlands Commission and submitted a copy of the approval for the record. He explained that 9,000 c. y. of sand and gravel will be excavated from an existing developed site. He stated that it is accessed by a gravel driveway; from the property line on the Northerly boundary is 750 feet to Bethel Road. He stated that the adjacent lot is an undeveloped lot is owned by Mr. Leonetti and the third lot fronts on Bethel Road; the driveway itself is on property owned by Gail and Stuart Norman. D. Held stated that the Town Engineer comments and his concern was that the three property owners affected by this, the Normans and the two other property owners, would have an understanding of the project and consent to the project.

D. Held read emails between Gail Rooke-Norman and Kevin Trahan for the record her concerns regarding the project. D. Held explained that Mr. Trahan provided photos and video showing the excavation area. He read that Gail Rooke-Norman had no objections to the project based on Mr. Trahan's assurances; she did suggest that if there was excessive dust or truck traffic, he would scale back the excavation to an additional month and to be completed by the end of May. He submitted these emails for the record. D. Held read an email from Ron Steven, the property owner of the lot fronting on Bethel Road in support of the project and listed their concerns for damage to the driveway and that the culvert cannot withstand the truck traffic. He submitted this email for the record.

M. McKinney stated that a letter was submitted today. D. Held stated yes it was submitted from Mr. Leonetti who owns the undeveloped vacant lot; he read it for the record in support of the excavation if his conditions are met if they occur. D. Held stated that these concerns mimic the concerns of the Town's engineer and these concerns have been addressed. He explained where the pond and the forested areas that will remain; there will be a 20 foot buffer to the Leonetti property; he requested a waiver of an A-2 survey because it is an existing subdivision and no work is being proposed next to a boundary line.

D. Held stated that the plans were reviewed by Bob DeLuca, CLA Engineers and asked the commission if they were in receipt of the January 8, letter. He explained the comments: 1) a narrative of the vehicle access route to a major state highway and an estimate of the number of truck trips a day. D. Held explained that based on 8 trips a day, it would be a total of 500 trips for the 9,000 c. y. project. He stated that the work will be done by the Geers from bethel road to the property on Route 138. He stated that the truck travel route is detailed on sheet 2. Kevin Trahan explained that the 8 trips a day were derived based on a three month period, five days a week, four weeks a month. 2) Existing driveway site line turning north is adequate with the site line turning southerly is impaired by the road curve and an embankment. D. Held explained that this is addressed by the proposed truck travel route will be turning north going toward Route 138 which is the favorable sightline. 3) The access driveway is owned by someone other than the applicant and shared by two other property owners, suggested that acknowledgement of the application by the other parties involved should be provided by the applicant. D. Held stated that we just went through this in detail. 4) The approximate location of the site septic system should be shown on the plans. D. Held showed the location of the septic system on the plans to the commission which is far removed from any proposed activity. 5) B. DeLuca reviewed the cost estimate of \$8,000 to install a permanent vegetative cover and recommended \$12,000 for the bond. D. Held stated that they had no problem with the \$12,000

restoration bond amount. 6) Erosion and sedimentation controls plans should have provision for dust control on the site and driveway. D. Held stated that note 8 was added to the plan that water will be used for dust control because of the close proximity to the pond. 7) We recommend that the silt and hay bale fence line be continued the easterly boundary of the proposed excavation. D. Held showed the location on the plans where the silt and hay bale fence line will be added on the entire limit of the excavations. 8) We recommend that a swale be added upgrade of the silt fence line to control site stormwater and infiltration during construction and final grading should incorporate a swale in the same area along the westerly line of the driveway. D. Held showed the location of the rip rap swale and plunge poll and level spreader lined with rip rap and from there any water will spill out and overland as it does now. He stated that we addressed all Bob DeLucca's comments. M. McKinney stated that this letter is in the file.

D. Held stated that this is being done to expand an existing residential lawn and to alleviate a few drainage problems next to the house. M. McKinney asked if there will be any screening or crushing on the site. D. Held stated no. He commented that no topsoil will be stockpiled on the site; top soil will be brought on to the site at the completion of the project, graded and seeded. D. Held stated that the culver 100 feet off of Bethel Road on the Driveway. This was reviewed by Bob Deluca and that this culvert was installed when the Normans had a gravel excavation there in the past. D. Held stated that there is eight feet of gravel on top of this 24" concrete pipe so there are no structural concerns.

M. McKinney asked for comments from the public. He asked for comments from staff. B. Hull asked if the project will be done all at once. D. Held stated that this will be done at once over a couple of months. M. McKinney asked for other comments. P. Zvingilas asked about Section 12.4.6 regarding the access. He read this for the record regarding the driveway and how close it was to the next house. D. Held stated that the next house is 150 feet. P. Zvingilas asked if consideration was given for a tracking pad where the trucks come out on a town road. D. Held stated no since the driveway was 750 feet and the mud would be off before Bethel Road. D. Held stated that they could put a tracking pad at the end of the property. P. Zvingilas asked about the condition of the apron on the driveway. Kevin Trahan stated there is one on Bethel Road. P. Zvingilas stated that there should be a driveway bond to repair the apron if it is damaged by the truck traffic.

M. McKinney asked for other comments or questions. Hearing none, he asked for a motion to close the public hearing.

MOTION: D. DeGuire made a motion to close the public hearing for SE 01-13. C. Kinnie seconded the motion. All were in favor. The motion carried.

IV. REGULAR MEETING (7:00 P.M.)

1. Call to order:

M. McKinney called this regular meeting to order at 7:50 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, Attorney Mark Branse, ZEO Peter Zvingilas Recording Secretary Donna Szall,

Absent: Lawrence Laidley, James Krueger

3. Determination of Quorum

M. McKinney appointed B. Hull to sit for L. Laidley. There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of October 11, 2011

Edward Burdick had a question about the wrong address on the agenda and that the notice was deficient. Attorney Mark Branse as the town representative explained that the legal notice is the notice that appeared in the newspaper and that the agenda is not the legal notice. There was discussion of this matter. M. McKinney made a ruling that the notice was sufficient.

There was no action on the minutes of the last meeting.

5. **Correspondence and Attachments**

A. There was no correspondence.

6. **Matters Presented for Consideration**

A. SE 01-13 Trahan, Kevin and Delaine M, 318 Bethel Road, Griswold, CT 06351. Applicant requests approval of a gravel excavation of 9,000 cubic yards of sand and gravel for expansion of the existing lawn on the property. The property is currently developed with a single family home. Property is zoned R-60.

M. McKinney stated that this was a prior public hearing. D. DeGuire stated that there should be some preventive things like the apron to be taken care of. D. DeGuire stated that there should be a protection for the driveway. M. McKinney stated that there should be a tracking pad on the property before entering on to the gravel driveway.

MOTION: D. DeGuire made a motion to approve SE 01-13 with the following conditions: 1) that a tracking pad to be installed and built to the specification of the Griswold road superintendent; 2) an additional driveway bond of \$1,000; and 3) an Erosion and Sedimentation Control Bond in the amount of \$12,000. C. Kinnie seconded the motion. All were in favor. The motion was carried.

B. ZC 01-13 Geer, Thomas & Geer, Richard, Geer Tree Farm II, 852 Voluntown Road, Griswold CT 06351. Applicant requests a text amendment to Section 4.2 to add Section 4.2.5f as an accessory use for weddings, wedding receptions, birthday parties, nuptial showers, barbeques, cross country running events, craft shows and similar type uses to the principal farm use. Said facility may contain structures and may be developed in phases provided that each phase must be subject to appropriate site plan review by the Commission.

C. Geer recused herself from this matter. C. Kinnie will abstain himself from this matter. M. McKinney stated that the lot should be increased from 5 acres to 25 acres. E. Kudlis stated that 25 acres is excessive and there probably will not be a lot of these accessory uses and if someone had 10 areas with a nice five of the pond or such, he felt that 10 acres. B. Hull stated that 5 acres was adequate. E. Kudlis stated that farms are a natural resource and any benefits we can gain for the public; and he has been to such events in Dayville during the summer. He stated that it would take an unusual property and he has not heard any complaints from this type of use. M. McKinney asked for a motion.

MOTION: E. Kudlis made a motion to approve ZC 01-13 with the amended acreage from 5 acres to 10 acres. D. Szall stated that an effective date was needed. M. McKinney asked if it was 30 days. M. Branse explained that the date should be after the notice of publication. There was discussion of this matter.

MOTION: E. Kudlis amended his motion to approve ZC 01-13 with the amended acreage from 5 acres to 10 acres with an effective date of January 24, 2013. D. DeGuire seconded the motion. There were 4 aye votes and 1 abstention. The motion was carried.

E. Burdick raised a point of order regard recusals and asked for the commission to rule. M. Branse stated that the chairman does not have to rule on anything and the chair does not have to recognize points of order unless the chair wants to.

C. SUB 03-13 Fontaine, Dennis E. Fontaine & Lisa A., 1946 South Drive, Casselberry, FL 32707. Property Location: 109 Oakville Road, Griswold. Applicant requests approval of a 3 lot re-subdivision consisting of 27.78 acres: lot #1 1.39 acres; lot #2 1.40 acres; Lot #3 25.00. Property is zoned R-60.

M. McKinney stated that this was a prior public hearing. He stated that this was straightforward.

MOTION: B. Hull made a motion to approve SUB 03-13 Dennis and Liisa Fontaine as presented. E. Kudlis seconded the motion. All were in favor. The motion was carried.

D. ZP 02-13 Hunter, Daniel, 659 Voluntown Road, Griswold, CT 06351. Applicant requests approval of a modification to an existing site plan for a commercial use in order to display vehicles on 12 ft x 85 ft island and to remove existing landscaping for a better line of site. Property is zoned C-1.

M. McKinney asked P. Zvingilas about this application. P. Zvingilas stated that he is requesting a modification to an existing site plan. Dan Hunter was present with his partner Mike Dingivan. D. Hunter explained that there is a landscaped island and he wanted to display cars on. He stated that there are two bush trees and ground cover to be removed. P. Zvingilas stated that this was an approved site plan and this is a modification to have the used cars displayed on the existing island. He stated that there is so much of the state highway access between the gas station and Route 138 that the cars will not be a sightline problem. M. Dingivan stated that it was inspected by Dan McBride, state inspector of the DOT ; he did not have a problem with it. D. Hunter stated that there will be solar powered accent lighting for the vehicles. P. Zvingilas stated that he was asking to remove the 12 foot trees and they would interfere with the sightline.

M. McKinney stated that there are two plans that have conflicting information on them. D. Hunter stated that those are existing parking spaces that he added to the plan. D. DeGuire asked if parking spots are being taken away. D. Hunter stated that they are using 3 spots for parking. D. DeGuire asked if this would take away from the required parking. D. Hunter stated that no one parks there. M. McKinney asked about the islands if the grass would stay in place. D. Hunter stated that the grass will be removed and 3/4 processed screened gravel will be put on the islands.

M. McKinney asked about the lighting affecting the people across the street. P. Zvingilas stated that there is nothing there. D. Hunter stated that this is next the Advanced Auto and they have quads out front on display. M. McKinney asked about the landscaping and it should be replaced with something smaller. D. Hunter stated that there are bushes 8 feet tall and there is overgrown ground coverage. M. McKinney stated that he would like to see some landscaping maintained there. There was discussion of this matter.

M. McKinney asked if there was adequate parking if the 3 spaces are used for display. P. Zvingilas stated that there are three spaces to the rear of the building used for Jiffy Lube and it was an in and out used that the used car use. He stated that the parking should be adequate. M. Branse explained that the commission should ask if this will comply with the parking zoning regulations without these 3 spaces; and that it is up to the applicant to bring that information to the commission. There was discussion of this matter.

M. McKinney stated that he wants to see the parking requirements for what is being proposed for the uses, and a landscaping plan for the islands. D. Hunter stated that the gas station has 16 parking spaces. There was discussion of this matter. He asked D. Hunter to bring this information to the commission for next month. M. McKinney asked for a motion to table this application.

MOTION: C. Kinnie made a motion to table this application to the next regular meeting. D. DeGuire seconded the motion. All were in favor. The motion was carried.

E. ZP 03-13 Karakatsanis, Pavlos, 20109 42nd Avenue, Bayside, NY 11361. Property location: 598 Voluntown Road, Griswold. Applicant requests approval of a Zoning Permit for a modification of an existing site plan for building renovations, installation of a patio and dumpster enclosure as well as minor site plan modifications. Property is zoned C-1.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was there to represent the applicant, Mr. Karakatsanis, who was also present.

J. Faulise submitted copies of a site plan of the former restaurant, Rubinos, Milanos, et al. adjacent to Island Packy, located at 598 Voluntown Road. He explained that there will be minor modifications to the building with a small addition, a brick paver patio, relocation of the cooler attached to the building and relocation of the dumpsters to a new dumpster enclosure.

He submitted a letter from Uncas Health District stating their which was read for the record that a conceptual septic repair had been approved.

J. Faulise explained the proposed addition of 120 s. f. on the south side at the front of the building which will enclose the existing over-hang to be removed from the building and the addition will be 6 feet by 20 feet long to square of the existing building and will match existing trim and siding. He showed the where the ice cream 6 ft sliding window will be relocated to the southeast side of the building and there will be a new canopy structure installed above the window. He stated on the north side the existing cooler will be relocated to an existing concrete cooler on the northeast side of the building. He stated that adjacent to Oakville Road there are two dumpsters that will be relocated to a proposed dumpster enclosure to be construed on the site. J. Faulise explained the installation of a 650 sq. ft. brick paver patio on the northwest side of the building that is currently lawn for outside dining to be accessed from within the building through new doors that will replace the existing sliding glass doors; and the other existing sliding glass doors will be replaced by windows on the exterior walls. He stated that the patio will be fenced from the existing lawn areas.

J. Faulise stated that there is no change in the seating and some will be moved to the brick paver patio. He stated that there will be a small lounge area called Turning Point Tavern; and an alcohol permit will be applied for to the state. He showed the prior plan from 2007 from Devine Swine with a proposed accessory structure for a BBQ pit but was never constructed. He also showed an approved plan from 1986 showing the parking field was still the same and the cooler was in located in the proposed location on the current plan. J. Faulise stated that the applicant is purchasing the property from the current owner and wishes to continue the operation with these proposed modifications.

J. Faulise stated that the property along the northwest border has a watercourse that extends from a culvert underneath Route 138 to Oakville Road. He stated that there is an Inland Wetlands permit pending and asked that the commission act on this application contingent upon approval from the wetlands commission. There was discussion of this matter. M. Branse explained that the statutes say that if a regulated activity is involved in a site plan or special exception application, the commission cannot vote until a report is received from that commission. M. Branse asked if all of the improvements are located within the regulated area. J. Faulise stated that all of the activity is within the 150 ft. commercial regulated area.

M. McKinney asked for a motion to table this application to the next regular meeting. He stated that you mentioned alcohol and asked if this application included alcohol. J. Faulise stated that the application will be pursuing an alcohol permit on the premises. He stated that if the commission would like to see an additional application for alcohol we can do that within the time frame and asked the commission to set a public hearing for a special exception application for the next meeting. M. McKinney asked for a motion to table:

MOTION: D. DeGuire made a motion to table this application to February 11, 2013. C. Kinnie seconded the motion. B. Hull asked what percentage of the lot coverage was. J. Faulise stated that it is at 38 percent and 45 percent is allowed in a C-1 District. All were in favor. The motion was carried.

J. Faulise asked the commission to set a public hearing for the next regular meeting for a special exception permit and an application will be supplied tomorrow morning.

MOTION: D. DeGuire made a motion to set a public hearing on February 11, 2013 at 6:45 p.m. in the town hall meeting room. C. Kinnie seconded the motion. All were in favor. The motion was carried.

7. Additional Business

A. Input to draft budget for FY 2013-FY 2014 was not discussed.

M. McKinney asked for a motion to add to the agenda the request from Gaston Cyr for a release of bond.

MOTION: D. DeGuire made a motion to put a letter from Gaston Cyr on the agenda for a release of bond. C. Kinnie seconded the motion. All were in favor. The motion was carried.

M. McKinney read the letter from Gaston Cyr for the release of a road passbook in the amount of \$10,000 for the record.

P. Zvingilas stated that he and C. Fontneau verified the conditions on that site and most of the site has been reseeded but at the time but it has not come up and Lily Pond Road has been repaved and he recommended reduction of the bond.

MOTION: D. DeGuire made a motion to release the road passbook in the amount of \$10,000 and that the Erosion and Sedimentation Control Bond to remain in place. C. Kinnie seconded the motion. All were in favor. The motion was carried.

8. Old Business

No old business was discussed.

9. New Business

No new business was discussed.

10. Reports from the Enforcement Officer

A. Discussion of clarification of the use at 58 Leha Avenue.

P. Zvingilas stated that there were complaints on Leha Avenue that they were operating a business about fire wood processing for themselves and a relative. He stated that they signed letters that they do this wood for their own personal use. He stated that the complaint as that there was sale of wood. P. Zvingilas state that he inspected several times and there was no such activity at the time. He stated that one of the people is here. M. McKinney asked if the wood can be stacked up so that it is not in sight of the neighbors. P. Zvingilas stated that person across from the neighbors also heats with wood – 12 or 13 cords in the winter, so that when some cords are burned more cords are brought in for the winter.

Joe Fellows, 61 Leha Avenue, stated that he received a letter from P. Zvingilas that he was running a wood processing business. He explained that he burns 7 to nine cords a year; and that he has a disabled brother who also heats with wood and he supplies this wood for his brother. He stated that he has a harassing neighbor who is always taking photos and video of everything that goes on at Mr. Fellows' property of him bringing in wood including video of his wife and children. He asked the commission what he was allowed to bring in to his yard. J. Fellows stated that this neighbor told P. Zvingilas

that he keeps track of the cords of wood he brings on to his property. He only takes wood out of his yard to bring to his brother who burns about 8 cords in the winter.

M. McKinney stated that we rely on P. Zvingilas giving us a report and to check out the complaint. He stated that is all that we can do if the Zoning Enforcement Officer is comfortable with the activity then the Commission is comfortable. P. Zvingilas explained that he has inspected when he can out a number of times, and this issues has been discussed with the First Selectman. There was discussion of this matter including that this complaint was in retaliation. J. Fellows asked if the Commission can advise him. M. Branse explained that the Commission cannot advise him; and that if he is found in violation by the zoning enforcement officer, then he could go to the Zoning Board of Appeals. He suggested that if J. Fellows has legal questions, should consult your attorney. M. McKinney stated that at this point, it is okay for you to bring in cords of wood for you and your brother's use.

B. VFW response to complaints filed by Dennis and Amy Shelton at 265 Taylor Hill Road, Jewett City

M. McKinney stated that the Sheltons have been in regarding zoning violations of the VFW regarding headlights and delivery trucks and he asked the VFW to address the issues they have raised. Edward Banas, a life member of the VFW Post 263 Taylor Hill and is the day to day manager. He stated that they have been good neighbors at 265 and have been there for about 20 years. He explained that the wood pallets are stored and not visible from the road and they are used for our steak dinners. He stated that he was only away of the pallet issue. He stated that for the last 4 or 5 months, one of the employees called the state police because there were young people in the back parking lot sitting on the hoods of cars consuming something; the state police came; and it went from our parking lot to their home and their daughter was cited for come violation of which he did not know. He stated that Amy told him that this citation may have some reflection for her daughter to become a student nurse and this is when this issue has fallen apart. He stated that they use a quasi-public right of way which the VFW owns to enter their property; this right of way is plowed and sanded. He explained that the trucks park along the side of their building; but in inclement weather, they park close to the building. He stated that the zoning officer told him that someone was urinating at the back of their property. They are n the process of putting up surveillance cameras at the back parking lot and have put up sighs to monitor their property and the property line between the Sheltons and the VFW.

Dennis Shelton stated that there was adequate room to get around the trucks. He stated that there was a problem with the pallets eight years ago and the zoning officer told them to remove them. He stated that now they are put in a corner where we can't see them; the pallets are all over the place. He stated that the zoning enforcement officer told them to stack them and to cover them up. M. McKinney asked if this was a right of way. D. Shelton stated yes. E. Banas stated that it is a deeded right of way. M. McKinney sated that this right of way must stay clear.

M. McKinney asked P. Zvingilas about the pallets. P. Zvingilas stated that there are a huge number of them out there. He stated that he looked at the pallets with A. Gosselin, Uncas Health District for rodents and they were not evident. P. Zvingilas stated that we asked them to stack the pallets and recommended that a tarp be put over them. E. Banas stated that they did come and look at the pallets and explained that Kellogg Marine brought two hundred more pallets and just dropped them off. M. McKinney asked if any fences would be going up and stated that this may help save some issues and that there was parking on a gravel parking area. E. Banas stated that this was residual parking. D. Shelton stated that this is an issue because people park back there and they park anywhere they want to. He stated that this is their privacy area. E. Bans stated that their property in the warm weather is completely bordered by shrubs, bushes and trees and except in winter provides coverage. He stated that patrons park there when there are large parties since it is their property. There was discussion of this matter.

Amy Shelton asked if you are saying that it is okay for them to use the gravel lot for parking since it is not zoned as a parking lot. M. McKinney stated that there was no zoning when the VFW was built. He stated that we have control over the zoning enforcement officer, the right of way and the rest is between neighbors. A. Shelton stated that last meeting we determined that the pallets were a blight issue. M. McKinney stated that we have lost staff. P. Zvingilas stated that they don't quite qualify as a blight item because the pallets will be used up. E. Banas stated that they instructed the company that brought the pallets to not bring any more. We use 35 to 40 pallets a month. A. Shelton read the debris issue of the blight ordinance. M. Branse stated that this commission does not administer the blight ordinance.

M. McKinney stated that Mr. Banas can go to the VFW board so that some arrangement can be worked out. E. Banas stated that it may take a while for him to tell the trucks where they are to unload. M. McKinney asked him to do something about the headlights. E. Banas said that the lights are diffused in the summer months.

- C. Cease and Desist order to Carole McMechen, 584 Taylor Hill Road Griswold in violation of Griswold Zoning Regulation Section 11.17 Unregistered Motor Vehicles for three (3) unregistered motor vehicles.

P. Zvingilas stated that there are three vehicles that they use for business; they have not been very cooperative. He will speak to them again. B. Hull asked what was happening with the Snooky's Trailer on Soule Street. P. Zvingilas stated that the Jewett City Borough gave them a vendors permit. M. Branse asked if this vendor is only in one place. P. Zvingilas stated yes. M. Branse stated then it is not a vendor and hawker if it stays in one location on private property is a retail use of land governed by planning and zoning. P. Zvingilas asked who he would site. M. Branse stated that you would cite the operator and the property owner. There was discussion of this matter.

M. McKinney stated that we must go into executive session. M. Branse stated that you need a motion to add to the Agenda American Baptist Conference v. Griswold Planning and Zoning Commission pending litigation; and then a motion to go into executive session.

MOTION: C. Kinnie made a motion to place on the agenda for discussion of our agreement with American Baptist Conference v. Griswold Planning and Zoning Commission. E. Kudlis seconded the motion. All were in favor. The motion was carried.

MOTION: C. Kinnie moved to go into executive session for discussion of said topic. E. Kudlis seconded the motion. All were in favor. The commission went into executive session at 9:06 p.m. the commission came out of executive session at 9: 25 p.m. M. McKinney stated the commission came out of executive session at that no decisions were made or votes were taken.

M. McKinney asked if there were any plans for the planner. M. Branse stated that he spoke with P. Anthony and they will be advertising for the position. There was discussion of this matter.

M. McKinney stated that we must set a public hearing to go over the changes to the regulations. M. McKinney stated to put the zoning changes at the top of the agenda for next month.

M. Branse asked about Mr. Burdick. P. Zvingilas explained that there were issues with P.A. 490. There was discussion of this matter.

2. Adjournment

M. McKinney asked for any other business. E. Kudlis made a motion to adjourn at 9:30. M. McKinney seconded the motion. All were in favor. The motion was carried. The meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary