



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### REGULAR MEETING MINUTES

JULY 13, 2009

GRISWOLD TOWN HALL

#### I. REGULAR MEETING (7:00 P.M.)

##### 1. Call to order:

##### 2. Roll Call:

**Present:** Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Member John Taylor, Alternates Andrew Drobiak, Barbara Lukens, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

**Absent:** Secretary Courtland Kinnie, Member Daniel DeGuire

##### 3. Determination of Quorum:

G. Rooke-Norman appointed B. Lukens to sit for D. DeGuire. There was a quorum for this regular meeting.

##### 4. Approval of Minutes:

- A. Approval of Minutes of the Public Hearings of June 1, 2008
- B. Approval of Minutes of the Regular Meeting of June 08, 2008

G. Rooke-Norman asked for approval of the minutes. M. McKinney made a motion to approve the minutes as presented. B. Lukens seconded the motion. All were in favor. The ayes carried.

##### 5. Correspondence and Attachments:

- A. Letter dated June 29, 2009 from Demian Sorrentino regarding Harvey Polinsky request for a 5 year extension for complete of work for Cedar Glen Farms Subdivision.

This will be discussed later in the agenda.

- B. Letter dated June 23, 2009 from James A. Gallow, Jr., ZBA Chairman, Town of Plainfield regarding a public hearing on July 7, 2009 for a RC Repair Service, LLC.

- C. Letter dated July 1, 2009 from Juliette L. Dombrowski regarding their complaint of commercial activity of logging equipment stored at neighbor's home, photographs included.

This will be discussed later in the agenda.

6. **Matters Presented for Consideration:**

**A. SUB 03–09 JHB LLC, 9 Peter Avenue, Uncasville, CT 06382. Property location: 1071 Voluntown Road, Griswold.** Applicant requests approval of a two lot resubdivision consisting of 12.17± acres proposed that lot 1 is 1.00 ± acres; lot 2 is 11.16 ± acres. The property is zoned C–2.

G. Rooke-Norman stated that this application requires a public hearing. M. McKinney made a motion to set a public hearing for SUB 03–09 JHB, LLC on 8/10/09 at 6:30 p.m. in the Town Hall meeting room. J. Taylor seconded the motion. All were in favor. The ayes carried.

**B. ZP 08–09 JHB, LLC, 9 Peter Avenue, Uncasville, CT 06382. Property location: 1071 Voluntown Road, Griswold.** Applicant requests approval of a zoning permit for a proposed 4, 050 ± s.f. commercial building with associated site improvements for JB Rope Supply retail store, display area is 15 ft x 54 ft. (810 s.f.). The property is zoned C–2.

C. Fontneau explained that this application must come after the subdivision approval and suggested to table the application. G. Rooke-Norman asked if the applicant was present. John Faulise, Boundaries, LLC was present. G. Rooke-Norman asked if he would like a month to plan. J. Faulise stated that he has the approvals for the CTDOT, the sanitarian and the Inland Wetlands Commission. C. Fontneau stated that Bob DeLuca will review the plan.

J. Taylor made a motion to table ZP 08–09 JHB, LLC until 8/10/09. M. McKinney seconded the motion. All were in favor. The ayes carried.

**C. SE 05–09 Nowakowski, Joseph, 3 South Main Street, #4, Jewett City, CT. Property location: 162 Preston Road.** Applicant requests approval of a special exception for Section 6.3.3 an accessory use as an office for a painting business. Property is zoned C–1.

C. Fontneau stated that this requires a public hearing and explained that there is no additional site working for this application and that the existing site and building which was a realty office will be used for a painting contractor.

B. Lukens made a motion to set a public hearing for SE 05–09 on 8/10/09 at 6:45 p.m. M. McKinney seconded the motion. M. McKinney asked if there had been prior work done when it was a realty office. C. Fontneau explained that the entrance was widened and the parking lot was enlarged. There was discussion of this matter. G. Rooke-Norman asked that the old file be at the public hearing as well as copies of the minutes of the old approval. G. Rooke-Norman asked for a vote on the motion. All were in favor. The ayes carried.

**D. SUB 04–09 Malek, Karl J. & Elizabeth, et. al, 8 Kinney Road, Voluntown, CT 06384. Property location: 107, 138, 134R & 136R Rillbrook Road, Griswold.** Applicant request approval of a 5 lot subdivision with 2 new lots consisting of 9.63 ± acres proposing that lot 1 is 1.40 ± acres; lot 2 is 1.48 ± acres, lot 3 is 2.03 ± acres, lot 4 is 1.77 ± acres, and lot 5 is 2.61 ± acres and creation of a new cul-de-sac at the end of Rillbrook Road. The property is zoned R–60.

G. Rooke-Norman stated that the commission must decide whether this application can be accepted and heard because of the issue with the moratorium. C. Fontneau stated that Section 4.2.6.2 regarding the extension of a town road for residential subdivisions and resubdivisions. He read Section 4.2.6.2 for the record

Harry Heller asked if he can give an explanation to the commission. G. Rooke-Norman stated our town attorney stated that the commission must decide if they can accept this application and hear any testimony. John Faulise stated that he wanted to point out where the town road terminated. G. Rooke-Norman stated that we must make a determination based on what was given to us and the map shows where the road terminates. G. Rooke-Norman asked the commission to look at Sheet 2 of 7 showing approximate location of existing 30 ft wide Rillbrook road, see note 7 showing the dashed line showing the width then cuts it off. We can ask the applicant if that's where they have determined it ends and if it is dirt at the shaded portion.

G. Rooke-Norman asked the commission to review sheet 3 of 7 showing a cul-de-sac extending beyond the road that creates additional lots frontage; it is up to the commission to determine that the cul-de-sac is an extension of the Rillbrook town road. C. Fontneau stated that he was concerned that there was a land swap where a portion of the town right of way would be part of lot one. There was discussion of this matter including that the BOS must ask for an 8–24 review for any land swap to be approved by the BOS.

G. Rooke-Norman asked the applicant to explain the issue. Harry Heller, 736 Norwich–New London Tpke, Uncasville, representing the Maleks and the Ericks who are the applicants. He stated that the two criteria was that 1) it was five lots or less and 2) the extension of the road where we looked at the language of the regulations was clear. He explained that they view extension in its logical context as a lengthening of the road. He stated that it was a reconstruction of the road to bring into compliance of the public improvement specifications which will actually shorten the road. He explained that this was to accommodate public safety equipment and school buses. He stated that there exists sufficient 150 feet of frontage at the terminus of Rillbrook Road. He explained the five lots are created by redefining the boundaries of two existing lots that have no frontage. He stated that the reconstruction is not increasing the lot yield and the subdivision is in compliance with your moratorium. J. Faulise stated that Rillbrook was accepted by the town on 3/21/56 by map up to the terminus.

G. Rooke-Norman stated that the commission must make this decision before we can move on to other issues. J. Taylor stated that the road is being widened, G. Rooke-Norman agreed. There was discussion of this matter. There was a consensus of the commission that it was an extension of the road and it was being enlarged. J. Faulise explained that the cul-de-sac was based on direction by his staff, the recommendations by public works director and the applicant.

H. Heller asked if the application fee would be rebated. G. Rooke-Norman stated that it can be a credit to be applied to a new application and that the attorney fees associated with reviewing this application will be paid by the applicant.

M. McKinney amended his motion to deny without prejudice the Malek and Erick subdivision application as it violates the existing temporary and limited subdivision moratorium set forth in Section 4.2.6 of the Griswold Zoning Regulations; in particular the application as proposed contains an extension of a town road which cannot be reviewed or approved by this commission as set forth in Section 4.2.6.2 and that the fee can be credited to a new application. J. Taylor seconded the amended motion. All were in favor. The ayes carried.

## **7. Additional Business:**

- A.** Harvey Polinsky request for a 5 year extension for Complete of Work of Cedar Glen Farms Subdivision, Bishop Crossing, Roode Road and Pauline Place.

G. Rooke-Norman asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC representing Harvey Polinsky. He explained that the commission is in receipt of their letter requesting an extension. He explained that the original subdivision permit was granted on October 12, 2004 and will expire this year on October 12; and that there was a subsequent revision in 2006 with the plans were filed at that time. He explained that there is an irrevocable letter of credit issued by First Pioneer Farm Credit dated June 26, 2009 identifying that it is current in the full bond amount for the project. M. McKinney asked if this is a matter of

course. Fontneau explained that there have been public improvements made on the project. J. Faulise explained that there is one lot on Pauline Place.

M. McKinney made a motion to approve the five year extension request for the completion of work on the Cedar Glen Subdivision. J. Taylor seconded the motion. G. Rooke-Norman asked if the letter of credit was reviewed by the town attorney. J. Faulise stated that this letter of credit was reviewed in 2006 by Attorney Branse when the plan was revised. There was discussion of this matter. G. Rooke-Norman asked that this letter be reviewed by Attorney Branse and should it be a condition. C. Fontneau state that the letter was reviewed by M. Branse at the original application. There was discussion of this matter that included bank ratings. C. Fontneau will have the letter of credit reviewed by M. Branse. G. Rooke-Norman asked M. McKinney to amend his motion.

M. McKinney amended his motion to approve the 5 year extension of the Cedar Glen Subdivision conditional upon review of the letter of credit by the town attorney. J. Taylor seconded the motion. All were in favor. The ayes carried.

## **8. Old Business**

- A.** Discussion of complaint by Anthony and Juliette Dombkowski, 48 Tift Street regarding keeping logging equipment in the yard as possible commercial activity in a residential zone and unregistered vehicles.

P. Zvingilas explained that there were problems on Tift Street with a neighbor bringing different vehicles on this property and he was asking how to proceed from the commission. He explained that there was a registered tree cutting truck, a large pontoon boat in the yard. P. Zvingilas stated that there are photographs with the letter. He stated that he did not know how to cite this as a zoning violation. G. Rooke-Norman asked what regulations would be most relevant. P. Zvingilas stated that the only thing might be used would be conducting a business on the property but there are other residents whose commercial vehicles come to and from their home, but no business is being conducted. There was discussion of this matter including if there were public nuisance ordinances.

P. Zvingilas stated that this neighbor rents the house and so he would have to cite the owner of the property. G. Rooke-Norman stated that we must determine whether he is conducting a business from his home. G. Rooke-Norman asked Mr. Dombkowski to speak.

Tony Dombkowski stated he did not have a problem with the people who live in that house. He stated that they live on a residential street and that they have a problem with the commercial vehicles being there and they were concerned for the value of their property going down.

T. Dombkowski asked how to determine what is residential and what is commercial. P. Zvingilas asked the commission how to proceed. T. Dombkowski stated that the people don't have a residence there and the vehicles are there when they are not there on the weekends. J. Taylor asked if the owner knows if they are renting to a person or to a business. There was discussion of this matter including the business name on the side of the truck with phone numbers in Old Saybrook and Maine and appears to be storage of commercial vehicles.

M. McKinney stated that the trucks should be rated based on truck gross weights for the CDL license. G. Rooke-Norman stated that they are allowing them to store commercial vehicles on residential property. P. Zvingilas asked the commission what regulation he would like him to cite the owner. G. Rooke-Norman stated that P. Zvingilas should cite the regulation for commercial parking lots. T. Dombkowski stated that there are 3 or 4 trucks left there during the day when they drive off with the logging trucks. J. Taylor stated that he thinks they are running a business from this property. There was discussion of this matter including that there should be a regulation for the borough and the town regarding this matter.

P. Zvingilas asked what state the registration trucks were registered. T. Dombkowski stated that the trucks had Maine plates. M. McKinney stated that a lot of trailers are in registered in Maine. There was discussion of this matter.

G. Rooke-Norman told P. Zvingilas to issue a Cease and Desist Order that they are in violation of Section 4.1 permitted uses in a Borough residential district as the ongoing use is a commercial business parking lot and/or storage of contractor tree service, tree removal equipment advertising a business not located in Griswold, as the regulations does not allow storage of commercial/construction equipment in a residential district. M. McKinney stated that they would come in to fight the cease and desist. P. Zvingilas stated that if it is his order, it is appealed through the zoning board of appeals; if it is a P & Z Commission order there is no appeal to the zoning board of appeals. C. Fontneau stated that the agent issues the cease and desist. There was discussion of this matter. P. Zvingilas will issue a cease and desist order.

M. McKinney made a motion to issue a cease and desist order in violation of Section 4.1 permitted uses in a Borough residential district as the ongoing use is a commercial business parking and/or storage of contractor tree service, tree removal equipment advertising a business not located in Griswold, as the regulations does not allow storage of commercial/construction equipment in a residential district. B. Lukens seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that there should be a regulation for the Borough to allow only one commercial vehicle on a residential lot. M.M. will get DOT information that distinguishes the CDL and tractor trailers. There was discussion on this matter including commercial and combination plates. G. Rooke-Norman stated that there are other Borough regulations in the state such as Danielson and Stonington and asked C. Fontneau to get information on their regulations in this matter.

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

P. Zvingilas stated that he is going with C. Fontneau to Stonington for the FEMA seminar on changes to the flood zones. P. Zvingilas stated that the old State Nursery on Sheldon Road has evergreen and deciduous trees available to people to pick up.

**10. New Business:**

**A. Discussion of changes to the zoning regulations and to set a public hearing.**

G. Rooke-Norman asked C. Fontneau to explain the changes the zoning map. C. Fontneau reviewed the changes to Stone Hill Road & Route 201. There was discussion of this matter. G. Rooke-Norman asked if everyone was satisfied with the zoning map. There was consensus with the zoning map.

G. Rooke-Norman asked C. Fontneau to review the Subdivision Regulations. C. Fontneau stated that the subdivision regulations are ready to go. G. Rooke-Norman asked what the definition of a resubdivision was and whether it included any parcel that was to be subdivided again. C. Fontneau explained that State Statutes specify that anything prior to having subdivision regulations is not considered to be a resubdivision. Section 4.5.4 regarding the irrevocable letter of credit for soil erosion and sedimentation control was discussed and that a case bond was better because immediate rectification must be done.

The Commission reviewed Griswold Zoning Regulations pages 21, 21, & 22 Section 3.3, page 28. M. McKinney suggested sending sets of regulations to consulting engineering firms for their suggestions. C. Fontneau state that the regulations will be on the website for review.

Pages 30–32 Street Improvements were discussed as relating to the State Supreme Court decision. Page 38 Waivers was discussed.

G. Rooke-Norman stated that members of the safety committee the agendas sent to them for Planning & Zoning and they also want to have full sets of plans sent to them for review. There was discussion of this matter that there are full sets of plans are available in the Planning Department and all town agenda are on the website for download.

Section 2.1 was discussed to delete possible violation. Section 2.3 Zoning permits for residential uses was discussed and Section 2.6 Certificate of Zoning Compliance for Buildings and/or uses was discussed.

Section 2.8 Special Exceptions was discussed. Page 7. Road Drainage was added. Section 2.10 was discussed with and town boards and commissions to be removed.

Section 4.2 change word to read "for" the remainder

Section 4.11 Garage Sales was discussed. Language changed to permitted only in a residential zone provided no sales and included 4 sales in a calendar year on any one lot. Similar language to be added the Section c–2 and C–2. Language to include 4 sales in a calendar year on any one lot.

Section 4.2 Kennels was discussed and changed to 6 dogs.

Section 12. 5 Neighborhood housing to change language to 1 caregiver, 21 years of older. Section 12.5.3 was discussed.

Sign Regulation was discussed for led signs. M. McKinney will look at other towns.

G. Rooke-Norman asked for a motion to set a public hearing for the town zoning regulations, the subdivision regulations, zoning map changes and changes to 17.2 of the Borough regulations. B. Lukens made a motion to set the public hearing in the town hall meeting room on July 27, 2009 at 6:30 p.m. for the town zoning map, town zoning regulations, subdivision regulations and Section 17.2 of the Borough Regulations. M. McKinney seconded the motion. All were in favor. The ayes carried.

There was discussion of setting a special meeting on Wednesday, July 15, at 5.30 p.m. to finish review of regulations. J. Taylor made a motion to set a special meeting on Wednesday, July 15, 2009 at 5:00 p.m. to discuss zoning regulation changes. B. Lukens seconded the motion. All were in favor. The ayes carried.

## 11. **Adjournment:**

G. Rooke-Norman asked for a motion to adjourn. J. Taylor made a motion to adjourn. B. Lukens seconded the motion. All were in favor. The meeting adjourned at 10:30 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary