



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

AUGUST 09, 2010

GRISWOLD TOWN HALL

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

1. Call to order:

G. Rooke-Norman called this regular meeting to order at 7:10 p.m.

2. Roll Call:

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

Absent: Member John Taylor, Alternate Erica Bevis

3. Determination of Quorum:

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

4. Approval of Minutes:

A. Approval of Minutes of the Public Hearings & Regular Meeting of July 12, 2010

G. Rooke-Norman asked if there were any questions on the minutes. M. McKinney made a motion to approve the minutes of the public hearings and regular meeting of July 12, 2010. G. Rooke-Norman seconded the motion. The minutes were tabled due to a lack of voting member who were present at the July 12, meeting.

L. Laidley arrived at 7:15 p.m.

5. Correspondence and Attachments:

A. Letter dated July 11, 2010 to Planning and Zoning Commission from John Gwiazdowski, 180 Newent Road, Lisbon, CT regarding a public hearing on August 3, 2010 regarding changes to horse regulations 10.21.1 through 10.2.118 and Section 10.4.1 grading of property for horse pasture at 180 Newent Road, Lisbon, CT.

G. Rooke-Norman asked if he reviewed this matter. C. Fontneau stated that there was no information attached to the letter. M. McKinney stated that he was to be excavating gravel. C. Fontneau stated that he was unaware of that and he will call to get more information. G. Rooke-Norman stated that no gravel trucks would be going over the road. She stated that it is a change to the zoning regulation from Lisbon. She asked C. Fontneau to read the proposed

regulation to determine if it would affect Griswold.

C. Fontneau asked that Item 9A can be moved ahead of Item 6. G. Rooke-Norman asked for a motion to move Item 9A. M. McKinney made a motion to move Item 9A before Item 6. D. DeGuire seconded the motion. All were in favor. The motion was carried.

Item 9A Discussion of 8-24 Review to acquire property for the Griswold Housing Authority for Elderly Housing Expansion at 245 Taylor Hill Road.

G. Rooke-Norman asked C. Fontneau to explain the 8-24 review for the Griswold Housing Authority for McCluggage Manor. Phil Anthony stated that he was here to sit it at the request of Paul Brycki and Don Walsh.

C. Fontneau stated that there were exhibits in the file to acquire and transfer property to Griswold Housing authority from the Town of Griswold. G. Rooke-Norman asked if there was a copy of the assessor's map. C. Fontneau stated that there is a copy in the read along. C. Fontneau stated that lot 35 belongs to the Town of Griswold and the Housing Authority is asking that that lot be transferred to them; then it will be merged with the Housing Authority lot 36. M. McKinney asked if the lot 34 will go with it. C. Fontneau stated that lot 34 will be purchased from Lou Demicco and will be used for future expansion of McCluggage Manor Elder Housing.

D. DeGuire asked if the lot will be leveled off more than the first phase. C. Fontneau stated that the concept plan shows the proposed and existing grade. He stated that this will come before the commission for a zoning permit. D. DeGuire stated that it should be more level for the elderly. D. DeGuire asked if it was city water and city sewer. H. Edge stated that there a sanitary pump station. L. Laidley stated that McCluggage is on line.

G. Rooke-Norman asked if the commission was being asked to review the Demicco parcel acquisition and combing with the transfer of lot 35. C. Fontneau stated that the commission will comment on the Demicco parcel acquisition and the transfer of lot 35 from the Town to McCluggage Manor. C. Fontneau stated that there has been a Phase 1 Environmental Site Assessment. He stated that there is a Phase II sampling done on select points and there doesn't appear to be any major environmental issues. He stated that the assessment is not part of the 8-24 review. M. McKinney asked that it looks like the lines are cutting the pool in half. C. Fontneau stated that the tax parcel lines are not survey accurate. M. McKinney asked if the merging of the lots have any effect on the other lots in the area to become non-conforming lots. C. Fontneau stated that none of the lots will become non-conforming.

M. McKinney asked about the right-of-way. C. Fontneau stated that the right-of-way is for the Demicco lot and when the lots are merged, the concept plan may change. G. Rooke-Norman asked if the right-of-way burdens the Town's property in favor of the Demicco property. C. Fontneau stated he did not review the deed. G. Rooke-Norman stated that if the town acquires the Demicco property than the right of way goes away. There was discussion of this matter.

C. Fontneau stated that the Housing Authority is in the process of obtaining a 501 3c status for receiving funds. G. Rooke-Norman asked who owns the assets in a 501 3c. P. Anthony stated that he believed that the Housing Authority and the Town by extension. C. Fontneau stated that that was the reason to transfer the lots so that it becomes their asset. There was discussion of this matter including who owns the shares in the corporation. P. Anthony stated that when this comes before the BOS, this will be reviewed by the town attorney.

M. McKinney asked how much this will cost the taxpayer and what the rent structure was to get the cost back. G. Rooke-Norman stated that for a 501 3c then there are grant monies to pay for the excess costs not covered by the rents. P. Zvingilas stated that the Housing Authority has some money on hand. L. Laidley asked what kind of buffer would be there because on three sides there are farm fields in use. P. Anthony stated that when something comes before the board then that issue would become relevant. There was discussion of this matter.

G. Rooke-Norman stated that there is a Phase I Environmental Site Assessment in the file to look at the health and safety of the elderly living there. She stated that Engineer Paul Burgess stated that there is a positive report on Phase I and no need for a Phase II. She stated that there is a letter from the Attorney for the Housing Authority regarding the environmental site assessment. G. Rooke-Norman asked if there were other questions for the town planner. She asked for a decision.

M. McKinney made a motion to grant a positive 8-24 Review report as requested by the Griswold Housing Authority for two parcels owned by the town and including and adjacent to McCluggage Manor. D. DeGuire seconded the motion. All were in favor. The ayes carried.

P. Anthony asked the Commission to invite them to appoint one member to the Space Needs Committee to come to the Selectmen's meeting tomorrow. G. Rooke-Norman asked what the space needs committee was for. P. Anthony stated that it will be looking for a location for a community center. G. Rooke-Norman stated that this will be discussed under new business.

6. Matters Presented for Consideration:

- A. SRC 02-10 Griswold, Town of, Text Amendment for a correction to Section 11.11 Animals of the Griswold Zoning Regulations. The keeping of animals, including poultry, but excluding cats, dogs, and household pets is expressly prohibited in high-density Residential zones.** Large animals such as cows, horses, and sheep may be kept solely for domestic purposes on non-farm property in R-40, R-60 and R-80 zones provided that (a) the lot contains at least three (3) acres of land; (b) no more than two (2) such animals over six months of age are kept on the lot; except that one additional animal may be kept for each additional half (1/2) acre up to the five (5) acre farm classification.

G. Rooke-Norman asked C. Fontneau to present this item. C. Fontneau stated that this was tabled from last month due to the phrase high density residential. C. Fontneau stated that there was a question of how to fix it so that it did not have to be re-noticed. He stated that the phrase the former R-20 lots or lots less than 1 acre, this will make it more specific under the existing public hearing that was closed. G. Rooke-Norman asked P. Zvingilas for his input. P. Zvingilas stated there was wording left out and was originally the R-20 zone. G. Rooke-Norman stated that we still have high density issued because the R-20 is now R-40. G. Rooke-Norman stated that if there is an enforcement issue that it will be a disputed enforcement so that all our t and i's be crossed and dotted. She stated that we do this over and make sure that it is done correctly. She stated that all the little pieces that should be changed be put together and have a public hearing in October.

The issue of the amount of acreage was discussed for having large animals.

P. Zvingilas stated that he had an issued with the change of the front set back was changed from 30 feet to 50 feet made between 200 and 300 homes have become non conforming because they don't meet the setback. G. Rooke-Norman stated that that makes them grand-fathered and that there is case law that states that house was in conformance with the regulations at the time it was built; it remains in conformance even though it may be non-conforming to the current setbacks. P. Zvingilas explained that all the houses that now have a non-conforming 30 foot set back cannot add a porch to the front of the house. He suggested that those lots could be exempt from the current setback regulation. There was discussion of this matter.

M. McKinney stated that this would become more confusing and cumbersome and undo all the work we have done; they can go to ZBA. P. Zvingilas stated that the fee for a variance is \$210. D. DeGuire asked if there a way that if the house was built prior to August 09 then they are exempt from the increase. P. Zvingilas explained that the appraisers come in for refinancing and that if the house has become non-conforming, he has to write a letter stating that the house is conforming so that the banks will finance the house. G. Rooke-Norman stated that the law

states that if it conformed to zoning regulations when it was built, it is still a conforming use. G. Rooke-Norman stated that people at the public hearings that they wanted to preserve the rural quality and this was one of there reasons to have the loner set backs. C. Fontneau stated that there is case law that the un-built lot than the old zone regulations applies. There was discussion of this matter.

G. Rooke-Norman asked P. Zvingilas to suggest some language that will not undermine the current zoning regulations to utilize up to the prior 30 foot set back. M. McKinney stated that it should not intensify the use. D. DeGuire asked how many people will actually utilize this and maybe ZBA can waive their fees. C. Fontneau stated that there are fixed costs for advertising the ZBA public hearings. C. Kinnie asked if this commission can waive the 50 foot set back. G. Rooke-Norman stated that this can raise discrimination from those other people who were not waived. P. Zvingilas stated that the current regulation was intended for new subdivisions and not to inflict a hardship on the older subdivisions. He will work with Carl for language. G. Rooke-Norman stated that this can be added to the list for the October meeting.

H. Edge asked about the Animals where it says under the age of 6 months, does that mean they can have 10 baby animals. D. Szall explained that horses, sheep and goats generally have only one baby and certainly not more than two babies. G. Rooke-Norman asked C. Kinnie why there is this language. C. Kinnie stated that by the time the animal is 6 months, they are usually sold off and by 6 months old, it has been weaned and on grass so three acres would not be enough land.

G. Rooke-Norman suggested that the keeping of animals, including poultry, but excluding cats, dogs, and household pets is expression prohibited in high density residential zones which includes previous R-20 lots and all lots less than one acre. C. Fontneau stated that would be adequate wording. There was discussion of this matter. G. Rooke-Norman stated that the keeping of animals, including poultry, but excluding cats, dogs, and household pets is expression prohibited in high density residential zones which includes previous R-20 lots and all lots less than three acres. H. Edge stated that high density can be removed. L. Laidley stated that that wordage should stay there so that it covers all the bases and takes care of any town liability.

C. Fontneau stated that this can go back to public hearing in October so that it can be reviewed by the town attorney. G. Rooke-Norman stated that the frontage issue and this issued can be worked and presented for October.

7. Additional Business:

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

G. Rooke-Norman stated that there are changes here in the read along. He explained the changes to the commission.

6.2.5 Liquor Stores as Retail sales. C. Fontneau stated that there was a question of whether the 1000 feet was within another liquor store or a parcel that contains a liquor store. G. Rooke-Norman stated that there was case law and he should check with the town attorney for what the courts have determined.

13.7 Performance guarantee. C. Fontneau explained that this was to clarify the construction bond and inspection issues so that the applicant and staff will have a clearer idea of what was required. He stated that there would be a Site Restoration Fund and a second fund, Site Infrastructure Fund that included 3 percent of the total cost would be taken to pay the town engineer directly. L. Laidley asked if there was wording regarding the reductions the bond during construction process. C. Fontneau stated no but we could put bounds where the site restoration fund where it is under \$50,000 than there is no reduction of the bond until the work is completed. He stated that if it is over \$50,000 than it can be reduced when half the work is

done. M. McKinney suggested putting a limit on the number of draws and not on a specific amount of money. C. Kinnie agreed with not having a specific amount of money.

C. Fontneau explained that the inspection fee is self-policing where any monies left over would be returned. He stated that 3 percent of the total amount would be a reasonable percentage. G. Rooke-Norman stated that the Site Restoration Fund and a Performance Guarantee and 3 percent of the Site Infrastructure Funds. She was concerned that 3 percent would not be enough because of the erosion and sedimentation controls and drainage if a site must be stabilized. She felt that 3 percent was too low. C. Fontneau stated that 3 percent is for the inspection fees by the engineer of which the town will pay the engineer. There was discussion of this matter including that the engineer has to bill the client and when the engineer represents the town, the engineer has to bill the town.

M. McKinney stated that 3 percent of the entire value of the project must be held until you get the entire bill. C. Fontneau stated that the bills are paid by the 3 percent. G. Rooke-Norman stated that the performance bond is only 3 percent. C. Fontneau stated that for the infrastructure fund is 3 percent of a large total used for inspection fees and not used for improvements that the town would never have to do. G. Rooke-Norman stated that if the construction was abandoned, it includes the erosion and sedimentation controls that would have to be completed. M. McKinney stated that it should be a line item. G. Rooke-Norman stated that 3 percent is the bond but that she did not know why we were doing this. There was discussion of this matter including that more information is being asked and separating out two parts for site restoration and for site infrastructure.

M. McKinney stated that to put a percentage when we don't know the total cost of the job, we're given a breakdown of the total cost and we take the total amount or we discount it; and asked what they do this in other towns. C. Fontneau stated that he asked the engineers and they told him that it was 3 to 5 percent for the inspections. G. Rooke-Norman asked what the percentage of the total bond was, not the percentage of the inspection fees; and what to they bond that the town holds for a performance guarantee. C. Fontneau stated that it would be the Site Restoration Fund that would be your performance bond. There was discussion of this matter.

G. Rooke-Norman suggested that the categories of Site Restoration Fund and second category for Site Infrastructure Fund and these will be compounded with onsite and offsite subcategories. She suggested that the Site Restoration Fund should be funded 100 percent bonded and that the Site Infrastructure Fund should be a minimum of 50 percent bonded with the commission having the discretion to reduce it down to 15 or 20 percent depending on the circumstances of each application. G. Rooke-Norman stated that the definition of Site Restoration is incomplete because if drainage is needed to stabilize the site it does not account for that if the project is not completed by the developer. There was discussion of this matter.

C. Kinnie stated that the negotiations we had before it makes it difficult and arbitrary in the past. G. Rooke-Norman stated that it would be nice if there were guidelines to follow for Site Restoration and inspections. H. Edge stated that she felt that the 3 percent was in addition to the other two funds. G. Rooke-Norman stated that the infrastructure is not being bonded at all. C. Fontneau stated that there are erosion and sedimentation controls that are a component in the infrastructure and a component of the restoration fund. G. Rooke-Norman stated that if the developer abandons the property at a crucial point if the culverts and drainage has not been installed what he would call that expense. C. Fontneau explained that the Site Restoration Fund would be grading the site, filling in culverts that were put in so there is no concentration of flow and seeding to restore the vegetative site if the project fails; you wouldn't complete any drainage, you would work around to restore the site to stabilize with a review by the engineer to stabilize the site. G. Rooke-Norman stated that the Site Restoration funded estimate would be different depending at what stage the site was abandoned. C. Fontneau states that you would have the maximum amount should the project fail at the beginning. There was discussion of this matter including that there should be an engineer consultant to help write this regulation.

H. Edge stated that she liked holding funds for inspections were a good idea. G. Rooke-Norman stated that there won't be arguments of whether someone was overcharged.

15.3.7 Message Board Signs. G. Rooke-Norman asked if there was anything different. C. Fontneau stated this was basically the same except the messages are not active except for the time and temperature **and an emergency alert.** between 11 pm and 5 am

15.4 Signs on Town-owned property. C. Fontneau stated that he had some confusion about what the commission wanted with this regulation regarding sponsor signs where we regulate on only one side of a fence or building; or why regulate it at all. G. Rooke-Norman stated that we don't regulate at the ball fields. C. Fontneau stated that the regulations are permitted regulations and those that aren't in the regulations are not permitted. G. Rooke-Norman stated that signage on little league fields, soccer fields football fields. M. McKinney stated that if the signs face inside the field shouldn't be regulated. G. Rooke-Norman stated that we don't want to start regulated those signs. G. Rooke-Norman asks C. Fontneau to find a way to exempt out the athletic fields. She stated that we regulate the entrance signs to the site; we never intended to regulate sponsor signs. G. Rooke-Norman asked if the signs were on the ball field enclosure. There was discussion of this matter.

M. McKinney stated that the signs at the school should be ground signs and not sticking up in the air. There was discussion of this matter. H. Edge asked 6 ft was the top of the sign or the bottom of the sign. C. Fontneau stated that that would be the top of the sign. D. DeGuire stated that 6 feet should be the maximum height.

C. Fontneau stated that there were changes in the borough regulations. G. Rooke-Norman asked the members to bring the read a long home and the regulations that at closes to being done can go to hearing in October. L. Laidley stated that the multi-family residences around the one that was restored should be on for October.

B. Discussion of the April 12, 2010 Minutes relating to the SRS Travel Center site plan modifications.

G. Rooke-Norman asked if everyone listed to the minutes. M. McKinney stated that we have already gone down the path and we should approve the minutes. M. McKinney made a motion to re-approve the minutes of April 12, 2010. C. Kinnie seconded the motion. There were 5 aye votes and 1 nay vote.

C. Discussion of Sample Free-Split Parcel Review Form.

G. Rooke-Norman stated that this form should have a few small changes. C. Fontneau stated that there is nothing in the regulations that requires a free split to come in for review. He stated that he had some language last year that the commission didn't use. P. Zvingilas stated that he asks the attorney to certify to him that the free split meets all the zoning requirements; and I am relying on the attorney. G. Rooke-Norman stated that there should be a signature block that includes a declaration that I the property owner and applicant certify that to the town of Griswold that the parcel in question provides a free split. There was discussion of this matter. G. Rooke-Norman stated that there should be language in the regulations for a free split that the owner doesn't get the approval then they are moving ahead at their peril. . G. Rooke-Norman asked C. Fontneau to provide the language from last year for the commission's review and add the form.

8. Old Business

9. New Business:

D. DeGuire stated that we should appoint someone to the space needs committee. L. Laidley stated that he was interested in this committee. M. McKinney made a motion to

nominate L. Laidley to the commission's representative to the space needs committee. C. Kinnie seconded. All were in favor. The ayes carried.

10. Reports from the Enforcement Officer:

P. Zvingilas stated that we discussed his item earlier in the meeting.

M. McKinney asked if we are still discussing blight ordinances. We've been going back and forth on this. G. Rooke-Norman stated that we received a letter from Mr. Sylvestre to address the photographs of blighted areas. She stated that the blight ordinance is in the purview of the Board of Selectmen and she and Carl are writing a letter to the BOS in this matter.

11. Adjournment:

G. Rooke-Norman asked for a motion to adjourn. H. Edge made a motion to adjourn. D. DeGuire seconded the motion. All were in favor. The meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary