



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

JULY 11, 2011

GRISWOLD TOWN HALL

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

1. Call to order:

G. Rooke-Norman opened this public hearing at 6:45 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Members Daniel DeGuire, Lawrence Laidley, Alternate Erica Bevis, ZEO Peter Zvingilas, Town Planner Carl Fontneau

Absent: Secretary Courtland Kinnie, Alternates Heather Edge, Recording Secretary Donna Szall

3. Determination of Quorum:

There was a quorum for this public hearing.

4. Matter Presented For Public Comment

A. SRC 03-11 Town of Griswold, 28 Main Street, Griswold, CT 06351 Text amendments to Town of Griswold Zoning Regulations Section 11.4 and Town of Griswold Subdivision Regulations Sections 5.8, 5.9, 6.9 and 6.10 relevant to new provisions based on enactment of FEMA Flood Insurance Rate Map and the Flood Insurance Study.

G. Rooke-Norman asked C. Fontneau to review the application. C. Fontneau explained the changes to Town of Griswold regulations Section 11.4 for special flood hazard area requirements because of changes in the flood insurance rate map effective on July 18, 2011 through FEMA and these definitions are necessary because of the new map and new insurance requirements.

M. McKinney asked if 1 percent and don't refer to 100 year and 500 year floods. C. Fontneau explained that it now is based on the base flood elevation in A and V for any year. M. McKinney asked if it affects building codes for the flood plan. C. Fontneau stated that, through these zoning regulations, it would affect evaluation of the building permit. D. DeGuire asked if had to do with the insurance companies. C. Fontneau stated that the insurance companies will be notified by the Feds of which addresses must have flood insurance. M. McKinney asked what part of the town is affected by this. C. Fontneau stated that there is very little change in the number of parcels affected by the change in flood zone and is better with the base flood elevation and not very intrusive in the borough and the town. There was discussion of this matter including that the dams control the flooding for the town.

C. Fontneau explained the changes to Section 11.4.1 adding subdivisions, Section 11.4.2 d for manufactured home parks or subdivisions and recreational vehicles. L. Laidley asked who would police the recreational vehicles. C. Fontneau stated that it would be the zoning enforcement officer. L. Laidley asked how it affects existing buildings. C. Fontneau stated that it would affect them only when they come in for a building permit.

G. Rooke-Norman asked what would happen then. C. Fontneau stated that there would be an engineering fix. There was discussion of this matter including that the base flood elevation would have to be maintained.

C. Fontneau explained 11.4.3 shows the different zones A or AE. He stated that it is the one percent per year.

G. Rooke-Norman asked to go back to 11.2.4 d. There was discussion of this matter including that for property in the flood zone, the assessor and the revaluation company should take into consideration the flood maps in their assessment of property in the flood zone to limit the number of appeals. G. Rooke-Norman stated that it should be suggested that the revaluation company should be using the new flood maps in their assessments. C. Fontneau stated that it can be suggested that it be done.

C. Fontneau explained 11.4.4 changes to refer to the Flood Insurance Rate Map and engineering standards and base flood elevations in Zone AE to require commission review.

C. Fontneau explained the Subdivision Regulation changes in Section 5.8. He explained Section 5.9 referencing the date July 18, 2011 and supporting technical data for floodway encroachments. He explained Section 6.9 for the map date changes; as well as a new section 6.9.8 regarding flooding considerations for proposed subdivision. He explained Section 6.10 for changes Floodway Encroachments changes the name to Flood Insurance Rate Map and date of July 18, 2011 and supporting technical data provided by engineers.

M. McKinney asked if C. Fontneau was saying are there any existing homes that weren't in the flood plan are now in the flood plain. C. Fontneau stated no he is not saying that; explaining that he does not have the list but that there are minor changes. G. Rooke-Norman asked who did this for us. C. Fontneau stated that it was Diane Ifkovic the DEP Flood Zone Coordinator who reviews the zoning regulations for consistency to the new changes. There was discussion of this matter including that there were concerns for being overly restrictive. G. Rooke-Norman asked to send a copy of the North Stonington flood regulations to her. C. Fontneau will do so.

D. DeGuire asked what would happen if we did not act on it. C. Fontneau stated that the town and homeowners cannot participate until we enact these changes. G. Rooke-Norman asked about the Town and Subdivisions regulations and asked about the Borough regulations. C. Fontneau stated that the borough has enacted changes to their flood ordinance that was reviewed by DEP. G. Rooke-Norman stated that those changes should be in the Borough Regulations so that when we review subdivisions in the borough and if it is not in the regulations, we cannot technically require it. C. Fontneau stated that given the consequences of being out of the Flood Rate Program, we can do it at a later time. G. Rooke-Norman stated she wanted it to be fair to the applicants so it should be in the regulations. There was discussion of this matter.

G. Rooke-Norman asked for comments from the commission members. M. McKinney stated that it was very restrictive and that it will only get bigger. L. Laidley stated that we should have nothing to do with registered recreational vehicles that are by the DMV.

G. Rooke-Norman asked for comments from the general public. She asked for further comments from anyone before closing the public hearing. She asked for a motion to close the public hearing. D.

DeGuire so moved. M. McKinney seconded the motion. All were in favor. The ayes carried. The public hearing was closed at 7:32 p.m.

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

1. Call to order:

G. Rooke-Norman called this regular meeting of July 11, 2011 to order at 7:33 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Members Daniel DeGuire, Lawrence Laidley, Alternate Erica Bevis, ZEO Peter Zvingilas, Town Planner Carl Fontneau

Absent: Secretary Courtland Kinnie, Alternates Heather Edge, Recording Secretary Donna Szall

3. Determination of Quorum:

There is a quorum for this regular meeting

4. Approval of Minutes:

A. Approval of minutes of regular meeting of June 13, 2011

G. Rooke-Norman asked that the minutes be table to the next month. M. McKinney made a motion to table the minutes to the next regular meeting. L. Laidley seconded the motion. All were in favor. The ayes carried.

5. Correspondence and Attachments:

6. Matters Presented for Consideration:

A. SRC 03-11 Town of Griswold, 28 Main Street, Griswold, CT 06351 Text amendments to Town of Griswold Zoning Regulations Section 11.4 and Town of Griswold Subdivision Regulations Sections 5.8, 5.9, 6.9 and 6.10 relevant to new provisions based on enactment of FEMA Flood Insurance Rate Map and the Flood Insurance Study.

G. Rooke-Norman stated that this was a prior public hearing. M. McKinney asked C. Fontneau if there was no time to discuss this at the next meeting and no time to make any changes. M. McKinney made a motion to approve SRC 03-11 with the changes on page 9 for Subdivision regulations with an effective date of July 18, 2011. C. Fontneau stated that we can modify some language in the future. G. Rooke-Norman asked that we cannot make any changes to some pieces to resemble other towns. Fontneau stated that we can do it without the time elements and they can be reviewed through the DEP. There was discussion of this matter. D. DeGuire seconded the motion. All were in favor the ayes carried.

B. OR 06-11 Adelman Family L. P., 38 Bozrah Street, Bozrah, CT 06334. Interpretation of the Griswold Regulations to clarify Over 55 Neighborhood Communities and/or 55 Plus Active Adult Neighborhood Housing Communities Section 12.21.5 and Section 12.21.5.13

G. Rooke-Norman asked if we have heard from the town attorney. C. Fontneau stated yes and there was an e-mail dated, Thursday, July 7, 2011 answering two questions: that there was a typo that can be corrected administratively referring to Section 12.21.5.13 where the 5 was missing; the second question regarding forced to creating a lot in the over 55 communities: only when providing water and septic presents unusual difficulties due to soil conditions and subject to approve through the Griswold subdivision regulations; and it is intended to be a special exception without lots unless the water and sewer cannot be arranged on the overall lot with a density requirement; and the preference using average density to further the goals of the whole regulation as stated in Section 12.21.1. There was discussion of this matter.

G. Rooke-Norman asked if there was any further action on this item. C. Fontneau stated to rule on the official ruling to correct the typo and you are looking for a special exception without lots except in unusual difficulty of water and sewer. M. McKinney made a motion to correct the typographical error and that we generally agree with the general intent of the regulations based on the commission's interpretation for a more flexible site design without lots by Special Exception. D. DeGuire seconded the motion. All were in favor. The ayes carried.

C. SE 03-08 Seymour's Sand & Stone, 34 Bozrah Street, Bozrah, CT 06334-1304, Property Location: 0 Rita's Way (Rte 12), Griswold. Original Permit # SE 01-93. Requesting approval to renew special exception permit to continue a gravel excavation of expired Permit SE 01-93. The property is in the R-60 zone.

G. Rooke-Norman asked there was anyone representing the application. She asked C. Fontneau to explain the application SE 03-08. She asked if this should go to the end of the agenda. C. Fontneau stated this is a renewal of an existing gravel extraction permit; and Ms. Adelman is here now.

G. Rooke-Norman explained to Andrea Adelman regarding the ruling made earlier.

G. Rooke-Norman asked if the permit had expired. C. Fontneau explained that A. Adelman is requesting renewal based on the possibility that there would be no meeting in August of the Planning and Zoning Commission. G. Rooke-Norman asked if C. Fontneau looked at the site. C. Fontneau explained that the zoning enforcement officer looked at it about a month ago and that some of the existing piles were gone and that there was no further excavation that would affect the topo lines of the existing plan have not been done. G. Rooke-Norman asked that the ZEO put notes in the file that he reviewed the property. C. Fontneau stated he will inform the ZEO.

G. Rooke-Norman asked what the stockpiles consisted of. C. Fontneau stated that it was sandy. A. Adelman stated that the piles removed were sand and sandy gravel and that the loam is still stockpiled to the side and will be put back over. M. McKinney stated that there was a lot of work done when the permit was late one year. A. Adelman stated yes, and that we received a letter from the town that the permit had expired; and that in 2007 we did the whole site from scratch. There was discussion of this matter including that the original permit stated to have the top soil be preserved on site. C. Fontneau stated that there is still a restoration bond still in force and recommend a two year renewal to September 14, 2013.

G. Rooke-Norman asked for any addition comments or question from members. M. McKinney made a motion to approve SE 03-08 as presented. D. DeGuire seconded the motion. All were in favor. The ayes carried.

D. SE 01-12 Kata, Cynthia, 37 Russell Street, Jewett City, CT 06351. Property location: 42 Russell Street, Jewett City. Requesting approval of special exception to create subdivision lot with less than 50 ft. frontage on a town road per Jewett City Zoning Regulation Section 9.1.3. Proposed lot #1 will have 27.66 ft. frontage on Central Avenue. Property is zoned BR.

G. Rooke-Norman asked if there was anyone to represent the applicant. Demian Sorrentino, Boundaries, LLC was representing C. Kata who was also present. He explained that this will be a subdivision located at 42 Russell Street and existing house and garages are 38 Russell street and the remaining land will be 3 residential lots and is will require a public hearing as a special exception. Lot 1 has only 27.66 feet and requires a subdivision; Lot 2 has 50 ft. on frontage on Williams street and Lot 3 has frontage with frontage on Russell Street and Williams Street. He stated that there is public water and sewer for each lot and the waterline on Central Avenue will be extended to the lots and a letter is forthcoming.

G. Rooke-Norman stated that we will set a public hearing date for next month, August 8, 2011. D. DeGuire made a motion to set a public hearing on August 8, 2011 for SE 01-12 Cynthia Kata at 6:45 p.m. M. McKinney seconded the motion. All were in favor. The ayes carried.

E. SUB 01-12 Kata, Cynthia, 37 Russell Street, Jewett City, CT 06351. Property location: 42 Russell Street, Jewett City. Requesting approval of a three (3) lot subdivision consisting of 0.52 acres (22,510 sq. ft.) with lot #1: 0.26 acres; Lot #2: 0.10 acres; and Lot #3: 0.16 acres; each lot with public water and sewer connections. Property is zoned BR.

G. Rooke-Norman stated that this is the subdivision application for 42 Russell Street must be tabled until the Special Exception application is acted on. D. DeGuire made a motion to table application SE 01-12 to August 8, 2011 regular meeting. M. McKinney seconded the motion. All were in favor. The ayes carried.

F. SUB 02-12 Corcoran, Timothy, 679 Shetucket Tpke, Voluntown, CT 06384. Property location: 450 Roode Road, Griswold. Requesting approval of a three (3) lot subdivision consisting of 35.31 acres with lot #1: 2.34± acres, lot #2: 15.68± acres; and lot #3: 17.29± acres. Property is zoned R-80.

G. Rooke-Norman asked if there was anyone representing the applicant. Demian Sorrentino, Boundaries, LLC was representing Timothy Corcoran for a 3 lot subdivision. He stated that this was accepted at the Inland Wetlands June meeting and sites walk was set for July 14, 2011 to look at the wetlands crossing and will have a decision by July 21, 2011. D. Sorrentino asked if they wanted to hear a short presentation. G. Rooke-Norman stated that we should hear it fresh and table it to the august meeting. D. Sorrentino stated that it is a subdivision of 35 acres. C. Fontneau stated that he reviewed it and did not see problems in terms of zoning and that there was a neighbor who had wetlands concerns.

G. Rooke-Norman stated that Lot #1 is the existing house. D. DeGuire made a motion to table SUB 02-12 to the August 8, 2011 regular meeting. M. McKinney seconded the motion. All were in favor. The ayes carried.

G. SUB 03-12 Marttila, Paul E, Jr., 47 Benton Hill Road, Griswold, CT 06351. Property location: 47 Benton Hill Road, Griswold. Requesting approval of three lot subdivision with two (2) new lots consisting of 9.32 acres with lot #1 existing house: 1.85 acres, lot #2: 1.89 acres; and lot #3: 5.48 acres. Property is zoned R 80.

G. Rooke-Norman asked if there was anyone representing the applicant. G. Rooke-Norman asked if for R-80, does the lot 1.85 acres (80,721 sq. ft.) was for the existing house. Demian Sorrentino, Boundaries, LLC was representing the applicant. He stated that this application was submitted to the Inland Wetlands Commission and has not yet been accepted. He stated that the new 3-lot subdivision, Lot 2

will be another frontage lot at 82,114 sq ft. and Lot #3 will be a rear lot of 50 5.48 acres will have 50 ft. frontage on Benton Hill Road. He explained that Inland wetlands will accept this application on July 21, 2011 and cannot act on it until August 18, 2011. G. Rooke-Norman stated that wetlands cannot act until August 18. D. Sorrentino stated yes but it is within the 65 days. G. Rooke-Norman explained that you may want to have your client sign a request for an extension ahead of time. D. Sorrentino stated that we have an authorization to represent the applicant.

C. Fontneau stated between the house and the septic system on the rear lot and asked if it was 100 feet. D. Sorrentino stated that it was 95 feet. There was discussion of this matter including showing the overall lot size and subtract the access strip for the overall lot size must be shown on the plan.

D. DeGuire made a motion to able SUB 03-12 to the regular meeting of September 12, 2011, M. McKinney seconded the motion. All were in favor. The ayes carried.

D. Sorrentino stated that he will have the lot calculations by the meeting and that the street line dedication exacerbates an existing non-conformity in the front and is close to the road making the shed and the shed 20 feet off the road from 40 feet. G. Rooke-Norman asked if this should be varied by Zoning Board of Appeals. D. Sorrentino stated that they will not get a variance. C. Fontneau stated that the commission can waive the width requirement for the road; it is a consequence of the subdivision regulations and that these structures already exist.

5. Additional Business:

G. Rooke-Norman asked for a motion to add the Attorney Branse letter of July 7, 2011 to the agenda under additional business. L. Laidley so moved. M. McKinney seconded the motion. All were in favor. The ayes carried.

A. Attorney Branse letter of July 7, 2011.

G. Rooke-Norman stated that we sent this matter of Ms. Marquardt to Attorney Branse to make certain that it was a reasonable process and procedure that we had gone through. She stated that it was complicated by a local resident who wanted to purchase a lot and the lot line change also created a fifty foot strip of land of an existing lot and included all the land as well as the large Burton's island creating an additional lot and would have required a resubdivision; there is an exception for a property that has been dedicated to opens space or conservation purposes; there was no deed of dedication language was included in the application and the applicant had no approached the State to dedicate or sell the property to the state since there was no documentation. She explained that there was a conveyance of a lot and a portion of another lot that included land under the water and a portion of the small Burton's island to another individual. She stated that we requested a legal opinion from the land use attorney to review what we did and what else we should do in this matter.

G. Rooke-Norman read a portion of the letter of July 7, Attorney Branse stated that our approval with conditions was entirely appropriate and that he would have required something in writing at the meeting. She stated that on page 2, Attorney Branse stated that the approval that 77 acre tract have a development restriction since there is not evidence of the land under contract to the State of Connecticut and or an irrevocable to any conservation organization. G. Rooke-Norman stated that the lot approval was contingent upon the conditions and the third party who wanted to by the property in trust that the applicant would adhere to the two conditions is between the applicant and the third party not the applicant and the commission. There was discussion of this matter including that the 50 foot strip should have been an easement or a right of way to avoid that strip being an access to the big Burton's Island as a building lot.

G. Rooke-Norman stated that the language of the approval exempted out the conveyance of lot # 3 that included part of Little Burton's island. C. Fontneau stated that this is an unresolved violation. G. Rooke-Norman read that the Attorney Branse the Lot #3 of 2.55 acre parcel conveyance and the map references 5 acres was another building lot without the land under the water. She read the two solutions from the Attorney that 1) Marquardt convey and the land under the water to the lot owned by McCaffrey connecting lot 3 and the island; and that McCaffrey execute a declaration merging the 2.55 acre parcel with the balance of lot 3 and restricting it from being severed from it creating 1 lot that cannot be subdivide and it also does not allow for a ZBA variance; and 2) that McCaffrey executes a conservation easement over the 2.55 acre parcel in favor of the state or some other entity making it exempt from development and conveys it to the state or some other entity. There was discussion of this matter including that option 1 is a better option.

G. Rooke-Norman asked what the commission's feelings were. M. McKinney stated that Attorney Branse write a letter showing the options available to them. G. Rooke-Norman stated that option 1 is a better plan until it fails; explaining that if they give it to the state then it would impact the use of their lot where anyone can row over and use the small island. There was discussion of this matter including that there were a lot of red flags in this matter.

G. Rooke-Norman asked C. Fontneau about option 1. C. Fontneau asked the commission to direct him to consult with Mark Branse and authorize Attorney Branse to pursue option 1 to with the grantor and grantee for the conveyance that was in violation. There was discussion of this matter.

M. McKinney made a motion to direct the town attorney to initiate option 1 and that the letter has gone out to the Marquardts and Caffarys prior to the August 8, 2011 meeting. D. DeGuire seconded the motion. All were in favor. The ayes carried.

6. **Old Business**

7. **New Business:**

8. **Reports from the Enforcement Officer:**

9. **Adjournment:**

D. DeGuire made a motion to adjourn. M. McKinney seconded the motion. All were in favor. The meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Carl Fontneau
Secretary Pro Tempore