



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

**Unapproved Minutes
FOR DISCUSSION ONLY**

REGULAR MEETING
MINUTES

APRIL 8, 2013

GRISWOLD TOWN HALL

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

Absent: Alternate Charlotte Geer

3. **Determination of Quorum**

There was a quorum for this regular meeting. M. McKinney appointed J. Kreuger to sit for L. Laidley and B. Hull to sit for E. Kudlis.

4. **Approval of Minutes**

A. Approval of Minutes of the Regular Meeting of March 11, 2013

M. McKinney asked for a motion on the minutes.

MOTION: D. DeGuire moved to approve the minutes of March 11, 2013 as presented, C. Kinnie seconded the motion. All were in favor. The motion was carried.

E. Kudlis arrived at 7:02 pm. M. McKinney stated that he will sit for this meeting.

5. **Correspondence and Attachments**

A. There was no correspondence.

6. **Matters Presented for Consideration**

A. 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 a 4800 SF garage and site improvements for existing business "Coleman Drilling & Blasting". Property is zoned C-2

M. Tristany explained that this application was filed special exception before he became town planner. He reviewed the application and noted that the building is under 4800 SF and the application described the building as a truck terminal. He stated that this is a storage garage and that Mr. Coleman intends to use it as a storage garage for his equipment. He explained that a truck terminal has trucks coming in and out loading and unloading material. He notified J. Faulise at Boundaries that this could be handled as a zoning permit and would not require a public hearing. M. Tristany stated that the commission vote to remove SE 03-13 and to substitute ZP 06-13 for SE 03-13. C. Kinnie asked if there was a request for withdrawal. M. Tristany stated yes.

MOTION: C. Kinnie moved to approve the request for withdrawal of SE 03-13 as it was mistakenly filed as a truck terminal versus a garage. D. DeGuire seconded the motion. All were in favor the motion was carried.

B. ZP 06-13 COLEMAN, ROBERT S. & JEANNE M., PROPERTY LOCATION: 1466 HOPEVILLE ROAD, GRISWOLD.

Requesting approval of a Zoning Permit for modifications to existing commercial property for Coleman Drilling and Blasting. Modifications include construction of a proposed 4,800 SF garage for vehicle storage, new access and parking configuration, and other associated site improvements as depicted on the proposed plan. Property is zoned C-2.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries LLC was present to represent Bob Coleman.

M. McKinney stated to let the record show that L. Laidley arrived at 7:08 p.m. L. Laidley will take his seat for the next application.

J. Faulise submitted a several letters for the record: letter dated 3/19/13 authorizing Boundaries to represent Mr. Coleman; a copy of the Inland Wetlands permit approved on 3/21/13; a letter dated 2/26/13 from Uncas Health District from Albert Gosselin that the property meets the B 100 A of the CT public health code permitting the 60 by 80 foot commercial garage. M. McKinney stated that there is no water there. J. Faulise stated that when a structure is built that there be a reserve area for the existing house located on the property to the north requires that there be reserve septic system for that existing house. He submitted an approval letter date May, 2006 from the Planning and Zoning Commission for a zone change for this 4.24 acre property from an R-60/R-80 zone to a C-2 zone for expansion of an existing commercial use.

J. Faulise explained because the property fronts on CT Route 201 and north of CT Route 138, and the Drilling and Blasting Company from this location, the exiting building is where he operates out of and routine maintenance is done there; there are 6 employees who come to the site, get into the drill rigs and leave the property. He explained that the drill rigs currently are parked outside and wants to store them in the proposed 60 by 80 storage garage and no water service has been identified on the plan; routine maintenance will continue to be done in the existing building. He explained that the existing gravel area and gravel driveway from route 201 and raps around the operation. He stated that the encroachment on state property by the driveway apron and the utilities will be mitigated by moving the driveway to the north completely within the Coleman property that there was a sight line with some grading on Route 201 and removal of some ledge at Route 201 for a 475 foot sight line approved by CTDOT in a letter dated 3/26/13 with comments that a stop sign be added at the driveway and clearing of vegetation in the sigh line area. He stated that a 4/8/13 letter from CTDOT approved the revised site plan. J. Faulise submitted both letters for the record. He asked for questions from the commission.

M. McKinney stated that the explosive magazine will be relocated and asked where it will be going. J. Faulise explained that the explosive magazine contains the caps that are stored in SE corner of the proposed building and will be moved to the NE corner of the building near an existing ledge face that is 15 to 20 feet high. J. Kreuger asked that the proposed building for equipment storage and trucks. J. Faulise explained that the drilling rigs are installed on trucks which are the size of a tri-axle and the trucks will go into the proposed building. There is a pole pulling truck, two drilling rigs and a 550 Mason dump, small excavator, skid steer, and miscellaneous equipment. J. Kreuger asked if there was a wash rack. J. Faulise stated no.

M. McKinney asked if the Fire Marshal reviewed this site plan for the existing magazine storage which is 35 feet from the proposed building. J. Faulise explained that he reviewed this with the Fire Marshal who was not completely certain on what that dimension would be based on what was considered a habitable structure or a non-habitable structure. He stated that Bob Coleman deals with the ATF permits every year and he has assured me that the 35 foot separation meets the ATF requirement. T. Faulise stated that if it does not meet the ATF requirement, then we will be back here for a revision. He stated that the proposed building is strictly for storage of equipment; if there was an office that was manned during the workday, it would be different. M. McKinney asked if the application make the difference that it is not a habitable structure. J. Faulise stated that we are asserting that it is not a habitable structure since there is no water service to the building.

M. McKinney asked P. Zvingilas if there was anything that could be done if offices were added to the building. P. Zvingilas stated that he would cite them for a zoning violation; he stated that Mr. Coleman has an office in the existing building. M. McKinney stated that it should state on the application that the proposed building is a non-habitable structure. J. Faulise stated that the application stated that the proposed building has no water or sanitary services and he would be happy to add a non-habitable structure. M. Tristany started the 4800 storage building should not be used as an office or habitable

structure; J. Faulise and he can add a note to that effect to the site plan. B. Hull asked if the Fire Marshal had approved the existing building. J. Faulise stated that that building was probably approved years ago.

P. Zvingilas asked where the utilities would be relocated. J. Faulise stated they will be relocated to the next pole up that is in the middle of the site. M. McKinney asked about fencing in the blasting caps and not the explosives. J. Faulise stated that Bob Coleman explained to him that fencing in those two areas will create a secure area that can be used for equipment that not go into the proposed building. There was discussion of this matter.

M. McKinney asked for other questions from the commission. M. Tristany stated that we have copies of all the letters submitted for the record and that it was straight forward. P. Zvingilas stated that non-habitable can be added to the building permit as well.

M. McKinney asked for a motion.

MOTION: E. Kudlis moved to approve ZP 06-13 Coleman, Robert and Jeanne M., 1466 Hopeville Road, Griswold for a zoning permit to building modifications to construct a 4800 SF garage for vehicle storage and other associated site improvements depicted on the plan submitted with the condition that the building not be used as a habitable structure. C. Kinnie seconded the motion. All were in favor. The motion was carried.

C. ZP 07-13 SOPORITA, TRACY E., PROPERTY LOCATION: 7 QUIET COVE LANE, GRISWOLD. Requesting approval for a Home Occupation for a beauty salon. Property is zoned. R-60

M. McKinney asked if the application was present. The applicant was not present.

MOTION: D. DeGuire moved to table ZP 07-13 to the next regular meeting. L. Laidley seconded the motion. All were in favor. The motion was carried.

D. OR 06-13 G. C. OF JEWETT CITY, LLC. 42 RUSSELL STREET, GRISWOLD. Requesting an Official Ruling to determine that the left yard at 42 Russell Street is considered a side yard and may have a 10 ft. setback. Property is zoned BR.

M. McKinney asked if there was someone representing the applicant. John Faulise was present to represent G. C of Jewett City, Gaston Cyr. He stated that you are familiar with this location where we did a lot line modification. He explained that lot #3 fronts on the corner with the house fronting on Russell Street and we are here at P. Zvingilas direction because the proposed 4 FT by 26 FT deck or walkway along the west side of the building. He explained that you end up with two front yards and two rear yards and essentially no side yards. J. Faulise stated that the front of the house meets the 50 foot front yard setback to the South and a 20 ft rear yard at the back of the house to the North, and on the East side meets the 50 foot setback from the road centerline calling it an additional front yard, and a 20 foot setback on the West side calling it a second rear yard. He explained that when applied for the building permit was, it was questioned by the west side was not considered a side yard. He stated that this is essentially a side yard because it is on the side of the house which would make the building setback line 10 feet rather than 20 feet and would allow for a 10 ft by 16 foot deck. M. McKinney asked if this should be the zoning board of appeals. P. Zvingilas explained that this would normally go for a variance to Zoning Board of Appeals who looked at this as whichever road the house fronted on would be the front yard and a variance would be granted. He stated that he felt that it was an unnecessary step if an official ruling is granted by this board to be used for other cases like this.

L. Laidley stated that when there are two 50 foot setbacks on two sides of the house we should be able to wiggle a little on the side yard. M. McKinney stated that he was concerned for setting a precedent. M. Tristany explained that typically, a house has one front, one rear yard, and two side yards; this house will have one front on Russell Street so the other corner should be a side yard. J. Faulise stated that we meet the criteria as it is proposed, but it would offer a better solution to the egress of the house by having a reasonable size deck there. This would apply to other situations as this

M. McKinney asked where this has happened before. M. Tristany explained that on Route 164 with the Mackin application, SR 630 was a state road and Route 264 with is a state road and it was deemed that SR 630 was a side yard; and for Demo Angelopoulos, It was also deemed that SR 629 was a side yard for his gas station application. There was discussion of this matter including that it makes sense to maintain the two front yard setbacks from any street so that a house cannot be than 50 feet in a residential application.

M. McKinney suggested that the two 50 foot front yards be maintained on a corner lot on the street sides. P. Zvingilas stated that it is a no charge decision on the P & Z part; and there is a fee charged and the cost of publications. J. Kreuger asked if when this has gone before Zoning Board of Appeals had it had ever been denied. P. Zvingilas stated that none of them has ever been denied to his knowledge. M. McKinney stated that he wanted to be sure that the front and side yard

measurements are where they should be for a corner lot. He asked J. Faulise if the plan was being changed. J. Faulise stated no, Gaston got a building permit based on this plan and P. Zvingilas suggested that he come for an official ruling so that P. Zvingilas can go forward in the future for reasonable use of a side yard since there are no side yards on a corner lot only two rear yards. M. McKinney stated that he did not have a problem and he just wanted it clarified. P. Zvingilas stated that the two front yards be maintained and then designate a side a rear yard based on the zoning setback. There was discussion of this matter.

M. McKinney asked for a motion.

MOTION: L. Laidley moved to declare an official ruling that the two front yard setbacks shall be maintained on corner lots where the front yard shall be the street side to which the house faces and where the rear yard shall be opposite the front yard, and the remaining side shall be the side yard; and the setback dimensions shall be determined by the setback requirement for the zone. D. DeGuire seconded the motion. All were in favor. The motion was carried.

7. Additional Business

M. Tristany stated that he offered to prepare the 2013 SCBG, even though he had limited time to complete the application on his own time instead of the grant being prepared by a consultant who would charge 20 percent of the grant amount for grant management for approximately \$100,000 as well as the initial consultant fee. He explained he and Donna worked on this grant for the past three weeks. He explained the lengthy and extensive grant process to the commission and without Donna's assistance we were able to have this grant meet last Friday's deadline date. There was discussion of this matter including that the Planning & Zoning Commission sent a letter to the Board of Finance that the town planner's position be returned to full-time. P. Zvingilas stated that the letter to the Board of Finance state that more of these grants can be forthcoming to be done by the town planner. M. Tristany stated that as a Griswold resident and taxpayer, he had a vested interest in the town to keep taxes down rather than pay a consultant \$100,000.

MOTION: C. Kinnie moved that a letter be sent to the Board of Finance that the planning and zoning commission fully supports the efforts put forward by the current the town planner and secretary for securing this grant and that payment in kind or work in kind that is being contributed towards this effort and to let it serve as one more example of the efforts that would be put forth by a full time town planner and that this town does require and need a fulltime town planner. D. DeGuire seconded the motion. All were in favor. The motion was carried.

M. McKinney asked that a letter be drafted and he will sign it to send to the Board of Finance before the hearings are concluded. L. Laidley suggested that it be cc'd to the Board of Selectmen.

8. Old Business

M. McKinney asked if the dust was settled on Leha Avenue. P. Zvingilas state probably not; it will probably go to court. C. Kinnie stated that one of the parties was here last month.

9. New Business

There was no new business.

10. Reports from the Enforcement Officer

P. Zvingilas had no report.

11. Adjournment

M. McKinney asked for a motion to adjourn.

MOTION: D. DeGuire moved to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary