



Town of Griswold



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

GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

MAY 10, 2010

GRISWOLD TOWN HALL

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

1. Call to order:

G. Rooke-Norman called this public hearing to order at 6:30 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie, Members Daniel DeGuire, Alternate Erica Bevis, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Member John Taylor, Alternates Heather Edge, Lawrence Laidley

3. Determination of Quorum:

G. Rooke-Norman appointed E. Bevis to sit for J. Taylor. There was a quorum for this public hearing.

4. Matter Presented For Public Comment

A. SUB 01-10 RPM DEVELOPMENT, LLC, 9 Wilderness Acres Drive, Preston, CT 06365. Property Location: 1171 Voluntown Road and Latham Drive, Griswold. Applicant requests approval of Lakeside Landing, an 8 lot resubdivision consisting of 11.16 ± acres: **lot 1** 50,789± s.f.; **lot 2** 118,160± s.f.; **lot 3** 56,057± s.f.; **lot 4** 52,218± s.f.; **lot 5** 53,639± s.f.; **lot 6** 56,775 ± s.f.; **lot 7** 58,185± s.f.; **lot 8** 40,354 ± s.f.; and approval of a request for waiver of Subdivision Regulation Section 5.5 "Open Space". The property is zone C-2.

G. Rooke-Norman asked if there was anyone representing the applicant. John Faulise, Boundaries, LLC was present to represent the applicant. He explained that RPM Development proposing an 8 lot subdivision ranging in the area of 1.25 acres. He stated it is in the C-2 zone, he submitted documentation for abutters' notifications. G. Rooke-Norman asked if it was his representation that everyone was notice who was required to be notices. J. Faulise stated yes.

J. Faulise explained that lot 8 was the only lot that would have access from Latham Drive. He explained sheet 2 of the site plan that lot two is the existing golf barn and contains the leaching field, well and curb cuts. He stated that the netting and poles have been removed on the north and south side of the property. He explained that the crosshatched area of lots 5 and 6 is an easement to provide a common loop drive. He explained sheet 3 showing the conceptual development and all sites will require separate site plan approval where each use will be addressed for parking, lighting, landscaping. He stated that 4000 s.f. conceptual buildings have been identified with the locations of wells, septic systems, parking and feasible driveway locations.

J. Faulise explained for lots 5, 6 and 7 entrance is a loop driveway will be constructed by the developer to minimize curb cuts on Route 138 and provide interconnection between those adjacent lots with easy access between them. He explained lot 8 fronts on Latham drive which is behind the GEM and JB Rope Company. He stated that it would be an ideal commercial lot for a small company that has outgrown a home occupation business that would not require highway exposure. He stated that it would also provide for a business where the owner or an employee can live on the premises so as to be in character with the residential uses on Latham Drive. J. Faulise explained that the driveway for lot 8 was located across from directly Ruth Drive so that access to lot 8 would not have headlights shining onto someone's residence.

J. Faulise explained that the loop drive would start at entrance at the easterly portion of lot 6 and run across the three lots. He stated that across from development across the street and does not impact the residences across the street on Route 138. He stated that a drainage structure near the entrance will be relocated on Route 138. He explained a single curb but access to lot 3 and is across from Griswold Plaza. For Lot 2 the curb cut is in place and the access will not be changed.

J. Faulise explained that lot one is cross for the highway dept. He stated that there will be a secondary egress on to Latham Drive if there is an accident where Latham Drive is closed off from Route 138. He explained that there is a lot on Latham Drive that is a commercial C-2 designation extending to the west.

J. Faulise explained Sheet 5 of the site shows the details of the loop drive, drainage and access points that will be installed by the developer. He explained that the drainage structure will be relocated and a manhole will be installed and that there is a water quality infiltration area that is a grassed area to collect stormwater runoff from the loop drive way and a swale will be installed. He stated that Sheet 6 shows the details of the driveway installation installed by the developer.

J. Faulise submitted for the record a bond estimate dated 4/30/10 for the erosion & s controls \$6236.00, storm drainage calculations dated March 2010. J. Faulise read a letter from Provost and Rovero dated May 4, 2010 by David Held, P.E. regarding the loop driveway and radii for WB50 tractor trailer vehicles, Stormwater infiltration system can accommodate the runoff of the 4 lots using the driveway and is consistent with the 2004 Stormwater Quality Manual, and \$6236 bond is sufficient for erosion and sedimentation controls to be completed by the developer and allow for restoration of the area if the improvements are not completed.

G. Rooke-Norman asked about town engineer comments of comments that were reviewed by Bob Schuch and the amount of that bond. J. Faulise explained that the initial bond estimate was \$4,200.00 and based on recommendations from D. Held was increased to \$6,236. He stated that the town engineer requested that there be a declaration for the easement for the driveway and utilities for the common driveway that is being reviewed by the town attorney and that the inspection and maintenance schedule for the inflation swale and the water quality basin should be included in the easement declaration. J. Faulise submitted the declaration for the record.

G. Rooke-Norman asked if there was a topsoil calculation if it was removed from the site. J. Faulise stated that there was not a figured. He explained the locations of the stockpiles for topsoil on the site. J. Faulise explained that the drainage for Lot 2 from the original owner was never completed and explained that the new developer has completed the drainage for lot 2.

G. Rooke-Norman asked about the curb cut application from the CTDOT not having been received yet. J. Faulise stated that the approval for the curb cut application CTDOT has been received. G. Rooke-Norman stated that those curb cut locations are now locked in place for any future developers of the lots. J. Faulise stated yes unless a modification is requested from the CTDOT and this commission. J. Faulise read and submitted the approval letter dated 4/26/10 from CTDOT for the record. D. DeGuire asked if it included Lot 8. J. Faulise explained that lot 8 access is on a town road so it would require approval by the town. J. Faulise read a letter 4/9/10 from Griswold Dept of Health stating that all the lots meeting the State Public Health

Code. J. Faulise read a letter dated 4/7/10 from P. Zvingilas for an administrative ruling that there are no wetlands on the site.

J. Faulise read a letter requesting a waiver of the open space requirement for subdivisions. He stated that subdivision regulations does not preclude commercial subdivisions from open space and has never been taken for a commercial subdivision by the town. He stated that commercial subdivisions are revenue generators and do not create demand for town services. J. Faulise requested that this application for a commercial subdivision request for a waiver of opens space is granted.

J. Faulise asked that this re-subdivision be granted for the 8 lots and construction of the loop driveway. He stated that there are applications in the wings for the proposed lots. E. Bevis asked if each lot would have its own well and if there would be enough water in the area for that many wells. J. Faulise stated that that each lot would have its own well and septic system and explained that commercial uses use significantly less water than residential uses unless is was a food service use such as a restaurant. He stated that there was a prior approval of lot 2 did receive stated health dept. approval for the well since a restaurant was proposed for that site.

M. McKinney asked about each lot having its own sign. J. Faulise stated that in the common declaration there is language for signage. He stated that the signage will be there for the four lots. There is language that approval for signage by is reviewed by this commission and CTDOT. M. McKinney asked if the heavy evergreen buffer be maintained between the lots and the residents on Latham drive and be incorporated into t he plan. J. Faulise stated that it is up the individual lot owner but that the buffer will be maintained on Latham Drive and a buffer is required there. There was discussion of this matter including that on lot 8 all the proposed development and parking will be behind the dense vegetation buffer already there.

M. McKinney asked if the loop driveway entrance would be large enough for the WB50 trucks and that the radii should be bigger for a WB64 trucks for the loop driveway. J. Faulise stated that the town engineer letter stated the proposed loop driveway can accommodate the trucks off of Route 138 into the lots and that the individual lot driveways can accommodate a WB50 vehicle and that the common loop driveway entrance can be increased if necessary. G. Rooke-Norman asked if lot 8 can accommodate that size vehicle. J. Faulise stated that lot 8 is being marketed as a low impact commercial use larger that the 600 sq. ft. for a home occupation nearer to a C-1 zone designation. J. Faulise stated that potentially in terms of scope. There was discussion of this matter.

G. Rooke-Norman asked for other questions from commission members. P. Zvingilas asked about the fee in lieu of amount. J. Faulise stated that it was based on the appraisal of the property and was appraised at \$370,000 so it would be up to the amount of 10 percent of that amount. There was discussion of this matter including no fee in lieu for commercial subdivisions

G. Rooke-Norman stated to let the record show that C. Kinnie arrived at 7:05 p.m. She stated that this public hearing will be open to the general public and asked for people to state their name and address and take pro or con comments and to allow everyone a chance to speak.

Scott Swanson, 74 Latham Drive stated that the commercial access for lots 1 and lot 8. He asked if the access on lot 1 on Latham Drive will be a controlled emergency access because there are many young speeders on Latham Drive. He asked about lot 8 and that in speaking with the town planner months ago was assured that because Latham Drive was residential that there would be no commercial access to any commercial properties from Latham Drive.

S. Swanson stated that this was an approval for a 8-lot subdivision and was glad that something was going to be done there since it was mishandled by the previous owner. He felt that there should be some stipulations now on this subdivision and that it would be up the developers to develop the subdivision lots but that there should be stipulations for buffers to prevent sound, light and have esthetics so that our quality of life will not be interrupted and we are not interrupted. He explained that the GEM properties and Griswold self-storage that light comes

in to our properties; and the Gem Lights are shining into our bedroom and lighting up our entire driveway and lighting up the trees and our surrounding neighbors. He felt that there should be stipulations for future development of this subdivision.

S. Swanson stated that for lot 8 as a light occupation/ residence business, there is no guarantee who will buy the property; and if it is light trucks, they are running early in the morning for business such as landscaping or snow removal, it will impact us.

G. Rooke-Norman asked the application to address the questions and concerns of this resident especially lot 8. She asked the width of Latham Road. J. Faulise stated that it is one of the widest rural road in town which was about 29 feet wide by scale at lot 8 and is wider the town road ordinance requirement. He explained that all the concerns such as use, lights, sound, esthetics and buffers are controlled by the town regulations for a commercial site plan so development of lot 8 must meet the regulations and be approved by this commission. He stated that there are no guarantees of who will develop lot but that there are regulations in place that can protect adjacent residential properties for more intensive uses.

J. Faulise address the questions for the driveway for lot 1 and that the potential and feasible use of lot 1 that the driveway will be gated on the Latham Road egress and that it can be a delivery exist or an employee exit since the owner would not want people driving through the property. He explained that the self-storage facility has a gated locked emergency vehicle access. He stated that they are not proposing any through traffic on Latham Drive and that the businesses want visibility from Route 138 not from Latham Drive.

Esther Malone, 8 Ruth Avenue voiced her concerns for Lot 8 and an owner would be a big business because of the amount of road frontage on Latham Drive. She stated that people don't stop at the stop sign on Ruth Drive so why would they stop coming out of Lot 8; and that the parking lot for lot 8 with a lot of people to park. She stated that she was not happy with it.

John Peterson, 113 Latham Drive was concerned with the increased traffic because there is a lot of pedestrian traffic walking their dogs, mothers with strollers, and that his daughter runs on Latham Road for cross country track. He and it is quite street with little traffic. He asked about the approval of use where a potential buyer would claim hardship and need access to Latham Road. G. Rooke-Norman stated that each application is unique but the question tonight is whether to approve this 8 lot commercial subdivision. She explained that the uses by right in a C-2 zone and a proposed use meets the uses by right; the commission has no jurisdiction to refuse those uses as long as the application meets the all of the other regulations. J. Peterson stated that there is no assurance that the use would be light for lot 8. G. Rooke-Norman read the uses permitted by right in the C-1 and C-2 zones including the special exceptions which are a more intensive use in the C-2 zone that would require a public hearing for approval. J. Peterson asked the size of lot 8. J. Faulise stated that it was .93 acres or 40,000 s.f.

Pat Peterson, 113 Latham Drive, she was concerned for the amount of parking on lot 8. She asked about C-2 items and if they were eligible to build on lot 8. G. Rooke-Norman asked that everyone read the C-2 regulations. P. Peterson stated that this is a 25 mile an hour zone but no one adheres to the speed limit. She was also concerned for the corner of Latham. J. Faulise explained that a matter of right does not mean it is automatic; they must come before the commission for approval and compliance with the buffer requirements; and if the building is over 5000 s. f. requires a public hearing. He stated that for lot 8, the commission can call a public hearing for a matter of right in the interest of the public. He stated that lot 8 would be a commercial activity use on a commercial lot would not be significant traffic generator or needs visibility on Route 138. He submitted public hearing minutes from 10/10/2000 where an application was made to rezone this property residential; and there were 18 people who spoke in opposition for this property to be residential. He stated that all 18 people suggested that the property be commercial and that one person who suggested that this lot should be divided into smaller commercial lots which can be found on page five of these minutes. He pointed out that prior public hearings for the driving range, no one on Latham Drive was happy with the lights,

poles, nets and golf balls. He stated that what he is proposing is a more feasible use for the property.

Cathy Swanson, 74 Latham Drive asked if there can be an alternate access from lot 8 through lots 6 or 7 so that it would not impact Latham Drive. G. Rooke-Norman stated that that could be discussed by the commission but that is not what is being proposed.

S. Swanson, 74 Latham Drive stated the point is that the proposal is showing a conceptual driveway for lot 8 as part of this subdivision and we are asking that the board to reassess that and to ask the question if there is alternate access off of lots 6 & 7 and that is a reasonable demand. G. Rooke-Norman stated I understand what you are saying but that when you start asking the commission to redesign a subdivision that's been proposed; there is a myriad of alternatives and that's really not a slippery slope that any commission goes down as far as taking it upon themselves to redesigning an re-subdividing a parcel.

S. Swanson stated that he was confused that if you want to do something a piece of property and if that gets shut down then you have the go to ZBA; is there a difference between this here? G. Rooke-Norman stated right... that's....S. Swanson stated then I have heard there's reasonable request made at planning & zoning committees on residential properties and we are asking the same here; it is reasonable and it is legal. G. Rooke-Norman stated that I hear what you are saying, sir; but its really under the commission discretion on to whether to even go down that slippery slope to start redesigning and reengineering an already existing proposal. S. Swanson stated okay, okay, fine, fine; two other quick comments on that one. If you....G. Rooke-Norman stated that I just want to give other people an opportunity to speak... S. Swanson stated I understand that but I am going to finish in a moment, ma'am. S. Swanson stated if, if, if... G. Rooke-Norman stated Sir please.... S. Swanson stated excuse me, if you vote tonight to approve this subdivision what as residents of Latham Drive action do we have to as recourse to have that reevaluated or taken. What are our rights. G. Rooke-Norman stated that you would have to check with an attorney to see what your.... S. Swanson stated so there is no other town action. G. Rooke-Norman stated that we are not here to give you legal advice. Sir.... S. Swanson stated so I am going to speak for the neighborhood. G. Rooke-Norman stated Sir, we have some guidelines..... S. Swanson stated is that the other thing too why there is so much concern on Latham Drive one is because of the speed and the other is when they put the driving range in there, the self storage units and all this other stuff, we're getting the lights and when we come to the town nothing has been done, the golf balls went flying, the lights... G. Rooke-Norman stated that is not true. S. Swanson stated that it is true, what side of town you live on? G. Rooke-Norman stated that you have no idea how many hours this commission has spent on dealing with... S. Swanson stated do you no how many hours I spent, us people on that street redoing our properties to increase the value. G. Rooke-Norman stated it is out of the context of this hearing and I feel that I have very respectfully have set guidelines of how we would take person comments and your insistence on speaking two and three times is disrespectful to everyone in this room because everybody else.... S. Swanson stated that I do not need to be corrected by you and my comments are on the record. I will be down to ask for copies of them; thank you very much now. G. Rooke-Norman stated that's fine.

G. Rooke-Norman asked if there was anyone else who would like to make comment.

Paul Madonna, 63 Osga Lane, explained that he lived on James Avenue and spoke at the October meeting and in broad terms, this development theme follows the intent we expressed at that time and I had come with a petition of 40 to 50 signatures that were solicited and so commercial development was anticipated. He stated that he understood the concerns for the one driveway and there is logic in John was saying. He stated that it was his understanding that no matter what, all applicants must come before this commission for approval whether it is by right or not. He stated that he would have concerns if the driveway was aimed inappropriately or problems with the lights; that the commission can choose not to approve the driveway in the proposed location and suggest that it be changed as an example. He stated that he was in favor of this so that reasonable sized development to be brought to the town; not box stores.

He stated that whatever is developed on the lots, it would be small and light considering the building size to lot size, you couldn't put in something the size of Wal-mart.

Tom Giard, member of Griswold Economic Development commission, though he was here to speak for himself. He stated that he was in favor of this application or this subdivision. He stated that revenues should come from commercial development, but that now revenue comes from residential personal property. He stated that if there is speeding on Latham Drive, it is an enforcement issue. It's not that more cars will increase the speed limit. He stated that the buffer on the back side of the property. it is mandatory for a 25 foot buffer and so what is there would not be destroyed only to replant it. He stated that the location on Route 138 which is commercial. He stated that Lot 8 is one acre and he would be surprised if there would be a commercial applicant because of the lot being on a back road with no frontage on Route 138 and he could no see where it would generate a lot of traffic. He stated that the planning and zoning regulations are tight and that a final application must come before the commission that has the final say to protect the residents of the town.

Paul Romano, 28 Leah Avenue, stated that he was interested in a lot in the subdivision and is starting up his own business and there is 25 feet of buffer zone all along the 8 lots. He stated that Lot 8 is so heavily vegetated that you cannot walk through it. He stated that his business is a powder coating shop and that... G. Rooke-Norman asked to interrupt for a second and thanked him for his input but explained that the commission was considering the subdivision only and that the commission is not supposed to take into consideration what the use would be. P. Romano stated that he was in favor of the subdivision.

J. Peterson stated that he was concerned with a commercial business in a residential area. He stated that if the subdivision is approved, there will be a driveway on lot 8 on Latham Drive and the potential uses are a concern and not good for the neighborhood. G. Rooke-Norman stated that the public should be aware that if there is a question of enforcement should go to the zoning enforcement officer and a written complaint will be investigated by Mr. Zvingilas who attends planning and zoning meetings.

Pat Peterson stated that she is for commercial development in 2000 and still is for commercial development but not on Latham Drive. She stated that she remembered that in 2000 there would be no access from Latham Drive.

G. Rooke-Norman asked for any questions or comments from members or staff. C. Fontneau commented that as long as the subdivision is compliant with zoning regulations, the planning part of the commission has little leeway in approving or not approving but the zoning commission has more discretion for some of the concerns for access, lighting and traffic than through the planning process and can be dealt with at another time.

M. McKinney stated if the lights on Gem property he suggested that they notify the zoning enforcement officer and that the lights can be shielded and will fix that problem. He stated that if the driveway on Lot 8 is changed to go through lot 7, it could make lot 7 a non-conforming lot. We have to accept or deny the plans as presented. It is not as easy as it would appear. G. Rooke-Norman asked there were cross-easements for lots 4, 5, 6, and 7 which is being reviewed by the town attorney in the declaration that also contains the maintenance agreement for the inflation swale and inspection. G. Rooke-Norman stated that 6 and 7 are wider. J. Faulise stated that they are 150 ft. in width. He stated we are seeking subdivision approval and all the lots meet the subdivision regulations, zoning regulation, and approved by the health departing and administrative approval by wetlands enforcements officer and everything was reviewed and found to be acceptable and in compliance by the town engineer. J. Faulise stated that all those things that have been discussed tonight are part of the site plan approvals and not part of the subdivision approve. He stated that he has heard all the concerns and when the sites are developed, the developer must bring a site plan to the commission that meet the requirements of the regulations.

G. Rooke-Norman asked if any consideration was given to have egress and ingress for lot 8 from the loop driveway. J. Faulise stated that it would overly encumber lot 7. He stated that there are uses that would meet the regulations and not be objectionable to the residents and cited his business as an example as a use on Lot 8.

G. Rooke-Norman asked if there are notes that stated the minimum buffer. J. Faulise stated not on the subdivision plan because it is the subdivision plan. He stated that there is a note on each lot stating that a site plan that meets the regulations is required prior to development. There was discussion of this matter including that there were concerns for the buffering made by the residents. G. Rooke-Norman asked if he would put a note on the plan regarding the buffers. J. Faulise stated that he would add a note for Section 13 for site plan requirements and a note for Section 12.

D. DeGuire asked the width of the access road. J. Faulise stated that it was 30 feet on Sheet 5 and is in excess of the town road ordinance and does not include the addition 25 feet for the landscaping buffer. He stated that the grassing area for the loop drive

E. Bevis asked if a driveway could be run from lot 8 along the boarder of the lot 7; would it take away from what is required for lot 7. J. Faulise stated that it would take away frontage from lot 7 and would require an additional curb cut. G. Rooke-Norman stated that it could use the loop drive. J. Faulise stated that it would cut across the front of lot 7. There was discussion of this matter including that these questions are site plan elements..

M. McKinney asked if a second gated access for lot 1 was needed and that there is one at the old airport. J. Faulise stated that the gated access over a grass strip at the storage facility which is a secure gated facility requiring key access to the site which is for emergency vehicles only; and he stated that that the entrance is a potential egress and he felt it should be gated; but that would be up to the developer of the property. M. McKinney voiced his concerns for site lines where the second egress would be located. J. Faulise stated that the site line is in excess of 600 ft. G. Rooke-Norman asked the corner of the lot would be rounded off for more of a radius to aid in the site line. J. Faulise stated that until there is development for lot 1, nothing will be done. There was discussion of this matter.

M. McKinney asked if the GEM property was approved and had J B Rope site plan been approved. J. Faulise stated yes. M. McKinney stated that he was trying to increase buffers. J. Faulise stated that when those lots were approved those lots were buffered by all of the area that is lot 8. There was discussion of this matter including that there was a complaint from a resident regarding ambient light being cast and that shield can be added to the lighting; and that no berms were being considered at this time.

G. Rooke-Norman asked for other comments and questions from members, staff and the general public. Hearing none, she asked for a motion.

M. McKinney made a motion to close the public hearing. D. DeGuire seconded the motion. All were in favor. The ayes carried. The public hearing closed at 7:45 p.m.

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

1. Call to order:

G. Rooke-Norman called this regular meeting to order at 7:50 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie, Members Daniel DeGuire, Alternates Erica Bevis, Heather Edge, Lawrence Laidley, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Member John Taylor, Alternates Heather Edge, Lawrence Laidley

3. Determination of Quorum:

G. Rooke-Norman appointed E. Bevis to sit for J. Taylor. There was a quorum for this regular meeting.

4. Approval of Minutes:

A. Approval of Minutes of the Regular Meeting of April 12, 2010

G. Rooke-Norman stated that there were questions by the members and she asked the planner to make the tapes available. There was discussion of this matter. She asked for asked for a motion to table the minutes. D. DeGuire made a motion to table the minutes to the June 14, 2010 regular meeting E. Bevis seconded the motion. All were in favor. The ayes carried.

5. Correspondence and Attachments:

A. Letter dated April 19, 2010 from Town of Voluntown PZC informing Griswold Town Clerk about public hearing for a changes in zoning text; She stated that the municipalities are required to notice abutting municipalities.

B. Letter dated March 9, 2010 from Town of Canterbury PZC informing Griswold Town Clerk about public hearing on proposed Plan of Conservation and Development and proposed revisions to Zoning Regulations. She stated that anyone who would like to attend can do so.

6. Matters Presented for Consideration:

A. SUB 01-10 RPM Development, LLC, 9 Wilderness Acres Drive, Preston, CT 06365. Property Location: 1171 Voluntown Road and Latham Drive, Griswold. Applicant requests approval of Lakeside Landing, an 8 lot resubdivision consisting of 11.16 ± acres: **lot 1** 50,789± s.f; **lot 2** 118,160± s.f; **lot 3** 56,057± s.f.; **lot 4** 52,218± s.f; **lot 5** 53,639± s.f; **lot 6** 56,775 ± s.f; **lot 7** 58,185± s.f; **lot 8** 40,354 ± s.f; and approval of a request for waiver of Subdivision Regulation Section 5.5 "Open Space". The property is zoned C-2.

G. Rooke-Norman stated that this was the subject of the public hearing this evening. She asked the members what their pleasure. D. DeGuire would like to table for town attorney to address the question of access from a residential road to a commercial lot, especially Lot 8. G. Rooke-Norman asked for any other questions from the members for the attorney to address. There was discussion of this matter including more time to review the application.

D. DeGuire made a motion to table SUB 01-10 RPM Development. E. Bevis seconded the motion. There were two aye votes and two nay votes. The chair cast an aye vote to break the tie. The ayes carried.

G. Rooke-Norman stated that she didn't was this application to go past the June meeting and asked for a motion to set a special meeting to review the findings by the town attorney for this application. There was discussion of this matter.

E. Bevis made a motion to set a Special Meeting to address SUB 01-10 on Monday, May 24, 2010 at 7:00 p.m. at the Town Hall meeting room or the Senior Center which ever is available. D. DeGuire second. All were in favor. The ayes carried.

G. Rooke-Norman asked members to put their concerns in writing to send to the town attorney. C. Fontneau stated that he will get the okay from the selectman for an attorney review. J. Faulise stated that the applicant is available for this special meeting.

B. SE 04-2000 ST. Mary Catholic Church Corp. & Cyr Construction, 90 Wilderness Acres Drive, Preston, CT, Property Location: 60 Lily Pond Road, Griswold, CT. Applicant requests two-year renewal of sand/gravel permit and cemetery expansion. Property is zoned R-80.

G. Rooke-Norman asked if there was anyone to represent the applicant. J. Faulise, Boundaries, LLC was present to represent the applicant. He explained that this was a renewal of an existing gravel excavation and expansion of the St. Mary cemetery; and that the renewal request was submitted well before the two year deadline. He explained that it has received renewals from 2000 at two year intervals. He explained that the last renewal required a \$10,000 cash bond be provided in 2008. He asked the commission to review this renewal of the site plan of the gravel excavation. The excavation is in operation and is without violation and the requests for renewal have always been timely. He explained that there has been very little activity and portions of the site have been restored. And the cemetery association is working on a landscaping plan to go out to the public for cemetery plots. D. DeGuire asked if the permit had expired. J. Faulise stated no, it has not expired. There was discussion of this matter. P. Zvingilas stated that he has looked at the site and there is some work going on in the back and portions have been reseeded. Rooke-Norman stated that a new application was required only if the special exception permit lapses.

M. McKinney made a motion to approve CC 04-2000 without requiring a public hearing. D. DeGuire seconded the motion. All were in favor. The ayes carried.

J. Faulise requested that a portion of the special exception fee be returned because the site plan fee is considerably less. There was discussion of this matter. M. McKinney made a motion to refund a portion of the special exception application fee in the amount of \$215.00. D. DeGuire seconded the motion. All were in favor.

C. ZP 12-10: RPM Development, LLC, 9 Wilderness Acres Drive, Preston, CT 06335. Property location: 1171 Voluntown Road, Griswold. Applicant requests modification to existing commercial site plan and use for proposed art studio, contractor's office, storage and future warehouse. The property is zoned C-2.

J. Faulise stated that this will probably be tabled because of the re-subdivision application. J. Faulise explained that this modification is for the existing building on lot 2 that was the Golf Barn Driving Range with a restaurant use. He stated that there is a client who would like to use the as an electrical contractor's office space, an artists study and modifications to enclose the T-box structure for storage of material and expansion of a 4800 warehouse within the property with an access drive to the building. He stated that the proposed building will sit in the lawn area and the buffer would remain intact. He stated the proposed building is in the space of three parking spaces; and explained that the parking calculation for the proposed use is 14 parking spaces and currently there are 57 parking spaces on the site; with the reduction, there will be 53 spaces available.

He stated that there are business wanting to relocate to Griswold and there is someone wanting to occupy this space. G. Rooke-Norman asked him to be prepared to address questions about the three uses for the electrical contractor, the art studio and the warehouse. J. Faulise stated that the warehouse would be for the electrical contractor's storage only. There was discussion of this matter including that there are multiple uses already approved on the lot for a restaurant, golf retail sales, ice cream parlor and residence.

J. Faulise asked if this matter can be added to the special agenda. E. Bevis made a motion to table ZP 12-10 to be addressed at the special meeting on June 14, 2010. D. DeGuire seconded the motion. All were in favor. The ayes carried.

D. ZP 13-10: Computaro, Pasquale, Jr., 630 Plainfield Road, Griswold. Property Location 522 & 630 Plainfield Road. Applicant request approval for proposed parking improvements for existing automotive repair facility at 522 Plainfield Road and partially on 630 Plainfield Road with an easement. The property is zoned C-1 & C-2.

John Faulise, Boundaries LLC, explained that the automotive facility on Route 12 is Stilly's Automotive adjacent to American Industries; and was once known as Advanced Automotive and Arpin Automotive. He stated that the property is owned by Pasquale Computaro as well as the American Industries. He explained they were involved with the dilapidated retaining wall in front of the property installed with Mr. Arpin owned it. He stated they met with the CTDOT because it is adjacent to the highway line and this plan was submitted to CTDOT for approval. He submitted a letter of approval dated 5/7/10 from John DeCastro from CTDOT for the installation of a new wall and an additional parking area on Route 12.

J. Faulise stated that the timber retaining wall will replace the wall with the modular block retaining wall as on North Main Street; and we will provide addition parking to eliminate the parking that now is at the bottom of the hill near the highway. He explained where the property line was located and where the highway line was located. The plan will install a gravel parking area 48 ft. by 80 ft.; and a lease line will create a lease space incorporated with the Stilly's automotive use.

G. Rooke-Norman stated that the topography is being changed on the hillside. J. Faulise explained that they are leveling an area for the parking lot and grading the slope adjacent to it to tie into the adjacent slope. G. Rooke-Norman asked about drainage. J. Faulise explained that the parking lot will be gravel so drainage will be directed towards route 12 that was reviewed by CTDOT and has been approved. There is not runoff to adjacent properties and no runoff on the highway. P. Zvingilas asked about the size of the slope. J. Faulise stated that it will be a 2:1 slope and will not go back far. There was discussion of this matter including that some clearing has begun. P. Zvingilas stated that that must be 38 feet above the grade at the top of the hill. J. Faulise stated that the slope starts at 218 in the back and goes up to 246 at the back. D. DeGuire asked if it would be taken down. J. Faulise stated no, it will not be taken down; it will be graded back. P. Zvingilas asked how it will be stabilized. J. Faulise explained that it will be stabilized with proposed netting and graded and seeded which is listed in the erosion control sequence and construction sequence.

G. Rooke-Norman asked if it has been submitted to Town engineer to be reviewed and signed off on that. J. Faulise stated he didn't think it has because it affects the state road and not anything else. D. DeGuire stated that it is a commercial project so it should be paved. J. Faulise stated that the Town regulations require an all weather surface. He explained that the parking area will be a level gravel surface and permeable soils will reduce the runoff to allow for low impact development. There was discussion of this matter including that the material to be removed has not been calculated.

G. Rooke-Norman stated that she would like the town engineer to look at the plans and that it will improve that location. J. Faulise stated that the area was stumped and that during the heavy rains, there was no runoff. G. Rooke-Norman asked which consulting engineer can review this project. C. Fontneau stated that Bob DeLuca or David Held can review these plans. There was discussion of this matter.

J. Faulise asked that since this is a modification can it be reviewed by staff after the review by the town engineer. G. Rooke-Norman stated that this is a major modification. There was discussion of this matter. G. Rooke-Norman stated that this should be reviewed by the Town Engineer.

E. Bevis made a motion to table ZP 13-10 and to add it to the special meeting on May 24, 2010 to receive the town engineer review. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that there was an additional item. C. Fontneau stated that there are several additional items. He stated that there is an Official ruling, and a request to passbook reduction for the travel center for off site improvements. G. Rooke-Norman asked to take the travel center matter.

C. Kinnie made a motion to put ZP 01-10 DELMAC, LLC on the agenda. M. McKinney seconded the motion. All were in favor. The ayes carried.

C. Fontneau stated that there are 3 previous agenda items.

7. Additional Business:

A. OR 08-10 Johnson, Margaret, 1560 Voluntown Road, Griswold. Applicant requests confirmation of the Commission's interpretation of Section 16.1.1 to include whether a legal non-conforming used car sales/car repair facility and liquor store can be maintained and requests guidance on what site plan requirements for this would be.

G. Rooke-Norman asked C. Fontneau to explain. C. Fontneau stated that it was 1560 Voluntown Road previously Patrylo's and liquor store in a commercial zone and that this facility predates zoning and there is a potential new buyer and is a legal non-conforming use in the zone and a mixed use. He stated that the DMV will require a new site plan for this matter. D. DeGuire stated that he thought that it should be a public hearing and was concerned if it was still in business. P. Zvingilas explained that the licenses have been suspended for the liquor store and the used car sales. There was discussion of this matter including that the town attorney gave an opinion regarding abandonment and that abandonment is when it is changed to another use.

Greg Mackin explained that they want to restore what was there before: car sales, automotive repair and package store. He stated that we need clarification from zoning before we can get the licensing from the state. He stated that the tools are still there and that there still is liquor on the shelves. M. McKinney asked if both licenses have expired. G. Mackin stated yes, both licenses have expired.

C. Fontneau stated that in Section 21 there is a definition of abandonment and on page 91 Section 16.6 refers to abandonment in the non-conforming section. G. Rooke-Norman read the Section 16.6 for the record. There was discussion of this matter including that the proposed uses are conforming in the C-2 zone; but that the site does not conform to the regulations for buffers and landscaping. G. Rooke-Norman asked for a consensus that this use has been abandoned. There was discussion of this matter. D. DeGuire E. Bevis G. Rooke-Norman, C. Kinnie and M. McKinney believed that it was abandoned,

G. Rooke-Norman stated that the commission is looking for a site plan review and a proposal for the commission to determine if the site to be less non-conforming than it is now and that a public hearing will be required.

G. Rooke-Norman asked for a vote. D. DeGuire made a motion that OR 08-10 the commission ruled that the uses at that location have been abandoned. E. Bevis seconded the motion. All were in favor. The ayes carried.

B. Discussion of changes to subdivision and zoning regulations and setting a public hearing for their possible enactment.

C. Fontneau stated that he has not received a review from the town attorney. D. DeGuire made a motion to table this matter to the June regular meeting. M. McKinney seconded the motion. All were in favor. The ayes carried.

- C. Discussion of future review procedures to review consistency of Municipal Development Plan (prepared by TPA Design Group and EDC) with 2007 Plan of Conservation and Development.

C. Fontneau explained that there is a final Municipal Development Plan and deals with four action areas. He explained that several reviews have be be done before enactment. He asked the commission how this is consistent with the plan of conservation and development. G. Rooke-Norman asked C. Fontneau to present a summary of the elements that impact the Planning & Zoning Commission. C. Fontneau stated that he will do so. There was discussion of this matter.

C. Fontneau stated that there are a number of items to be added. He stated that there is another official ruling and a late request from an applicant where the material has been reviewed earlier but the applicant did not submit a check so he did not log it in. G. Rooke-Norman stated that this should be on the June meeting since there is nothing in front of the commission. G. Rooke-Norman stated that this was at the Modi store and then there was a fire and they relocated to Brown Avenue. G. Rooke-Norman stated that if there is the information then we can deal with it now. G. Rooke-Norman asked for a motion.

E. Bevis made a motion to put ZP 14-10 on the agenda. C. Kinnie all were in favor. There were 4 aye and 1 nay. The ayes carried.

ZP 14-10 Mercer, Tammy 1 Brown Avenue, Jewett City. Applicants request approval for a one chair barber shop salon. The property is zoned BRC.

Ken Large, representing the applicant, explained that he thought that the fee would be transferred to this application. He explained that there is an approved site plan from 4 years ago when the building was first added on to. He stated that we were here for clarification if this use was permitted in this zone and it was approved. We are asking for a barber shop in an existing space. He explained that there will be one barber chair; there is public water and sewer. He stated that there is no new construction and no improvements to landscaping, there is adequate access for emergency vehicles and there is adequate parking for one space for one chair is conforming. He stated that there is a separate entrance with access to a handicapped bathroom and a handicapped ramp. G. Rooke-Norman asked the size of the shop. K. Large stated that it was 400 sq. ft. There was discussion of this matter including that the sanitarian has given an approval for the use at this site and assess in a fee.

G. Rooke-Norman asked what the commission would like to do. M. McKinney stated he had no problem with the project but it is a separate application and should pay the fee. There was agreement by the rest of the commission. There was discussion of the fee request.

M. McKinney made a motion to approve ZP 14-10 and to waive 50 percent of the second fee assessed. E. Bevis seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked for any other items to be placed on the agenda. C. Fontneau stated that there is an official ruling. G. Rooke-Norman asked for a motion to put Round Hill, LLC on the agenda. E. Bevis made a motion to put Round Hill, LLC, OR 08-10 on the agenda. M. McKinney seconded the motion. All were in favor. The ayes carried.

- D. Request for a release of a portion of the passbook bond for off site improvements for **ZP 01-10 DELMAC, LLC, 166 Preston Road, Griswold, CT. Property location 134 & 140 Preston Road, Griswold.** Approved on September 14, 2009 for a minor site plan change under Section 13.9. Property is zoned C-1 & C-2.

G. Rooke-Norman asked for Greg Mackin to present his request to the commission. Greg Mackin, DELMAC, LLC explained that the retention ponds and the piping have been done and the town engineer, Bob DeLuca inspected the work and he wrote a letter stating that \$20,000 of

the \$30,000 of the bond estimate has been completed. He was asking to release \$20,000 to continue the work on the project.

D. DeGuire asked about the engineering report for the site, the engineer was supposed to get back to us regarding the tractor trailer access. G. Rooke-Norman stated that they wanted to hear the minutes because we weren't sure that there was a consensus on that.

G. Rooke-Norman stated that Bob DeLuca gave a bond estimate of \$105,000 for the off site and 75,000 for the on site. There was a long conversation regarding that large sum being spent twice by the developer; the amount was reduced to 60,000 for offsite and \$50,000 for the onsite. G. Mackin stated that the \$50,000 was for the travel center for a total of \$110,000. G. Rooke-Norman stated that the \$105,000 was reduced to \$60,000 to encourage the developer to be working. G. Mackin stated that the work is done and the town engineer inspected the work and that \$20,000 of the work was done in a letter send by B. DeLuca on 5/10/10. There was discussion of this matter including that there would be \$38,000 remaining in the bond to hold until the remaining items are completed.

M. McKinney read the town engineer letter for the record. G. Mackin stated that the engineer stated that \$20,000 of the \$30,000 bond items have been completed.

C. Fontneau stated that a revised letter was send by B. DeLuca late this afternoon. G. Rooke-Norman stated that if the \$105,000 was reduced to \$60,000, and that 30,000 is reduced by 60 percent that it is 18,000; so if 2/3 of that is done than it should be 2/3 of the \$18,000 for that line item. There was discussion of this matter.

M. McKinney stated that the waterline is not on here. G. Mackin stated that the waterline has been installed at \$350.000 for the line that is owned by the town and we don't own the line the town couldn't do it so we did it; now everyone can tie into the waterline, so we are asking for more help to go to the next phase of the project.

G. Rooke-Norman stated that you can't ask us to reduce the amount dollar for dollar. She stated that a good compromise was to reduce it by 2/3 and recommended that we reduce it by 2/3 of the \$18,000 which is \$12,000. There was discussion of this matter including that if the work is abandoned, there must be dollars to stabilize the site.

G. Mackin stated that there will be a special meeting in two weeks and stated that all the items will be complete; will I get my full bond at that time. G. Rooke-Norman stated that it be remained in place throughout the duration of the project. G. Rooke-Norman read the remaining items that needed to be completed for the record and asked if those off-site items would be completed. There was discussion of this matter.

G. Rooke-Norman stated that the town engineer must inspect the work done on the site and to state that it is completed and it is completed correctly, then there is about \$6500 left in the off-site bond. There was discussion of this matter including that all the work before it is covered up should be reviewed by the town engineer.

G. Rooke-Norman recommended again that \$12,000 be released from the bond. There was consensus from the commission to release \$12,000 for the off site improvements. M. McKinney made a motion to release \$12,000 of the bond for off-site improvements for ZP 01-10 and reduce the bond from 60,000 to 48,000. E. Bevis seconded the motion. There were 4 ayes and 1 nay by D. DeGuire. The ayes carried.

G. Rooke-Norman asked that Bob DeLuca be present at the May 24, 2010 special meeting. C. Fontneau will ask B. DeLuca to be present at the special meeting. G. Rooke-Norman asked for a motion to put ZP 01-10 on the agenda for special meeting on May 24, 2010. E. Bevis so moved. D. DeGuire seconded the motion. All were in favor. The ayes carried.

C. Fontneau stated that this official ruling number should be changed from OR 08-10 to OR 09-10 because he didn't record the first official ruling that has already been discussed. E. Bevis modified her motion to put Round Hill, LLC, OR 09-10 on the agenda. M. McKinney seconded the motion. All were in favor. The ayes carried.

OR 09-10 Round Hill, LLC, 18-20 Maple Street, Griswold, CT. Applicant request official ruling to determine the number of units an existing residence as two-family or three-family.

P. Zvingilas explained that the property is listed as a two family and a question of whether it was converted to a three-family. Paul Brycki explained that it was corrected 9/14/07 to a 3 family; P. Zvingilas stated that there were no building permits for the conversion from a two family to a three family; and it would never have been approved because of the fire separations and minimum lot requirements require 3/4 of an acre per unit. He stated that he did not want to make the decision that this building was a 3-family residence. He stated that the corrections to the building can be done and that this was done before there was a minimum lot requirement. There was discussion of this matter including that the property was acknowledged by the assessor and taxed as such.

M. McKinney made a motion that the commission finds that the three-family use was pre-existing prior to the implementation of zoning regulations that set the minimum acreage requirement with the stipulation that all the fire codes and building codes are updated before the third unit can be used. E. Bevis seconded the motion. All were in favor. The ayes carried.

8. Old Business

9. New Business:

10. Reports from the Enforcement Officer:

P. Zvingilas stated that there were improvements made the parking lot behind the town hall and that Todd Babbitt was to bring in a site plan for review. There was discussion off his matter. G. Rooke-Norman stated that this should be tabled to the next regular meeting.

E. Bevis stated that the presentation for the Main Street Revitalization was an excellent presentation. C. Fontneau stated that the architect students did a great job with design ideas for Main Street.

11. Adjournment:

E. Bevis made a motion to adjourn. C. Kinnie seconded the motion. All were in favor. The meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary