



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### PUBLIC HEARING & REGULAR MEETING MINUTES

AUGUST 10, 2009

GRISWOLD TOWN HALL

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

##### 1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 6:42 p.m.

##### 2. Roll Call:

**Present:** Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie, Member Daniel DeGuire, Alternates Barbara Lukens, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

**Absent:** Member John Taylor, Alternate Andrew Drobiak

##### 3. Determination of Quorum:

G. Rooke-Norman appointed B. Lukens to sit for J. Taylor. There is a quorum for this public hearing.

##### 4. Matter Presented for Public Comment:

**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 asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was represent JHB, LLC and that the applicant was present. J. Faulise submitted the abutters notification packet. G. Rooke-Norman asked if it was his representation that all who were entitled to be noticed were noticed. J. Faulise stated yes. J. Faulise submitted letters of authorization from Nelson Rodriguez, and Jim Bliss to act as agent. He submitted an curb cut approval letter from CTDOT; a letter of approval from the Sanitarian; and a letter dated 6/23/09 from WEO Peter Zvingilas for wetlands official ruling.

J. Faulise explained the location of the property and that the parent parcel was 11.16 and creating lot 1 of 40,000 s.f. with 150 ft. frontage. He explained the location of the driving range in relation to this new lot. He explained the site plan sheet bulk requirements There was discussion of this matter including the possibility of one remaining lot that can be subdivided from the parent parcel.

C. Kinnie arrived at 6:50 p.m.

G. Rooke-Norman asked for questions or comments from members, staff or the general public. There were no comments. She asked for a motion to close the public hearing. M. McKinney made a motion to close the public hearing. B. Lukens seconded the motion. The public hearing closed at 6:55 p.m.

## II. **PUBLIC HEARING (6:45 P.M.)**

### 1. **Call to order:**

Chairperson G. Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 6:55 p.m.

### 2. **Roll Call:**

**Present:** Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie, Member Daniel DeGuire, Alternates Barbara Lukens, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

**Absent:** Member John Taylor, Alternate Andrew Drobiak

### 3. **Determination of Quorum**

G. Rooke-Norman appointed B. Lukens to sit for J. Taylor. It was determined that there is a quorum for this public hearing.

### 4. **Matter Presented for Public Comment:**

**A. 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.

G. Rooke-Norman asked if there was someone to represent the applicant. Joseph Nowakowski presented his application. He explained that his is asking for a special exception for Section 6.3.3 for an accessory use of a residence. He stated that there is a site plan and photographs in the file. He explained that he is asking for waivers for Section 12, 11, and 13.

G. Rooke-Norman asked if this was the former residence of T. Giard. C. Fontneau stated yes. There was discussion of this matter that the use was changed from a residential use to a commercial use when it was Pappas Realty.

G. Rooke-Norman asked if the residence would have the office. P. Zvingilas stated that the house has four bedrooms and one will be used as an office. J. Nowakowski stated that he wanted to live in the house and have one of the four bedrooms as an office for his painting business. He stated that his painting supplies and equipment will be located in the garage that is attached to the house by a breezeway. He stated that his vehicles will be parked in the yard. B. Lukens asked if the office was for recordkeeping. J. Nowakowski stated yes and there will be file cabinets, a telephone, fax machine and answering machine. He explained that his business is out of the office since he goes to customers' homes and businesses.

G. Rooke-Norman stated that this was owned by Michael Pappas and if there was a letter in the file for J. Nowakowski to act as agent. J. Nowakowski stated that Mr. Pappas signed the application. G. Rooke-Norman asked if he had the abutters' notifications. J. Nowakowski stated no and explained that he did not have the certified mail receipt. There was discussion of this matter.

G. Rooke-Norman stated that we will have to continue this public hearing and that Mr. Nowakowski notice the abutters by certified mail as pursuant the regulations; and that he obtain a letter from Mr. Pappas to act as his agent in this matter. D. DeGuire asked that Mr. Nowakowski bring the figures for the square footage of the house, the square footage of the office space, and the square footage of the garage for the next meeting.

J. Nowakowski asked if they can discuss his waiver requests. G. Rooke-Norman stated that we will deal with the waivers at the continued public hearing after the abutters were notified.

M. McKinney made a motion to continue SE 05-09 to September 14, 2009 at 6:45 p.m. B. Lukens seconded the motion. All were in favor. The ayes carried.

### **III. REGULAR MEETING (7:00 P.M.)**

#### **1. Call to order:**

G. Rooke-Norman called this regular meeting of the Griswold Planning and Zoning 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, s, Barbara Lukens, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

**Absent:** Member John Taylor, Alternate Andrew Drobiak

#### **3. Determination of Quorum:**

G. Rooke-Norman appointed B. Lukens to sit for J. Taylor. There is a quorum for this regular meeting.

#### **4. Approval of Minutes:**

- A. Approval of Minutes of the Special Meeting of June 29, 2009
- B. Approval of Minutes of the Regular Meeting of July 13, 2009
- C. Approval of Minutes of the Special Meeting of July 15, 2009

G. Rooke-Norman asked for approval of the minutes. D. DeGuire made a motion to approve the minutes of June 29, 2009 and July 13, 2009. M. McKinney seconded the motion. All were in favor. The ayes carried. M. McKinney stated that the minutes for July 15, 2009 were not in the agenda packet. He made a motion to table the minutes of the special meeting of July 15, 2009 to the next regular meeting on September 14, 2009. B. Lukens seconded the motion. All were in favor. The ayes carried.

#### **5. Correspondence and Attachments:**

G. Rooke-Norman stated that there was a letter from Attorney Duda. She read this letter for the record regarding the revocation of the special exception approval for Lee Sweet and Paul Charette. There was discussion of this matter. M. McKinney made a motion to table this matter to the new business section or until a representative arrives. D. DeGuire seconded the motion. All were in favor. The ayes carried.

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 was a prior public hearing tonight that was closed. There was discussion of this matter. M. McKinney made a motion to approve SUB 03-09 JHB, LLC as presented. B. Lukens seconded the motion. There were for aye votes and 1 abstention.

**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.

G. Rooke-Norman asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC and Jim Bliss owner of JB Rope Supply were present. J. Faulise explained that the commission was familiar with this application from the subdivision. He submitted a letter of authorizing him as agent; a letter of a wetlands official ruling from the WEO dated 6/28/09; an approval letter dated 6/30/09 from CTDOT for a stop bar and painted double yellow line in the driveway; an approval letter dated 6/29/09 from the Health Department

J. Faulise explained the location of the site off of Route 138 that will have a 4,050 sq. ft. building for JB rope Supply. He explained the pave access, and parking for 7 vehicles, and the loading area, utilizing forklift trucks to bring deliveries into the building is on the side of the building in the middle of the site. He explained the paved area location and the processed gravel areas for the employee parking and the delivery vehicles and that the delivery vehicles can drive around the building so there will be no trucks backing up.

J. Faulise explained that the septic system is adequate for this site and does not require an engineered system because of the gravel base. He explained that the paved area will sheet flow to the gravel swale on one side of the property and a vegetative swale on the other side of the property.

J. Faulise explained that the drainage calculations were reviewed by CLA engineering and the 3 review comments were addressed and were sent back for review by CLA on 7/31. He submitted a copy of additional drainage calculations for the record. There was discussion of this matter.

J. Faulise submitted the lighting information consisting of fixed cut off lamp posts and hooded lights. He stated that there would be soffit lights in the porch area. There was discussion of this matter.

G. Rooke-Norman asked about the employee parking area. J. Faulise stated that the required parking spaces were based on an 810 s.f, display area with one space per employee and there are 11 spaces as required.

J. Faulise explained the rope product, and that all the work was performed by hand. There was discussion of this matter. G. Rooke-Norman asked about the sides of the building. J. Faulise explained that the front of the building will be vinyl-sided to have the look of clapboards and the steel side walls will be smooth. There was discussion of this matter including a photograph of what the building will look like.

J. Faulise explained that the driveway will be gated to keep the public out of that area. G. Rooke-Norman asked about access by tractor trailers. J. Faulise explained that the area was designed so that tractor trailers can negotiate the turns around the building and that the driveway will be gravel.

J. Faulise explained the details of the drainage swales, curb stops and proposed signage which will be a 4 x 8 foot sign. He explained the landscaping and the lawn area and that a 30 inch maple and some cedar trees will remain. He stated that the proposed well is in the front of the building.

P. Zvingilas asked if the porch was part of the square footage of the building. J. Faulise explained that it was not part of the square footage but that the handicapped parking areas would go directly to the porch.

J. Faulise stated that the letter from the Fire Marshal and he read it for the record stating that there was no space for emergency vehicles to turn around on the site and a fire lane should be considered. He explained that the site was designed with 360 degree for tractor trailer traffic to drive around the site. C. Fontneau stated that he received an e-mail from Bob DeLucca from CLA engineering regarding the turning radius for emergency vehicles and that the two gates can be opened with a universal key for the fire trucks. There was discussion of this matter including the width of the grave driveway on the side being 22 feet for two-way traffic.

J. Faulise stated that Bob DeLucca of CLA Engineering reviewed the bond estimate and found it to be acceptable, that it included the erosion and sedimentation control measures, site preparation, earthwork, drainage, utilities, paving, site restoration landscaping and signage and paint striping. He read a letter for the record for the commissioners' consideration for a more user friendly bonding process citing that the bond is set for \$9216.32 in lieu of the \$45,000 amount. He explained that the bond amount requested for \$9216.32 would be adequate for this type of development with erosion and sedimentation controls at \$1200; and with site restoration as the bulk of that money to stabilize the site. G. Rooke-Norman asked where the top soil would be stored. J. Faulise stated that the top soil will be stockpiled on site. There was discussion of this matter that this would be a test case for not bond for the entire amount. M. McKinney suggested 1 and 1/2 times for the bond. G. Rooke-Norman suggested an amount of \$16,000.

G. Rooke-Norman voiced her concerns that letters from Bob DeLucca and the Fire Marshal are still needed. C. Fontneau stated that the letters should be received by the Fire Marshal and Bob DeLucca before the building permit is issued. There was discussion of this matter.

G. Rooke-Norman asked if the \$16,000 would be a cash bond. J. Faulise stated that the e & s control measures is \$1200 and the site restoration is the bulk of the remainder. There was discussion of this matter. J. Faulise suggested that a portion be cash and the remainder can be an irrevocable letter of credit. J. Bliss stated that he was agreeable.

G. Rooke-Norman asked for a motion. B. Lukens made a motion to approved ZP 08-09 with a \$16,000 combination of security which is to consist of a \$6,000 cash bond, and a letter of credit in the amount of \$10,000 and to instruct the ZEO that no building permits shall be issued or approved until a letter from the Fire Marshal and a letter from the engineering consultant have been received and submitted to the file. M. McKinney seconded the motion. All were in favor. The motion was carried.

G. Rooke-Norman instructed C. Fontneau to ensure that the letters from the fire marshal and the consulting engineer are in the file as soon as possible.

**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.

G. Rooke-Norman stated that the public hearing for this application was continued to September. M. McKinney made a motion to table SE 05-09 to the next regular meeting on 9/14/09. D. DeGuire seconded the motion. All were in favor. The ayes carried.

## **7. Additional Business:**

**A. Request from Jeffrey Burkart for review of a site plan modification for ZP 02-09 located at 5 Business Park Way and a further reduction in the letter of credit.**

G. Rooke-Norman asked if the application was present. Jeffrey Burkart, Beacon of Hope, 5 Business Parkway, explained the changes made to the site plan. He explained that he would like a waiver to replace arbor vitae with deciduous plantings since the lot behind him is not a residential lot but a commercial lot so the site was not clear-cut. C. Fontneau explained that the buffer requirement was for a residential lot but it is a commercial lot so he is asking to waive installation of arbor vitae. There was discussion of this matter including how the lay of the land was on that site.

J. Burkart explained that the required 18 parking spaces on the original site plan were not needed for his business; he installed 10 parking spaces that included one handicapped parking space based on the actual use of the building. J. Burkart stated that he wanted to leave a natural buffer. M. McKinney asked if the dumpster enclosure was completed. J. Burkart stated that the enclosure was not there but that the pad was poured. B. Lukens asked if there were photographs in the file. J. Burkart stated no. There was discussion of this matter.

D. DeGuire suggested that the commission look at this site. G. Rooke-Norman stated that it is rare that the commission eliminates plantings that have been approved previously when the plantings act as a buffer to a residential use. J. Burkart stated that all the planting are there other than the arbor vitae. P. Zvingilas asked if there was another lot between his lot and Edmond Road. J. Burkart stated that it was a small corner piece that isn't a building lot and that it has a shed on it now. P. Zvingilas stated that that was zoned commercial all the way to Edmond Road so it is not a residential lot adjacent to the Burkart lot. There was discussion of this matter.

D. DeGuire made a motion to have a site walk to survey the subject property. M. McKinney seconded the motion. There was discussion of this matter. G. Rooke-Norman stated that the commissioners will walk the site individually before the next regular meeting. J. Burkart stated that it would be fine for the commissioners to look at his site. All were in favor. The ayes carried.

B. Lukens made a motion to table ZP 02-09 to the next regular meeting on September 14, 2009. D. DeGuire seconded the motion. All were in favor. The ayes carried.

J. Burkart asked if he could have his reduction of the letter of credit. G. Rooke-Norman stated that this would be done at the next meeting. There was discussion of this matter. B. Lukens stated that we should look at the site first. There was consensus by the commission to look at the site first. J. Burkart gave his phone number to the commissioners if they have questions for J. Burkart when they would review the site.

**B. Discussion of Zoning and Submission updates for the next three months.**

C. Fontneau stated that there were sections in the regulations that were not enacted these can be worked on in the next three months. G. Rooke-Norman asked C. Fontneau to prepare a list to look at changes in September and the commission needs some time to review additional changes and we don't want to get into a do over. She stated that the people need consistency, safety and security in regulations that they can rely on and not be changing in six months so we will look as those changes that cannot be let go. There was discussion of this matter including zoning map changes.

G. Rooke-Norman stated that there should be something that goes out in the tax bills or on the website that the people can be noticed that the zoning map has changed to see that there lot has been zoned correction. There was discussion of this matter. P. Zvingilas suggested that

the Commission and initiation a zone change if there was a problem and the burden will not be on the property owner. G. Rooke-Norman stated yes if it was our error.

8. **Old Business**

9. **New Business:**

A. Discussion of correspondence from Attorney Richard Duda regarding Sweet and Charette.

C. Fontneau explained that this letter is a response to resolve the lawsuit because of a lack of notice of a public hearing of the small engine repair by one of the condominium owners. He stated that to revoke the special exception, the town attorney said a public hearing was necessary. There was discussion of this matter including that the applicant will pay the public hearing notice.

G. Rooke-Norman asked for a motion to set a public hearing. C. Kinnie made a motion to set a public hearing at 6:40 p.m. on September 14, 2009 for Sweet and Charette to revoke a special exception that was granted on April 25, 2008. B. Lukens seconded the motion. There were 4 ayes votes and 1 nay vote. The ayes carried.

G. Rooke-Norman stated that there was another post agenda item. C. Fontneau stated that there was a late application submitted on Friday for a zoning permit that the commission can put on the agenda. G. Rooke-Norman stated commission members agreed that the applicant will have 15 minutes to give a general explanation of the changes and that no decision will be reached tonight. She stated that commission members indicated to her that they have been overly accommodating with after agenda additions that it has become burdensome to the commission. She stated there is a 10 day rule in our regulations that will be strictly enforced; and the planner will not bring this issue to the commission in the future.

**B. ZP 01-10 DELMAC, LLC a site plan change requested under Section 13.9**

G. Rooke-Norman asked for someone to represent the applicant. John Faulise was representing DELMAC, LLC. He explained that the changes were revised by McFarland Johnson and he is working with them to represent these changes to the commission. He submitted the plan the commission. He explained that changes are to the canopy over the pump stations for the gasoline station. He showed the changes to the car wash for the building which change from goes 34 ft to 50 ft in length to the west, the location does not change. He stated the increase is to 800 sq. ft. and 30 percent. There was discussion of this matter.

He explained the changes to the canopy of the pump islands that will be reduced from 135 feet to 130 feet in length. The spacing between the pump island swill be reduced by 1 foot each pump to pump. The connector from the pump island canopy to the building will be removed from attachment to the building. He submitted a copy of the style of the canopy that will not change. G. Rooke-Norman asked where the diesel pumps located. J. Faulise stated they are on the extreme end of the canopy and it is impossible for a tri-axle to maneuver in this area. C. Fontneau stated that there is proposed signage that truck traffic is not allowed. D. DeGuire asked how fuel will be delivered. J. Faulise stated that delivery of fuel is not scheduled during peak business hours and usually is at night or early in the morning. There was discussion of this matter.

J. Faulise explained the modifications to Sheet 2 for landscaping to maintain visibility where 7 crabapple trees will be removed on route 164 and will be replaced 3 with maple leaf viburnum shrubs 3-6 ft in height which will increase visibility of the site from the road. J. Faulise explained that there is a 2 ft berm where the plantings will create a four-foot coverage for headlights. He explained that there is a tree that will be removed for safety on the site at the corner of the

island where the drive-through lane is located and the tree obstructs the site line for two-way traffic. There was discussion of this matter.

He stated the letter refers to reductions in bondings for this site and the hotel site; the bond was for this site was \$467,000 that included all the infrastructure, and construction of the water quality ponds and detention basins on page two of the bonds in the e & s portion. He identified the reduction for this site in the amount of 48,600 and a reduction for the hotel site for 45,000 for e & S measures. He explained how these figures were obtained as the sites will be developed by different developers. He stated that the water quality basins and detention basins to cover the drainage so that the 100,000 bond will be split between the gas station project and the hotel project. He explained that there will be a change for the signage at a later time. J. Faulise stated that these medications are minor in nature.

G. Rooke-Norman stated that the drainage and e & s the detention basin and water quality basins would be done for the hotel, gas station and car wash. J. Faulise explained that the site is in two halves for drainage structures and showed their locations. There was discussion of this matter including the review of the original file for this project.

G. Rooke-Norman stated that this bonding should be reviewed by the town engineer, and and that there is the potential for major problems that may need to be fixed. She stated that there must be a public hearing and site plan review to get public input from adjacent property owners. There was discussion of this matter.

M. McKinney stated that the canopy and the tree are not a problem. G. Rooke-Norman asked if this canopy height changed. J. Faulise stated that the height has not changed and that the canopy will be over the fueling space; and that there will be signage.

C. Kinnie stated that the shrubs should be evergreens or conifers at 3-4 feet in height. There was discussion of this matter including that there is a maximum height for headlights and will get statistics.

C. Fontneau stated that Section 13.9 regarding substantial modifications. J. Faulise stated that the canopy and plantings are not substantial and need review by the engineer. There was discussion of this matter. G. Rooke-Norman stated that if the original application required that the drainage and detention basins would be done constructed when the first project started. There was discussion of this matter. G. Rooke-Norman stated that we can work with the applicants on the phasing on this project and we are trying to look at cash bonds and irrevocable letters of credit in phases.

B. Lukens made a motion to table ZP 0110 to the next regular meeting on September 14, 2009.  
D. DeGuire seconded the motion. All were in favor. The ayes carried.

**C. Discussion of a letter requesting an extension to file the Mylar plans for the Richard Malek subdivision.**

John Faulise explained that an extension was needed to file the Mylar plans because they are waiting for language fro the driveway easement from the attorney. There was discussion of this matter.

M. McKinney made a motion to grant a 90 day extension for the Richard Malek subdivision, SUB 02-09. B. Lukens seconded the motion. All were in favor. The ayes carried.

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

**A. Report on Rhea Street for Connecticut State Law regarding junkyards.**

G. Rooke Norman stated that in her letter to Normand Sylvester that the commission will give Mr. Aubin 90 days from today to clean up the site or a cease and desist notice will be issued to Mr. Aubin. M. McKinney suggested that if there is progress that this can be extended again. G. Rooke-Norman stated that if 90 days and come by and that he must come to the commission for extension requests after 90 days; Mr. Aubin must be proactive in this matter. P. Zvingilas stated that the town attorney told him that this was a pre-existing condition there. G. Rooke-Norman stated that she would like Mark Branse to put that in writing to the commission. There was discussion of this matter. P. Zvingilas stated that he will follow the commission's instructions; and he will try to get something in writing. G. Rooke-Norman wanted on the record for P. Zvingilas to send a letter to Mr. Aubin that he has 90 days to comply or a cease and desist order will be issued. P. Zvingilas stated that he will get something from Attorney Branse for next month. G. Rooke-Norman stated that she can agree with 120 days and Attorney Branse to give the commission something in writing based on all the facts.

M. McKinney made a motion to instruct Peter Zvingilas to send a letter to Mr. Aubin that there is a potential violation for 120 days from August 10, 2009 to clean up the site and the possibility of another 120 day extension, and to obtain a ruling from Attorney Mark Branse in writing of where the commission stands, and the potential for a cease and desist ordered to be issued. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked about Patrillo's garage. C. Fontneau explained that a lieutenant from the DMV called concerning a letter from Peter Zvingilas. C. Fontneau stated that a letter on town letter head regarding a valid license for repairs. There was discussion of this matter. G. Rooke-Norman asked P. Zvingilas to follow up on this matter.

G. Rooke-Norman asked for new copies of the zoning regulations and subdivision regulations to the commission.

**11. Adjournment:**

G. Rooke-Norman asked for a motion to adjourn. C. Kinnie made a motion to adjourn. M. McKinney seconded the motion. All were in favor. The meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary