



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & SPECIAL MEETING MINUTES

AUGUST 3, 2009

GRISWOLD TOWN HALL

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

1. Call to order:

Chairperson Gail Rooke-Norman called this continued public hearing of Griswold Planning & Zoning Commission to order at 6:35 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie, Members Daniel DeGuire, John Taylor, Alternate Barbara Lukens, Town Attorney Mark Branse, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Alternate Andrew Drobiak, ZEO Peter Zvingilas

3. Determination of Quorum:

G. Rooke-Norman appointed B. Lukens to sit for M. McKinney. There was a quorum for this continued public hearing.

4. Matter Presented for Public Comment:

A. SRC 01-10 Draft changes to the Town of Griswold Zoning Map to replace the current 2001 amended paper map with a digital map based on full tax parcels. Zoning district changes to eliminate the R-20 zone, to convert R-40 parcels to R-60 parcels based on the presence of one water and/or sewer, to create new C-1 parcels along the Routes 164, 138, and 201, and to create a Business Park District and an Open Space/Passive Recreation District. **Draft changes to the Town of Griswold Zoning Regulations** to multiple sections throughout and are mixed in content from administrative updates, clarification of wording, and to policy or bulk geometric requirement changes and age restricted housing. **Draft changes to the Town of Griswold Subdivision Regulations** to multiple sections throughout and are mixed in content from administrative updates, clarification of wording, and to regulation changes in the areas of common driveway configuration, conservation subdivision design, and stormwater management. **Draft change to Section 17.2 of the Borough of Jewett City Zoning Regulations** to clarify notice requirements for variance applications to Zoning Board of Appeals.

G. Rooke-Norman explained that there will be a continuation of the review of the zoning regulations, subdivision regulations and the zoning map that will be reviewed again since there are more people present. She stated that after a section is reviewed, there will be comments from the public as we go along.

G. Rooke-Norman stated that there will be a review of the Borough regulation Section 17 change first. C. Fontneau explained the changes to Section 17 that now requires notification by First Class mail with a certificate of mailing using the owners listed on the current list.

G. Rooke-Norman asked C. Fontneau to review the zoning map changes. C. Fontneau explained that the new map is based on the tax parcels. G. Rooke-Norman explained that the zone was originally from the centerline of the roadway that sometime created a lot having two zones with the new map having zoning districts by parcel. The changes to the map are consistent with the Plan of Conservation and Development.

C. Fontneau explained the Business Park zone being a new zone to go with the Business Park regulations that the town adopted a while ago. He explained where the C-1 zones were expanded on Route 164, Route 12 and Route 138 and at exit 86 off of I-395 and that these changes are consistent with the Plan of Conservation and Development. C. Fontneau explained that the R-20 zone has been eliminated and is now zoned R-40. He explained that the R-40 zone required either water or sewer and showed where those R-40 zoned remained. He explained that all R-40 without water or sewer was changed to R-60 that included land around Pachaug Pond which is now consistently R-60.

C. Fontneau explained the new Open Space Passive Recreation (OSPR) zone that was added to include the State owned lands which disallows residential development. G. Rooke-Norman explained that this zone was created to allow the town a say in determining when the State sells or leases state owned lands to private business, we can control how that land is utilized. She cited an example of when the State was considering using the state forest as a nuclear dumping site.

M. McKinney arrived at 6:45 p.m.

G. Rooke-Norman asked for comments from the general public for the zoning map, OSPR, the business park district.

Paul Madonna, Osga Lane, asked for an overview of the process to determine the perimeters of the different zones such as open space or the business park and if horseback riding was permitted in the open space. G. Rooke-Norman stated that it was walking, hiking so unless the horse is assisted by a motorized vehicle, it would be permitted in that zone. G. Rooke-Norman explained that the commission focused on the uses today and considered the Plan of Conservation and Development that is the 10 year plan. This plan by independent consultants where the potential commercial growth would be where there is at least one utility or the potential for one utility with a minimum of investment and the location of the properties. The pink areas of C-1 and C-2 there already are commercial activities so those areas were expanded; and consultants regarding organized commercial growth recognize that in rural towns there is a village commercial area near boundaries near their abutting towns so those areas can be expanded to allow more commercial activity. G. Rooke-Norman explained that the opens space passive recreation district was created to identify the parcels and a mechanism to recognize the existing uses.

G. Rooke-Norman stated for the record that Town Attorney Mark Branse arrived at 6:55 p.m.

P. Madonna asked if the ten year study is a public document. G. Rooke-Norman stated yes. C. Fontneau stated that it was enacted in 2007 and is available on the website.

Don Ouillette was concerned for his section of Robert Street to the turnpike and that because it is residential that his property values are decreasing since there are a few houses that have been vacant for a year and they cannot sell them. G. Rooke-Norman stated that you letter wanted the board to consider that that area be considered C-1. She recommended that Mr. Ouillette fill out a change of zone form and suggested that he speak with his neighbors. D. Ouillette stated that the average age is 70 years and that they would not want to move. G. Rooke-Norman stated that he should petition his neighbors and file an application.

M. Branse stated that the purpose of this hearing was to clean up zone lines and they cannot change the zone in the context of this hearing but cannot do it tonight since it was not legally notices that there would be a zone change to residential area, but the Commission can consider that zone change at a different time. There was discussion of this matter.

G. Rooke-Norman asked for other comments from the public.

Norm Higgins, Pleasant View, stated that while he was on vacation, there is no identification of Braille pathways where there are Braille lines at intersections of streets for the handicapped or blind where they can sense the change as well as entrances to shopping centers. He stated that they are in larger cities in Connecticut and in countries he had visited such as England and South Africa. He stated that the tourist attractions should be designed that they are more comfortable.

Gary Serdechny, 66 Bishop Crossing Road, asked what types of business would go into a Business Park. G. Rooke-Norman stated that those businesses are in the regulations in Section 8. She stated that there are business park regulations and read the dimensional requirements for the record. G. Rooke-Norman stated that Section 8.3 permitted uses was changed to reference a performance guarantee rather than a bond and require a letter of credit with a bank in good standing in the state of Connecticut. G. Rooke-Norman explained Section 8.4 change that deals with the nomenclature for nursing homes, rehabilitation facilities in Special Exceptions. She stated that the commission posted with the town clerk what the regulations were going to be when it was noticed in the newspaper; and that comments from the public in the first portion of the public hearing regarding lot coverage be changed to increase the lot coverage within the business park which the commission is considering. We can make changes as long as the changes are less restrictive.

C. Fontneau explained that there are handwritten changes based on suggestions from the last public hearing for the BP zone. M. Branse stated that the current lot coverage is 60 percent and you have a change of 50 percent and there was a suggested change to 65 percent; the impervious lot coverage from 80 percent to 70 percent and that there was a suggested change of 85 percent. He stated that the commission legally noticed that they were decreasing those numbers; but the commission can decide not to make those changes and to leave it at 60 percent and 80 percent. There was discussion of this matter.

P. Madonna stated that it was the intent of the commission for the business park to mandate that without special exception only 50 percent can be covered with building and parking and asked why it was more restrictive for business to come in to a place where they want to come into. G. Rooke-Norman stated that the commission was looking at where the business park abuts a residential use when there are business parks. She explained that the purpose of public hearing is to allow the public to give the commission a different perspective and this will be deliberated after we have received all public comment.

Walter Held, 100 Brewster Road, stated that he was in favor of leaving it as it is at the larger coverage.

G. Serdechny asked about the C-1 area. G. Rooke-Norman asked him to hold his question until we get to the C-1 zone.

C. Fontneau stated that there was public comment on the added Section 8.7.2 concerning the fall zone for a water tower that is covered under Section 8.9.1.5.1. Section 8.7.2 there was a suggestion to delete this section, so the commission will not enact it. He explained Section 8.9.1.5 was a suggestion to reduce the side and rear yard requirement from 50 feet to 30 feet, and Section 8.9.1.6 minimum side and rear yard adjacent to a residential use was changed from 100 feet to 50 feet. G. Rooke-Norman asked for comments from staff or board members. There were no comments.

G. Rooke-Norman asked for the zoning map to show the districts and asked the public to identify any parcels that may have been missed. B. Lukens asked about the underwater lot line at the Pachaug Marina.

G. Rooke-Norman stated that C-1 is in pink and C-2 is in orange. C. Fontneau explained the changes in the C-1 Village Commercial District for sections 6.2.1, 6.2.2, 6.2.3 that the wording up to and including 5000 square feet is by site plan review and not by special exception for over 5000 square feet. C. Fontneau explained Section 6.2.4 Temporary garage sales/yard sales requirements of 4 per year for 3 consecutive days so they do not become a continuous commercial use, and on a state highway have some provision for parking.

W. Held, 100 Brewster Road asked the square foot requirement now. G. Rooke-Norman explained that it was up to 5000 s. f. and explained that 4,999 was by right or if 5,000 was a special exception and that the change is a clarification.

C. Fontneau explained the clarification to Section 6.3.1 changed from incidental to clearly accessory. G. Rooke-Norman asked for questions or comments to Section 6.2 and Section 6.3 C-1 special exception. There were no questions.

C. Fontneau explained the changes to section 6.3.13 concerning gas stations with or without convenience stores or drive-thrus. C. Fontneau explained the changes the Section 6.3.17 public service structures, Section 6.3.18 Over 55 Neighborhood housing communities. G. Rooke-Norman explained that there are in vogue descriptions such as Over 55 Active Adult and it used to be called elderly housing. Section 6.3.19 changes to C-1 zone to include nursing homes, rehabilitation facilities and convalescent facilities and those lots were change on the proposed zoning map. C. Kinnie asked about editing the term nursing home. C. Fontneau stated that it should be retained for consistency.

G. Rooke-Norman asked for comments on the c-1 zoning regulations. M. Branse stated that on page 19, the term nursing homes is crossed out then the cross out should be removed. He stated that it is a non-substantive and not a legal issued. M. Branse stated that building code still uses nursing homes. M. Branse stated that active adult communities to the C-1 and that the presence of a high density residential development might prohibit the commercial development in adjacent C-1 that may create a built in opposition group to commercial development.

P. Madonna asked to describe the differences between C-1 and Business Park and is term village significant or just a pleasant. G. Rooke-Norman explained that C-1 zone is a less intensive commercial use so some uses are not allowed when compared to the C-2 zone such as warehousing; C-1 is a transition from residential uses to commercial uses. She explained the business park is a cluster of business uses that are off a main road with internal roadways so buffers can be relaxed between the different uses and the coverage is different in the BP zone and the C-1 zone. C. Fontneau explained the dimensional requirements for both zones. The types of businesses in a BP zone where read for the record.

G. Serdechny stated that the C-1 zone off of I-395 at exit 86 was expanded and in the past and had been as commercial property south of Route 201. He stated that north of Rte 201 has always been residential. There was discussion of this matter. G. Serdechny appreciated the time and effort the commission to this project especially zoning districts based on zoning parcels.

Phil Anthony, First Selectman, congratulated the commission for the revisions of the regulations and that it is a more business-friendly regulations. He stated that he has had inquiries for the nursing home parcel as a commercial parcel.

C. Kinnie stated that there are changes to the maximum lot coverage for C-1 and C-2 and that it shows how the coverage relates to those properties. J. Faulise stated that the increases in Section 10.5 for maximum coverage in C-1 and C-2 are increases in percentage of coverage but now there is a new definition of maximum lot coverage which includes maximum impervious

surfaces along with the maximum buildings and structures that were not included before and this may equalize or decrease what we had in the past. G. Rooke-Norman stated that seeing this from a different perspective and that professional input like his can be conveyed to the town planner at a later date. G. Rooke-Norman asked M. Branse if other towns included impervious surface and building structures was the percentage increase. M. Branse stated that there is one standard for maximum building coverage and the maximum lot coverage or impervious surface coverage which would be a higher figure than the maximum building coverage. He stated that he has never seen a maximum building coverage without a separate lot coverage. There is a different factor for each one of those. He suggested to consider that the commission leaving the old percentages for building coverage and have another for lot coverage. There was discussion of this matter including that the way it is written that it includes residential zones.

P. Madonna stated that he supported the suggestion of the town attorney.

C. Fontneau explained the changes to the C-2 Highway Commercial District for Section 7.3.17 regarding gas stations with or without convenience stores and drive-thrus; Section 7.3.21 for public service structures for water towers and fire protection.

G. Rooke-Norman asked for questions from staff or board members. There were no questions. She asked for comments from the public.

G. Rooke-Norman stated that the areas for industrial were not increased based on the suggestions of consultants to have limited the intensity of manufacturing. C. Fontneau explained Section 9.3 for addition of Section 13; Section 9.4 the addition of Section 13; and 9.4.3 addition of public service structures. C. Fontneau stated that there is not a lot of acreage located in the town as there is in the borough.

G. Rooke-Norman asked for comments from the board and staff; and comments from the public. P. Madonna asked about Section 9.3.3 research facilities does not fall in the same category as warehousing. G. Rooke-Norman stated that research facilities can have a broad variety of impacts on the environment with some potential of discharge of materials to be contained. There was discussion of this matter including that in Section 8.4.13 research facilities are allowed in the BP District.

G. Rooke-Norman explained that R-20 was eliminated and that R-40 building lots and many lots across the board were changed to R-60 and R-80. She stated that there are large parcels that may be developed for residential uses and regulations were written to allow the tax payer to develop the larger parcels without putting in substantial numbers of roads so there is the proposal of having 4 rear lots or flag lots next to each other and also a second tier of flag lots can be developed without creating a road that the town must maintain. She stated that those flag lots can maintain the rural quality of the town.

C. Fontneau read the substantial changes that were added in pen based on comments from the town attorney and from public comment regarding rear lots in Section 10.2.2 for the record to show the changes regarding the rear lots by special exception. G. Rooke-Norman asked M. Branse asked if this met the threshold using 1.5 in one section and 2 times in another section so the regulations are consistent. M. Branse stated that 1.5 times can be used in the subdivision regulations as long as there is a reference in the zoning regulations. There was discussion of this matter.

G. Rooke-Norman asked commission members for comments.

J. Faulise asked M. Branse regarding the advertised changes could be modified and could not be made more restrictive regarding the Special Exception term was added and creates a burden on the applicant and if the commission intended to do this or by vote of the commission. M. Branse stated that in the conservation subdivision is a special exception then the lot size reduction of a rear lot from 2 times to 1.5 times is still part of the special exception process. G.

Rooke-Norman stated she did not think that this was to be by special exception. There was discussion of this matter. C. Fontneau will remove the special exception wording.

C. Fontneau stated that this is a clarification regarding in standards for surveys and maps was read for the record for Connecticut regulation. M. Branse stated that the state regulations identifies the types of Surveys such as A-2 T-2 and to just Regulations of State agencies refer to the state regulation and not cite a date to avoid confusion.

C. Fontneau reviewed Section 10.4.2 and read it for the record for side yard reductions for a zoning permit or special exception site plan by vote of the commission. C. Fontneau explained the changes to Section 10.5 for maximum lot coverage for increases in the R-40, C-1, C-2 and Industrial Zone.

G. Rooke-Norman stated that this revision will be revised once more before deliberation and there will be two coverages for every use to provide more information. C. Fontneau explained changes to Section 10.6 regarding maximum building height to accommodate commercial structures such as hotels. C. Fontneau explained the changes to Section 10.7 will be replaced by a new 10.7 regarding Use of Non-conforming lots of merger that deals with same ownership adjacent lots.

G. Rooke-Norman asked for comments or questions on 10.1 through 10.7.

Helmut Reinholtz, Pleasant View, asked if lighting is covered in the regulations. C. Fontneau stated that it is covered in 11.8. G. Rooke-Norman stated that there should be restrictions to lighting if it is above a certain height. M. McKinney stated that it would be standard lighting for parking lots. There was discussion of this matter including that lighting on the building or going off the property line. P. Madonna stated that there is a word missing in 10.6, M. Branse suggested to use the word for to replace that.

J. Faulise stated that for 10.7 for the non-conforming lots of record, he stated that lots were able to be developed as a matter of right and asked why the authority was granted to the Zoning Board of Appeals. J. Faulise read the section for the record. There was discussion of this matter including that it now requires a special exception from the ZBA. M. Branse stated that this would be a policy decision by the commission and there should be a higher discretionary review for a non-conforming lot. He stated again that it is policy decision it is legal to say that is permitted and does not need to go to ZBA. J. Faulise asked if it is denied by ZBA is it a regulatory taking of the lot. M. Branse explained that the denied application can return with a less ambitious project. There was discussion of this matter.

W. Held asked if a free split lot would not meet the regulations. M. Branse explained that the previously subdivided is protected by statutes. There was discussion of this matter.

There was discussion of Sections 10.8 Driveways, Section 10.8.2 Construction standards, Section 10.8.3 citing a change from 1 percent to 3 percent, Section 10.9 Common and Loop Driveways, 10.9.5 change from fire department to fire marshal. 10.9.6. Driveway maintenance agreements. P. Madonna asked about the construction standards may go by the scope of the commission. G. Rooke-Norman stated that it goes by the slope of the driveway. 10.8.2 ACCMP means asphalt cod of corrugated metal pile. M. Branse stated that it was a safety issue to avoid cave-ins.

C. Fontneau explained the changes Section 11.12 and 11.3. G. Rooke-Norman stated that the town eliminated multifamily housing of 3 or more dwelling units but 1 and 2 family housing is still allowed. There was discussion of this matter. C. Fontneau explained the changes to 11.7 Fences as a clarification to include as shown on an approved site plan. There was discussion of this matter. He explained the changes to Sections 11.7.4, 11.7.9. J. Taylor stated that the uses are for special exception zoning permits and or site Plan approval. M. Branse stated that that section is not part of this public hearing.

Section 11.8.2.11 f and g regarding stone walls was discussed. H. Reinholz stated that his stone wall is part of his property line and his neighbor is removing stones. G. Rooke-Norman stated that that was a civil matter. Section 11.11 Animals was discussed regarding the changes because of R-20 elimination. Section 12.4.4 changed from 10 acres to 8 acres for open excavation. Section 12.5 Multifamily was eliminated. Section 12.12.2 additional language for glide slopes was discussed. W. Held asked how those changes would affect him. There was discussion of this matter including that it must meet FAA guidelines.

G. Rooke-Norman asked for comments from members, staff and the general public.

C. Fontneau explained the change to 12.14 for the addition of Business Park Section 12.6.1 was discussed for the additional language of with or without convenience stores and with or without food service drive through windows. C. Fontneau explained change to 12.17 and to Section 12.18.3 for addition of Business Park

C. Fontneau explained that Section 12.21 was a new section for Over 55 Neighborhood Housing communities and/or 55 plus active adult neighborhood housing communities that are a special exception. J. Faulise stated that there was missing text for section 12.21.5.10 for the missing driveway standards. C. Fontneau showed the missing text was added. There was discussion of this matter. M. Branse stated that it was clearly a clerical error and that it would be fine to include the missing text in this public hearing.

G. Rooke-Norman asked for comments from the public.

P. Madonna stated that the private road that he lives on, would it be reconstructed. G. Rooke-Norman stated that it would only be for new roads in this type of development.

C. Fontneau explained the changes to Section 13 that were discussed during a previous public hearing. Section 13.2 was eliminated recommended by M. Branse. There was discussion of this matter regarding any appeals. Section 13.2.1 language will be preserved. P. Madonna stated that the commission can make a negative decision and state no reasons. M. Branse stated or they can give a positive decision and state no reasons. M. Branse stated that the commission reviews and comments during a public hearing and the decisions are clear. G. Rooke-Norman stated that in the motion, the reasons do not need to be stated. There was discussion of this matter. C. Fontneau explained Section 13.2.1 the new language to driveways and loop driveways. Section 13.3.12 added language for stone walls.

C. Fontneau explained Section 13.7 Performance Guarantees changes to section 13.7.1 and 13.7.1.2 for the additional language of adequately-capitalized banking institution. P. Madonna asked if a developer would be prohibited. G. Rooke-Norman stated that they can do business in the town. M. Branse stated that they must be licensed to do business in Connecticut. G. Mackin stated that their bank in Massachusetts and he will check if it is licensed to do business in Connecticut. There was discussion of this matter.

J. Faulise stated voiced his concerns that the bonding creates a hardship when the bonds prohibit the small developer and explained that the bond estimate is provided after the drainage, paving and erosion and sedimentation controls and the way it is written makes the developer pay for the improvements twice. He stated that the most the town would do for a project would be to stabilize the site and loom and seed it. He suggested that the bonding be in phases. There was discussion of this matter. G. Rooke-Norman stated that a policy be developed for the phasing of the bond.

C. Fontneau explained the changes in Section 13.8.2 had added language of reduction or expansion. Section 13.9 had new language for Minor site plan amendments which he read for the record. M. Branse stated that the plan submitted must be followed. C. Fontneau stated that a special exception would require substantive changes a public hearing would be required. There was discussion of this matter. G. Mackin stated that the site plan with a new developer would need a new public hearing.

G. Rooke-Norman asked for comment from the public.

C. Fontneau explained the changes to Section 14.2.5 parking spaces, and new language for Section 14.2.15 for multifamily housing units; Section 14.2.15 and 14.2.12 for shopping centers.

C. Fontneau explained the changes to Section 15 Signs for section 15.1.4 regarding no permanent signs. M. McKinney stated that there should be a grand opening provision. There was discussion of this matter. There was a change from one week to thirty days as well as other similar moving parts and take out flashing, moving or revolving parts.

C. Fontneau explained that Section 15.2.5 was removed. He explained the changes to Section 15.3.4 for signs on a wall for 30 % wall area.

C. Fontneau explained the changes to Section 15.3.6 for Hotels with over 70 rooms. There was discussion of this matter. G. Mackin asked how many signs can be on one sign for all the projects and the three tenants on one sign. There was discussion of this matter. There was a change to make the sign increased to 500 square foot sign on a 100 foot height.

C. Fontneau explained that Section 16.3.1 has been eliminated. He explained the changes to Section 14.4, 16.5 and 16.6. G. Rooke-Norman asked for comments from the public.

C. Fontneau explained the changes Section 17 Appeals and variances; Section 17.3 Variance notifications. C. Fontneau explained the additions to the definitions in Section 21. G. Rooke-Norman asked for questions.

J. Faulise had a question for Section 2.8. G. Rooke-Norman read this section for the record. There was discussion of this matter. M. Branse stated that the special exception which it replaces should be null and void there was discussion of this matter.

G. Rooke-Norman stated that this public hearing should be continued to discussion the subdivision regulations. There was discussion of this matter. M. McKinney made a motion to continue this public hearing in this room on August 6, 2009 at 6:30 p.m. D. DeGuire seconded the motion all were in favor.

The meeting adjourned at 10:50 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary