



Town of Griswold



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GRISWOLD PLANNING AND ZONING COMMISSION MINUTES OF MEETING OF MAY 14, 2012 GRISWOLD SENIOR CENTER, 20 SOULE STREET

I. PUBLIC HEARING

Chairman Martin McKinney called the Public Hearing for SE 05-12 open at 6:47 P.M. with regular members McKinney, Kinnie, DeGuire, Laidley and alternates Geer, Hull, and Krueger present. Hull was seated in place of absent Eric Kudlis. A quorum was present.

SE 05-12 had been continued from the hearing on April 9 at the request of the applicant John H. Wood, III and applicant's representative John Faulise, Boundaries LLC. The applicants request for a retail liquor store in Slater Mill Mall, 39 Wedgewood Road had some questions relating to Zoning Section 8.1.9 which the PZC members had asked for a review from consulting Town Attorney, Michael Carey. Chairman Martin McKinney asked the Planner to summarize the memorandum dated May 1, 2012 from Attorney Carey. Section 8.1.9 required a distance of at least 500 from any point on a parcel between liquor stores and certain other uses including schools, houses of worship, other liquor stores and the parcel containing the Griswold Middle School is slightly less than 500 feet from the parcel containing 39 Wedgewood/Slater Mill Mall because of the odd shape of the parcel. Section 8.1.9 does not specify whether a liquor store can be located on the same parcel or, in this case, in the same large building than a house of worship (Full Gospel Church). By common logic, according to Atty Carey, if a distance of 500 minimum was desired to separate certain uses on another parcel, the uses would not be permitted in the same building or same parcel. A secondary question involved the status of the Full Gospel Church. Since no Special Exception for the house of worship was approved by the PZC, then does the church exist in terms of Section 8.1.9? Atty Carey suggests the fact that the church does exist and has existed for several years meant that it should be considered in the context of this regulation. Also, this church use should seek and obtain the proper permit as allowed in the Zoning Regulations of the Borough Industrial Zone. John Faulise, the applicant's representative, had no further comments on the Carey memorandum.

After some discussion among PZC members, McKinney MOVED, SECONDED By Kinnie, to include the May 1, 2012 Memorandum of Attorney Carey in the project file. Motion carried unanimously. Faulise suggested that PZC members work on clarifying the language in Section 8.1.9 of the Borough Regulations including other ways to

separate certain uses. Through short discussion and consensus the PZC members agreed to consider some changes in the future.

McKinney asked again whether there way any further comments from the public or questions/comments from PZC members. There were none. Then DeGuire MOVED, SECONDED by Kinnie, TO CLOSE THE PUBLIC HEARING FOR SE 05-12. MOTION CARRIED UNANIMOUSLY.

II. REGULAR MEETING

Chairman McKinney called the Regular Meeting to order at 7:00 P.M. Regular members McKinney, DeGuire, Laidley, and Kinnie were present as well as alternates Geer, Hull, and Krueger. Charlotte Geer was seated for absent Eric Kudlis.

The minutes of last meeting of April 9, 2012 were briefly discussed; DeGuire MOVED, SECONDED by Laidley, TO APPROVE AS PRESENTED THE MINUTES OF APRIL 9, 2012. MOTION CARRIED, with Kinnie abstaining.

The correspondence list was reviewed briefly since all five of the items as well as two additional pieced of correspondence would be discussed under various upcoming agenda items.

Under matters for further consideration, the Chairman brought up SE 05-12 for property at 39 Wedgewood Drive (Slater Mill Mall) where applicant John Wood III requested the approval of a Special Exception for a proposed liquor store retail sales in accordance with Section 8.1.9 of the Borough of Jewett City Zoning Regulations. Since the public hearing had been closed earlier in this evenings agenda, PZC members began to discuss the aspects of zoning non-compliance described in Atty Carey email memorandum of May 1, 2012. Beyond all of the other possible issues, the Planner described that this application was, following the same argument as in the Carey May 1,2012 memorandum, not compliant to zoning regulation 8.1.9 without a previously granted variance. Planner also suggested to avoid possible confusing votes that any upcoming motion from PZC members be a motion to approve and then PZC members could vote for or against the motion depending on their opinion about zoning compliance to Section 8.1.9. DeGuire MOVED, SECONDED by LAIDLEY, TO APPROVE SE 05-12. After some discussion about whether the application was zoning compliant, all PZC members were opposed to the motion except that Kinnie abstained. MOTION NOT CARRIED and APPLICATION SE 05-12 NOT APPROVED since it was not compliant with zoning regulation Section 8.1.9.

Under matters for consideration, the next item was ZP 07-12 where applicant J. DiRoma has requested approval of a zoning permit for several minor site plan changes to a previously (SE 02-11) approved Home and Garden Center in a C-2 zone. Applicant Di Roma and Faulise of Boundaries then described several relocations of features on the original approved site plan. The patio paver display area in the front west corner of the

parcel would be located near the entrance to the garden center building and swing set display area would be installed in its place. One smaller greenhouse (with two others proposed for future installation) would all be replaced by one larger greenhouse in the same location. Two 500-gallon above propane tanks would replace the single one on the original plan to serve better as a customer propane tank refill station. A water feature in front would replace a rain garden on the original plan. One shed on the western side of the parcel would function as a garden check out building while the others would continue to be rotating stock for sale to customers. Because these relocations did not affect impervious area or direction of stormwater flow, they would have little impact on drainage across the parcel or off the parcel. PZC members had some questions which DiRoma or Faulise answered. Geer asked how many employees would likely be hired on start-up. Di Roma suggested that there would be three full-time employees and as many as six part-time employees in the spring and fall. After the PZC members were satisfied that the Fire Marshall would review and modify or approve the configuration of the propane tanks from his code, DeGuire MOVED, SECONDED by Laidley TO APPROVE ZP 07-12 which made several relocations of site plan features from the original site plan in SE 02-11. MOTION CARRIED UNANIMOUSLY.

There was no additional business on the agenda

Under Old Business , the Planner gave a brief review of several mapping and other board/commission activities that were underway for the upcoming revisions to the 2007 Plan of Conservation and Development. Also, the group of pending changes to the Griswold Zoning regulations that were passed out in the April 9 meeting were discussed briefly and it was suggested that they be revised as necessary so that a public hearing could be set at the June 11 meeting.

Under New Business, several items that were brought up under correspondence received were discussed. The letter to the Finance Director was a routine administrative function of the Planner and was provided more for PZC member information about the status of the fiscal budget.

The next new business item added to the agenda was consideration of Open Space Land Acquisition Committee April 3, 2012 request and the BOS request for confirmation of PZC support to transfer year-end funds from some PZC line items to the dedicated Open Space Land Acquisition Fund. Ordinance 60 which created and described the function of the Open Space Land Acquisition Committee has the provision that the Committee can ask the BOS through Finance Director to take year end balances of line items in PZC and IWWCC and, if approved by BOS, these balances would be added to the dedicated Open Space Land Acquisition Fund rather than be returned to the General Fund. After some discussion about the use of funds for any training for PZC members in the remaining month and a half of the fiscal year and about the positive aspects of having matching funds already available when a grant for open space might be active, DeGuire MOVED, SECONDED by Krueger TO ENCOURAGE MEMBERS TO ATTEND TRAINING UNTIL END OF JUNE AND IF FUNDS IN THESE LINE ITEMS ARE NOT SPENT,

TO RECOMMEND TO THE BOS THAT REMAINING FUNDS BE ADDED TO THE DEDICATED OPEN SPACE FUND. MOTION CARRIED with Hull opposed.

The April 23, 2012 letter from Attorney Londregan relating to request for confirmation of the automatic extension of four years to the Stone Hill Estates Subdivision Plan under PA 11-5 was then discussed briefly. The Planner recommended that the extended dates offered by Londregan appeared correct given his understanding of PA 11-5; he presented a draft response letter to Londregan for discussion. Chairman McKinney suggested that he would ask the First Selectman if the consulting Town Attorney most familiar with this matter review both the request letter and the response letter.

PZC then discussed an added agenda item relating to a certified letter dated April 30, 2012 from Farm Credit East providing notice to the PZC that a letter of credit for \$1,638,429 for road and drainage construction in the Cedar Glen Farms Subdivision was not going to be renewed on July 1, 2012. The Planner explained that this was an extremely important matter to be dealt with this evening since the PZC has only one regularly scheduled meeting on June 11 to respond in the appropriate way to this issue. Back in January 2012, John Faulise discussed with the Planner and Attorneys Heller and Branse procedures for the dissolution of the remainder of the 58 lot subdivision (which includes six lots already sold/built on Pauline Place). Unfortunately, no application or site plan has been filed for any procedure to complete this process. In consultation with consulting Town Attorney Branse, he confirmed the need to set a public hearing to discuss the resolution of this matter in the June 11, 2012 meeting. The letter of credit may need to be called and an order not to sell any of the remaining lots may need to be drafted to protect the Town from future financial liability for roads and drainage. Branse will contact Heller and Faulise to advise them of what is now an acute time problem. After some discussion among the PZC members, the Chairman said he would confirm with the First Selectman that Branse be available to guide the commission in this procedure including any public hearing. DeGuire MOVED, SECONDED by Laidley TO SET A PUBLIC HEARING TO EVALUATE THE STATUS OF THE CEDAR GLEN FARMS SUBDIVISION AND LETTER OF CREDIT for 7:00 P.M. Monday June 11, 2012 in the first floor meeting room of Town Hall, 28 Main Street. MOTION CARRIED UNANIMOUSLY.

Another item added to the agenda by consensus was the review of a letter and a “house rules” document from The American Legion Veterans Home Inc. (TALVHI) who will soon be seeking a Certificate of Occupancy for this facility on South Main Street. The original approval of the Zoning Permit for this veterans housing facility included the commitment for review of the house rules document describing how residents are chosen and how procedures would be in place to ensure that problems affecting public safety both in and out of the facility if legal or behavior issues presented themselves while residents live in the apartments. William Cymr of the American Legion and a representative of DeMarco Management explained what the house rules sought to do as well as the selection procedures for permanent residents which would disallow sex offenders or drug abusers from being selected. Between the house rules and amendments added to the lease agreements, the DeMarco representative suggested that good order

could be maintained in the building. A lively discussion among PZC members and the two about how public safety might be maintained on Main Street and adjacent neighborhoods through language in the house rules or lease agreements. Laidley MOVED, SECONDED by Kinnie, TO AUTHORIZE the ZEO to SIGN ZONING COMPLIANCE FOR THE CERTIFICATE OF OCCUPANCY BASED ON THE REVIEW OF HOUSE RULES AND SOME REVISIONS SUGGESTED FOR THE TALVHI FACILITY. Hull was opposed, DeGuire abstained, and other PZC members present were in favor. MOTION CARRIED.

Under the ZEO Report, a cease and desist order sent to a Randy LaPorte at 71 East Main Street, Jewett City relating to running a business selling exotic snakes in a BRC zone without a permit was discussed. Additional information about the sale of snakes, some for substantial sums, was presented. After some discussion among PZC members, DeGuire MOVED, SECONDED by Laidley, to approve seeking the help of the Town Attorney through request through the First Selectman for pursuing this issue of business unpermitted in a residential zone. MOTION CARRIED UNANIMOUSLY.

There being no further business, DeGuire MOVED, SECONDED by KINNIE, TO ADJOURN THE MEETING AT 8:58 P.M.

Respectfully submitted,

Carl S. Fontneau, AICP
Town Planner/Pro Tempore Secretary