



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

MARCH 11, 2013

GRISWOLD TOWN HALL

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

1. Call to order:

Vice Chairman Courtland Kinnie called this public hearing to order at 6:47 p.m.

2. Roll Call

Present: Courtland Kinnie, Daniel DeGuire, Erik Kudlis, Alternates Charlotte Geer, , James Krueger, ZEO Peter Zvingilas Town Planner Mario Tristany, Recording Secretary Donna Szall

Absent: Martin McKinney, Lawrence Laidley, Alternate Benjamin E. Hull

3. Determination of Quorum

C. Kinnie appointed J. Kreuger to sit for M. McKinney and C. Geer to sit for L. Laidley. There was a quorum for this public hearing.

4. Matter Presented for Public Comment

A. SRC 02-13 Amendments to Section 3.7, Section 3.11 and Section 7.10 of the Griswold Subdivision Regulations and Amendments to Section 2.6 et sequence and to Section 13.7 et sequence of the Griswold Zoning Regulations regarding Bonding Requirements pursuant to Connecticut Public Act 12-182 and to recommend to the Griswold Board of Selectmen that Chapter 202 of the Griswold Ordinances to be amended in accordance with Public Act 12-182.

C. Kinnie asked M. Tristany to explain the amendments based on Public Act 12-182. M. Tristany stated that M. Branse drafted the amendments, you have my report and M. Branse will chime in as well. C. Kinnie stated that we can quickly go through the changes as well as what we will forward to the selectmen.

C. Kinnie stated for the record that L. Laidley arrived at 6:48 p.m. and that he will have his regular seat. C. Geer will return to alternate.

M. Tristany read Section 202-21.B for the record the deletions, and new underlined language. C. Kinnie asked if the word cash is kept will have bond after it. M. Branse explained that it could say a cash bond, they are all forms of bonding, it could be cash passbook, letters of credit or it could say a cash bond either would be correct to clarify it.

M. Tristany continued to read the new language one year for all streets. He read the footnote 3 that describes PA 12-182 regarding actions involving existing streets. M. Branse explained that the public act is limiting us to one year; we can use two years. M. Tristany read new language for streets constructed in accordance with the subdivision regulations of the town of Griswold; that 65 days after a request from the owner or developer, the town shall authorized release of any bond or portion provided the town is satisfied that improvements have been completed or the town request for written explanation for improvements to be completed before the release of the bond. M. Branse explained that this language will occur several times for subdivisions and site plans, because

some builders have had trouble with release of bonds and not being told what was incomplete or wrong. He stated that within 65 days, the town must make clear why the bond is or is not released. He stated that it imposes on the town that the town engineer or whoever does the inspections has got to be on top of these inspections; because if the engineer has not been out there in months, and there is snow on the ground, the engineer would have 65 days to say what is complete or incomplete under those conditions; it places an extra burden on the town to be sure, to provide a punch list of what is complete or incomplete. He stated that in the town's subdivision regulations that only so many bond release requests can be made; now they are allowed to request as many bond releases as they like, you cannot limit the number of requests.

M. Tristany read the new language for the restriction on sale of lots prior to posting the bond shall be enforced by a restriction in a form reviewed and approved by the Town Attorney. M. Tristany read the language that was stricken regarding the bond to be determined by the Board. M. Tristany read footnote 5 regarding the bond shall not be less than 6 percent.

M. Tristany read the new language for the record regarding streets constructed in accordance with the Griswold subdivision regulations and for other streets. M. Branse explained that one year is now the maximum maintenance period that you can require; this allows the town a reasonable period if there are any defect issues.

M. Tristany read Section 3.7 for the record that accept was stricken and require was added; he read the new language regarding a cash bond or irrevocable letter of credit for installation and maintenance of any erosion and sedimentation control plan approved in accordance with Section 4.5 and measures taken to control erosion and sedimentation likely to occur from the proposed subdivision. M. Tristany read footnote 6 regarding the allowance of the developer to determine when to file bonds. M. Branse stated that this is the most seriously defective part of the new act and explained all towns required posting of bonds immediately prior to endorsement so if something is done wrong or incomplete, there was a bond you could call; now this public act says that you can bond for erosion control immediately but as to anything else, the developer can place the bond whenever they wish provided they don't sell lots; so there is no bonding of public improvements until the first lot is to be sold. M. Branse stated that he has an implementation provision for the sale of the first lot in footnote 6; the act does not talk about how to enforce that; the only way to do that is with a restriction such as the deed restriction in the current subdivision regulations. M. Branse reiterated that we are going to have to bond incomplete items; and that the town engineer will have to be very vigilant in construction inspections.

M. Tristany read the stricken language regarding measures to be taken to control soil erosion and sedimentation likely to occur from the propose subdivision. He stated that this was removed because of the new language added at the beginning of the paragraph. M. Tristany read the new language regarding restriction on sale of lots prior to posting of bond to be enforced by a restriction in a form reviewed and approved by the town attorney that M. Branse spoke about.

M. Tristany read Section 3.11 Acceptance of Roads new language for the record for road acceptance in accordance with the requirements and procedures of Griswold Town Ordinance Section 292, Article V as amended. M. Branse stated that this language is so we don't have to repeat everything and the Ordinance governs anyway.

M. Tristany read Section 7.10 that stricken language was replaced with new language shall, and written request was added. He read new language regarding written request shall be accompanied by a certification of completion of these items in a statement signed by a professional engineer licensed to practice in Connecticut and by the Board of Selectmen; and not later than sixty-five days, such written request the commission shall release or authorize release of performance guarantee or a portion thereof provided the commission is satisfied with portion completed or provide written explanation of additional improvements to be completed; M. Tristany read the stricken language regarding a request to reduce the bond for street improvements with Sub-sections 7.10.1 and 7.10.2 are stricken in their entirety. M. Branse stated those subsections referenced the "only two requests" policy.

M. Tristany New Section 2.6.3 new language regarding work required with approved zoning permit, that site plan, special permit, variance or other approval required shall be incomplete or not in compliance with approved plans,

no certificate of zoning compliance shall be issued; property owner may, at its option, post a performance guarantee in the form of cash bond, or a non-revocable letter of credit to assure completion of any such incomplete or deficient work. Such performance guarantee shall be in a form satisfactory to the zoning enforcement officer and issued by a financial institution having office within the State of Connecticut.

M. Branse stated that it should read cash bond and explained the footnote that the act says that you cannot require a bond for the site plan until the applicant seeks a certificate of occupancy and you can deny a certificate of occupancy for any deficient or incomplete site work or not per plan. You cannot require a bond but you can make it available and agree to accept it. It is in everybody's interest to do that

M. Tristany read Section 13.7 Performance Guarantee new language of Timing of Filing the new language regarding installation and maintenance of any erosion and sedimentation control plan approved in accordance with Section 2.12 and measures taken to control soil erosion and sedimentation likely to occur from the proposed site plan; prior to commencement of construction a cash bond or irrevocable letter of credit in a form reviewed and approved by the town attorney with the commission and in an amount approved by the commission. He read new language the timely and adequate for the record. M. Tristany read stricken language "specified by the commission. He read new language to be conveyed or controlled by the town. M. Tristany read footnote 16 for the record. M. Branse explained that it is not bonded until it reaches co stage; you can't say as a condition of approval for things like lighting or landscaping in advance; only erosion and sedimentations; but if it is not done by co stage then you can offer bonding to get your CO.

M. Tristany read 13.7.1 Performance Guarantee Requirement new language "at Time of Occupancy" for the record and new language "to the reasonable satisfaction of the commission or the zoning enforcement officer as the case may be"; He read footnote 17 about "reasonable satisfaction: used in act so we might as well use it. M. Tristany read new language "shall not issue a certificate of zoning compliance provided, however, that upon request of the property owner the zoning enforcement officer. M. Tristany read footnote 18 regarding that a co cannot be issued unless all site improvements are completed or bonded. M. Tristany read stricken language "fifty" new language "ten" (110%) added. M. Branse explained that in 13.7.1 that the contingency is not limited to 110 percent.

M. Tristany read section 13.7.1.2 new language "where commission or zoning enforcement officer that if at time of occupancy that landscaping may not survive to the end of the next full calendar year. M. Tristany read footnote 21 regarding that this section presumes a bond being posted at the time of approval, which we can no longer do; where language was included that would allow the commission or the ZEO to bond at the CZC stage where there was a legitimate basis for questioning if the landscaping would survive and examples were cited. M. Branse explained that we don't want a situation where in order to avoid bonding to get the CO where someone throws landscaping in the middle of July; there it's planted now give me my CO. It gives us the most protection we can get under this new public act. M. Tristany read new language " or the zoning enforcement officer that landscaping material which has been improperly planted or cared for will be replaced; public improvements properly installed and other defects not immediately apparent after completion of construction will be repaired or utilized not more than 1 year following completion of all improvements as evidenced by issuance of a co or the release of the bond. M. Tristany read footnote 22 for the record.

M. Tristany read new Section 13.7.1.4 new language in its entirety regarding action by the commission upon written request from the developer and consultation with board of selectmen, to approve the release of portions of a performance guarantee in the form of a cash bond or irrevocable letter of credit after clearly definable portions of the improvements have been completed according to the approved subdivision plan and accompanied by a certification of completion of the items in a statement signed by a professional engineer licensed to practice in Connecticut and by the Board of Selectmen. The Commission having 65 days to authorize release of performance guarantee or a portion; or provide a written explanation of and additional improvements that must be completed before the performance guarantee or portion may be released. M. Branse stated "shall be provided" was removed during public hearing because it stated "shall be accompanied by".

C. Kinnie stated that this covers all the changes, amendments and additions; he asked for questions or comments from commission members or staff. C. Kinnie asked about the 1 year time limit for roads, should 2 years be

stricken. M. Branse stated no and explained that this only applies to subdivision streets, and it is possible by statute that a road can be built that is not part of a subdivision but can be a public road and ask it to be accepted by the town; that's why this is in the ordinance and not in the subdivision regulations. There was discussion of this matter including making a substandard public road up to specifications.

C. Kinnie asked for comments or questions from the public concerning these amendments. Kevin Skulczyck stated that the zoning enforcement officer should become full time again to keep up. C. Kinnie asked for any further comments from the public or the commission.

MOTION: D. DeGuire moved to close the public hearing. E. Kudlis seconded the motion. All were in favor. The motion was carried. The public hearing was closed a 7:19 p.m.

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

1. **Call to order:**

Vice Chairman Courtland Kinnie called this regular meeting to order at 7:20 p.m.

2. **Roll Call**

Present: Courtland Kinnie, Daniel DeGuire, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, ZEO Peter Zvingilas Town Planner Mario Tristany, Recording Secretary Donna Szall

Absent: Martin McKinney, Alternate Benjamin E. Hull

Also present were Attorney Mark Branse, Attorney Harry Heller, Attorney John Casey, John Faulise and Robert Schuch of Boundaries, LLC.

3. **Determination of Quorum**

C. Kinnie appointed J. Kreuger to sit for M. McKinney. There was a quorum for this regular meeting.

4. **Approval of Minutes**

A. Approval of Minutes of the Rescheduled Regular Meeting of February 19, 2013

C. Kinnie asked for any corrections or omissions to the minutes.

MOTION: L. Laidley moved to approve the minutes of February 19, 2013.

5. **Correspondence and Attachments**

C. Kinnie asked if there was any correspondence. D. Szall stated that two letters appear later on the agenda.

6. **Matters Presented for Consideration**

A. SETTLEMENT OF PENDING LITIGATION: AMERICAN BAPTIST CONVENTION v. GRISWOLD PLANNING AND ZONING COMMISSION, Docket No. KNL CV 084008412 S, Superior Court Of Norwich/New London at New London – Coal Pit Hill Estates Subdivision.

C. Kinnie asked there someone was present to address this settlement and the language used there in.

Attorney Harry Heller, 736 Route 32, Uncasville representing O'Keefe Building Company Inc. He explained that this commission approve the Coal Pit Hill Conservation Subdivision under the then in effect zoning and subdivision

regulations of 2008. An appeal from that decision was taken to superior court by an abutting property owner American Baptist Churches of Connecticut. We had lengthy public hearing on this application regarding the improvement by the applicant to Coal Pit Hill Road which is an unimproved town road; this application was pending before this commission before the Connecticut supreme court Buttermilk Farms Decision that municipality could not require off site highway improvements in conjunction with a subdivision application.

H. Heller explained that there was a preferred alternative for the improvements to Coal Pit Hill Road and also presented an alternate 1 in conceptual form; the preferred alternative required that easements for drainage and grading from the State of Connecticut DEEP that owned property abutting Coal Pit Hill Road. He explained that the lower section from Rte 201 to the top of the hill is off site where the owner and O'Keefe Building Company do not own property abutting that section of the road; the upper section is the location of the proposed subdivision that consisting of 30 residential lots and open space on both sides of Coal Pit Hill Road. He stated that there are no changes to the highway improvements section of Coal Pit Hill Road that are adjacent to the lots being subdivided. He stated that it has been a long process dealing with the state of Connecticut dealing with DEEP and the DOT. He stated that easements were attempted from DEEP in accordance with the preferred alternative that this commission approved. He stated that it was unsuccessful to obtain the easements from DEEP. He stated that the Alternative 1 or A plan was engineered by the engineer of Boundaries LLC and this had to be reviewed by the DOT because it intersections with Route 201 and it also had to be approve by your town engineer. This has been ongoing for the past five years.

H. Heller stated that the stipulation that is being presented for consideration has been worked out with counsel for all of the parties and consulting engineers and your engineer CME Associates. He stated that the improvements Alternate 1 are more expense that the original alternative was because in must work within the restrictions of the existing easement of road. He explained that drainage had to be changed for the lower Coal Pit Hill Road some of the vertical geometry has been change and has been reviewed and changed by DEEP and your consulting engineer based on the supreme court Buttermilk farms case, the applicant considered the viability of going forward with this subdivision as it was approved by this commission. He explained that the improvements have been incorporated into the plans that are before you for consideration with this stipulation.

H. Heller addressed the improvements to address concerns raised by American Baptist Churches' appeal who were concerned with maintaining the rural character of this road and to lessen the development impacts to the setting of their camp. We have incorporated modifications to the subdivision that 1) where possible driveway access points have been combined within the right of way of the lot boundaries; except for two areas on the east side of the road and one on the west side of the road and 2) the siting of the proposed house sites on the west side were able to be moved back off the road; the east side of the road runs along the ridge so there was no ability to move those houses back from the road. We have submitted a comparison plan along with the stipulation prepared by Boundaries showing the original locations in red and the revised locations in black.

H. Heller stated that those housing modifications required a modification of the conservation easements to be conveyed to the town of Griswold to restrict the areas development on the lots within the subdivision at the time of the original subdivision application. He explained the changes to the conservation easement to the commission; and to submit an application to the zoning officer for approval of a maximum building envelop to be disturbed within each lot to guarantee the maximum conservation area on each lot. He stated that in the context of the subdivision, it reduces the conservation area by about an acre,

H. Heller explained that we agreed to post the road with no parking signs along the entire course of new road to preserve the stone walls which inhibits the development of shoulder areas.; agreed to post signage at the end of the cul de sac to prevent parking to inhibit access to the American Baptist Churches property and to provide an area for them to put a mailbox at the end of the cul de sac. H. Heller stated that if an easement can be obtained from DEEP, the developer will provide a two or three car gravel parking area on State land for hikers.

H. Heller stated that the stipulation being presented tonight for approval; if approved it will be presented to the superior court in April for adoption as a judgment of the court. He stated that there are findings that the

commission should make; which have been discussed and negotiated by all the parties counsel and reflect what happened with the administration of this application over the last 6 years and compliance with your regulations.

John Casey, Attorney with Robinson and Cole representing American Baptist Churches of Connecticut stated that Attorney Heller accurately described the agreement, concessions and changes that his client made to satisfy our client to make a better development and make the road safer and we're are satisfied with the changes.

Mark Branse, Counsel for the commission explained that this was a conflict between the developer and Camp Whiteman and how to accommodate their conflicting needs along the road area. He stated that the commission did approve this subdivision already and He commended the parties for working together cordially and constructively. He stated that the requests by Camp Whiteman were reasonable modifications such as posting the road as no parking. M. Branse stated that the selectmen have reviewed that aspect of the settlement and the signage will be posted. He stated that the modifications to move the houses back from the road where they were able to on the west side of Coal Pit Hill Road and a mailbox for the camp. He stated that the developer tried to keep the houses close to the road to maintain the conservation easements. He stated that all the attorneys asked the court to hold this in abeyance to work this out. M. Branse stated that the DEEP never answered us for the easements and the parking area for hikers in the state forest.

M. Branse stated that the Commission should make a finding of why it is in the public interest to settle the appeal. He was happy with the language that Mr. Casey and Mr. Heller worked out. Attorney Casey passed out Paragraph O of the stipulation. M. Branse stated that this document was fine. J. Casey stated that we worked in earnest on the settlement in December since the past five years we have been waiting for DEEP. M. Branse stated that the stormwater management measure was state-of-the art of the original plans and you would think that DEEP would want the best possible stormwater management discharging into the forest. He stated that the plan before you know is a vast improvement over what is there now.

C. Kinnie asked Atty. Heller concerning the conservation easement on the east side where they set on linear distances and now it is on buildable square footage. H. Heller explained that it was based on a maximum development area and a separating distance from the deeded open space area. When the situation is approve, we will modify the document to incorporate was is not these plans and we'll get it to M. Tristany. C. Kinnie stated that each conservation easement will go with each lot. H. Heller stated yes, there is a maximum square foot envelope that can be developed and a minimum distance to the open space to be maintained; these were conceived at the time of original approval for the development of the lots as long as those parameters are maintained flexibility of lot development can occur. With each application for a zoning permit, the developer will be required to submit a site plan to the ZEO who will determine it is in compliance with the conservation easement and there is an attachment A to the conservation easement that is an approval signed off by the ZEO which is recorded in the land records.

C. Kinnie asked about the erosion and sedimentation controls bonding from the town engineer. J. Casey stated that there is provision in the stipulation that M. Branse added in paragraph M which was read for the record that the bonding will be subject to review and approval of the Commission's consulting engineer. M. Branse explained that the approval was based on 2008 numbers, and should be reevaluated and so the bond will be different from the amount of 2008.

C. Kinnie asked about the 3 gravel parking spaces, there is a gateway to the state lands at that corner, where will the parking area be beyond the gateway or up to the gateway. H. Heller stated that it would be where it was the easiest to construct it and that he was not familiar and deferred to John Faulise of Boundaries, LLC who stated that it was left of the gateway and would be outside of that.

C. Kinnie asked for other questions from the commission. E. Kudlis stated that because there is no parking on the road, are there any alternate parking areas that would accommodate family and holiday gatherings. H. Heller stated no. M. Branse stated that before you market one lot, the no parking signs should be installed. J. Casey stated that a one of t would not get the attention of anyone but in the summer with buses to the camp and buses

during the school year, mail vehicles; it is a narrow road when it becomes a regular occurrence, the residents on the road would have a problem with it. M. Tristany suggested that on the cover sheet there should be the stipulations for the parking, conservation easement. M. Branse stated that the conservation will be on the land records before it is filed. M. Branse asked if the stipulation will be on the land records. M. Tristany asked that the stipulation be added to the site plan set for the salient points. H. Heller stated that we could add the operative paragraphs on the plan. J. Casey suggested paragraph A, M. Branse stated paragraph C through H could be added. Heller stated that E need not be added that refers to the State. M. Branse these can be added to the plan set which is the easiest and the most secure. The counsels will pick through the stipulations and add them to the general notes in the plan set. E. Kudlis asked if this should be part of the motion. M. Branse Operative provisions of the stipulation shall be added to the final Mylar plan set prior to endorsement with those provisions subject to review of the commission's counsel.

E. Kudlis asked the Calendar months of operation of the camp in the summer. J. Casey stated early June through early September and some events in the off season. C. Kinnie asked if there was anything that anyone wanted to ask or add at this time from the commission, staff and presents. M. Tristany stated that we need to read the five items into the record. C. Kinnie asked if Paragraph O should be read as part of the motion. M. Tristany stated yes. C. Kinnie asked for a motion.

MOTION: E. Kudlis moved to approve the stipulation to judgment with the following findings. 1) that the Stipulation t Judgment is in accordance with the Subdivision and Zoning Regulations of the Town of Griswold and the Town of Griswold Plan of Conservation and Development as in effect at the time of the original approval. 2) That the roadway improvements to Coal Pit Hill Road will improve both vehicular and pedestrian safety on Coal Pit Hill Road and enhance the quality of the residential subdivision contemplated by Defendant, O'Keefe, in the development of the Coal Pit Hill Farms Subdivision. 3) That the open space which will be dedicated to the Town of Griswold in conjunction with the approval of the Coal Pit Hill Farms subdivision and the areas within approved building lots within the Coal Pit Hill Subdivision which will be protected by a permanent conservation easement far exceed the requirements of a conservation subdivision pursuant to the subdivision regulations promulgated by the Griswold Planning and Zoning Commission and foster the open space and conservation objectives which are an important theme of the Plan of Conservation and Development of the municipality. 4) That the Stipulation to Judgment satisfactorily resolves the issues extant in the appeal taken by the Plaintiff in the best interests of the Town of Griswold. 5) That operative provisions of the stipulation shall be added to the final Mylar plan set prior to endorsement with those provisions subject to review of the commission's counsel. L. Laidley seconded the motion. All were in favor. The motion was carried. C. Kinnie thanked all parties involved.

B. SRC 02-13 AMENDMENTS TO TOWN OF GRISWOLD REGULATIONS & GRISWOLD SUBDIVISION REGULATIONS to comply with State of Connecticut **Public Act 12-182** regarding Bonding and Amendments to Ordinance Chapter 202 to and to forward Amendments to Ordinance Chapter 202 the BOS for action at a town meeting.

C. Kinnie stated that this was the subject of the public hearing this evening. He asked for any discussion of this matter.

MOTION: L. Laidley moved to approve SRC 02-13 amendments to the Town of Griswold Zoning and Subdivision regulations and to forward the recommendations to the Ordinance to the Board of Selectmen as presented with an effective date 10 days from today, March 21, 2013 with the changes that were so noted by Town Counsel during the public hearing. D. DeGuire seconded the motion. All were in favor. The motion was carried.

Attorney Mark Branse left the meeting.

C. ZP 05-13 BRANN, PAUL C., AT&T JEWETT CITY FACILITY, PROPERTY LOCATION: 224 SLATER AVENUE, GRISWOLD, CT. Requesting approval of a Zoning Permit for an expansion of existing equipment court approximately 5 feet long and maintaining the existing width. Property is zoned R-60.

C. Kinnie asked if there was someone to present this application. Alan Logocki, Ames Whitaker Architects representing AT & T. He submitted full size plans to the commission. He explained AT & T building at the corner

of Ann Street and Slater Avenue. He stated that the existing condenser court adjacent the building where the equipment is overheating in the summer to install additional air conditioning unit. He explained the court's existing slatted board fence will be removed and additional concrete will be added to the existing concrete pad and a 6 foot high vinyl fence will replace the board fence. He stated that a bituminous walk will be extended around the new courtyard configuration. E. Kudlis asked if the condenser will be able to breathe with the vinyl fences around it. A. Logocki stated yes that we have done this in the past. D. DeGuire stated that this was straight forward.

MOTION: D. DeGuire moved to approve ZP 05-13 as presented. L. Laidley seconded the motion. All were in favor. The motion was carried.

D. SE 03-13 COLEMAN, ROBERT S. & JEANNE M., PROPERTY LOCATION: 1466 HOPEVILLE ROAD, GRISWOLD. Requesting approval of Special Exception and Site Plan for expansion of a business under Section 7.3.5 in order to construct \$4800 SF garage and site improvements for existing business "Coleman Drilling & Blasting". Property is zoned C-2.

C. Kinnie asked if there was someone to present this application. John Faulise, Boundaries, LLC, representing Mr. Coleman, stated that there is a letter in the file requesting that this application be tabled to the next regular meeting. He stated that there is a pending wetlands application.

MOTION: D. DeGuire moved to accept and table SE 03-13 to the next regular meeting. L. Laidley seconded the motion. All were in favor. The motion was carried.

7. Additional Business

A. Discussion and possible action on release of bond requested by John Wood, Sr. for **SE 03-12 Empire II, LLC** at Griswold Plaza 1130 Voluntown Road, Griswold, CT.

M. Tristany read a letter for the record dated February 28, 2013 from Zoning Enforcement Officer Peter Zvingilas that all the conditions have been met and the bond can be released. C. Kinnie stated that the only thing outstanding was a letter. P. Zvingilas stated that we have received the letter from Todd Babbitt. C. Kinnie stated that all conditions have been met.

MOTION: L. Laidley made a motion to release the bond for SE 03-12. D. DeGuire seconded the motion. All were in favor. The motion was carried.

B. Discussion and possible action on Property Lot Line Modification for **SUB 01-12 GC of Jewett City, LLC**, for 23 Central Avenue, 42 Russell Street, 12 & 14 Williams Street, in accordance with Section 7.9 of Griswold Subdivision Regulations. (Formerly the Cynthia Kata subdivision approved 9/10/11)

C. Kinnie asked if there was someone to present this lot line adjustment modification. John Faulise, Boundaries, LLC, stated that the Griswold Subdivision Regulations require that the commission review and approve lot line modifications. He explained that this was the Cynthia Kata subdivision that was approved in October 2011 that Gaston Cyr has purchased and the single family house at 14 Williams Street and intends to modify the lot line between 14 Williams Street and Lot 2 larger to make it easier to construct. J. Faulise explained that lot #1 fronts on Central Avenue will shrink by 1500 S.F. He stated that the lot line of Lot #2 will be moved to the north to increase the building space on Lot #2; and add property to the rear of 14 Williams Street which comes from Lot #1. L. Laidley asked if the drainage right of way easements all in the area being conveyed. J. Faulise stated yes and those rights to drain that continue; the site grading has not changed and there are no modifications to surface drainage on the site. J. Faulise stated that there are no minimum lot sizes for single-family dwellings in the Borough.

C. Kinnie asked for any questions or comments. P. Zvingilas asked if the house on Williams Street is still conforming and the setbacks. J. Faulise stated that the setbacks are met; the side yard setback is 10 feet. J. Kreuger stated that that area is really congested and will these be single family homes. J. Faulise stated yes they

will all be single family homes. J. Kreuger asked about the easement from lot #2 will that be a concern for lot #3. J. Faulise stated that it is a subsurface waterline so when it is in; it's in unless repairs are needed. L. Laidley asked if the sewer situation with the tie. J. Faulise stated that the sewer authority will have the sewer go to Central Avenue from Lot #3.

C. Kinnie asked for other questions. Hearing none, he asked for a motion.

MOTION: D. DeGuire moved to approve SUB 01-12 lot line modification as presented. L. Laidley seconded the motion. All were in favor. The motion was carried.

8. Old Business

C. Kinnie asked if there was any old business. M. Tristany stated that at the last month's meeting regarding the properties on Leha Avenue. He explained that a meeting was held with Martin McKinney, P. Zvingilas, and Phil Anthony as first selectmen and M. Tristany. We met Thursday and as a result of that meeting he read a letter for the record from P. Zvingilas dated February 28, 2013 with two attached signed letters from the property owners Joe Fellows and Donald Sholes regarding 61 Leha and 59 Leha Avenue having been inspected numerous times during the past month and saw no sales or deliveries of firewood or wood products taking place; and that there are signed statements from both property owners stating that they use and burn firewood for their own use; finding that there is no evidence of non-residential activity, therefore no further action on his part is necessary. M. Tristany read the attached signed letters from the two property owners for the record.

M. Tristany stated that following his review of this situation, it is time to put this matter to bed. The Zoning Enforcement Officer's report states that there was no observation of any sale or transfer of cash and the commission has spent enough time on this matter.

There was a comment from the audience. C. Kinnie stated that we have an inspection from our enforcement officer and at this time we don't have the avenue to conduct any other business; they've addressed the concerns laid out before the; they've done the inspections and we have signed statements from the property owners.

There was a comment from a man in the audience, asking about his signed statement seeing 32 cords of woods going gout in two months alone. E. Kudlis asked if this was a public hearing. C. Kinnie stated no. He stated the man in the audience that he understood that the man was upset; and that the town has done its duty; if the man had issues beyond this, it is not the town that can resolve it for him and that he must that he must find his own solution.

There was no other old business

9. New Business

C. Kinnie asked for any new business. M. Tristany stated that he had a letter received from Shannon Webster, Building Department Secretary dated March 7, 2013 with copies to P. Zvingilas M. Tristany. P. Anthony and D. Szall from David Vieux. M. Tristany read this letter for the record that after reading the minutes, that something was misconstrued, and that beside Mr. Fellows doing a wood processing business, that D. Vieaux had also made a complaint about operation of a concrete contracting business out of his residential property and also that he had more outbuildings than what is on his street card which was misconstrued to read that Mr. Fellows was building sheds on his property. M. Tristany stated that he had taken notes at that meeting and did not recall Mr. Vieaux making comments about D. Vieaux stating for the record about a concrete contracting business. M. Tristany stated that the posted minutes did not make reference to that. M. Tristany asked D. Szall to review the audio of the minutes of the February 19, 2013 meeting; she prepared pretty much a verbatim transcript of that whole conversation and there was no mention by Mr. Vieaux of anything dealing with concrete contracting or concrete contracting businesses on the property. M. Tristany stated that Mr. Vieaux can come and listen to the audio. Mr. Vieaux stated that he did not make that comment at the meeting; he had made it in a phone call to P. Zvingilas and Mr. Fellows mentioned it at the meeting about building sheds. C. Kinnie asked him to state his name for the

record. He stated that he was David Vieaux of 59 Leha Avenue and he apologized. There was discussion of this matter. M. Tristany stated that there was no further action necessary in this matter.

A. Election of Officers

MOTION: D. DeGuire made a motion to accept the current slate officers that we have now. M. McKinney, J. Kreuger seconded the motion. C. Kinnie stated that he spoke to M. K and that he would accept the commissions nomination; C. Kinnie accepted his nomination and L. Laidley accepted his nomination. All were in favor. The motion was carried.

10. Reports from the Enforcement Officer

P. Zvingilas did not have a report.

11. Adjournment

D. DeGuire made a motion to adjourn. L. Laidley seconded the motion all were in favor. The meeting adjourned at 8:32 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary