



Town of Griswold



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Griswold, CT 06351
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GRISWOLD PLANNING & ZONING COMMISSION

REGULAR MEETING MINUTES

AUGUST 13, 2012

GRISWOLD TOWN HALL

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

1. Call to Order

A. M. McKinney called this public hearing to order at 6:30 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, Town Planner Carl Fontneau, ZEO Peter Zvingilas Recording Secretary Donna Szall

Absent: Lawrence Laidley, Erik Kudlis

3. Determination of Quorum

M. McKinney appointed C. Geer to sit for L. Laidley and B. Hull to sit for E. Kudlis. There was a quorum for this public hearing.

4. Matter Presented for Public Comment

A. **ZP 09-12 LaPorte, Randy, 71 East Main Street, CT 06351.** Requesting approval of a Zoning Permit for a home occupation for a reptile breeding and housing facility. Property is zoned BRC.

M. McKinney stated that we cannot bring up this item tonight since the attorneys are not present. C. Fontneau stated that there is a letter in the file from Attorney Norman asking that this public hearing be continued to September 10, 2012. M. McKinney asked for a motion.

MOTION: D. DeGuire made a motion to continue this public hearing to 6:30 p.m. on September 10, 2012. C. Kinnie seconded the motion. All were in favor. The motion was carried.

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

1. Call to Order

A. M. McKinney called this public hearing to order at 6:45 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, Town Planner Carl Fontneau, ZEO Peter Zvingilas Recording Secretary Donna Szall

Absent: Lawrence Laidley, Erik Kudlis

3. Determination of Quorum

M. McKinney appointed J. Kreuger to sit for L. Laidley and C. Geer to sit for E. Kudlis. There was a quorum for this public hearing.

4. Matter Presented for Public Comment

A. SE 06-12 Abraham V. Abraham, 16A Vinton Road, Charlton, MA 01507. Property location: 136 Preston Road, Griswold. Requesting approval of a Zoning Permit for the sale of beer at Petro Max. Property is zoned C-1.

M. McKinney asked if there was someone to represent the applicant. Abraham Abraham, 16A Vinton Road, Charlton, MA presented is request for a zoning permit.

A. Abraham explained that he has a gas station and convenience store which is 3600 sq. ft. and we have applied for a beer permit. He stated that we are here because we need a variance to sell beer. He explained that the town will have no problem with him regarding state laws with regard to the beer. M. McKinney asked if he is planning to add signs. A. Abraham stated no.

D. DeGuire asked if the mailings went out. A. Abraham stated yes. D. Szall stated that they are in the file. M. McKinney asked if it was his representation that the abutting property owners were notified. A. Abraham stated yes.

M. McKinney asked C. Fontneau if more information was needed. C. Fontneau stated that for this special exception, he should ask for all the waivers for all the special exception requirements since this is a new building. C. Fontneau stated that 7.3.22 for a special exception for selling beer and it is 500 feet from the next parcel selling beer. There was discussion of this matter including that the town checks for zoning compliance. M. McKinney asked if the fire marshal and the health department need to sign off on this. C. Fontneau stated the special exception is a use permit and putting a beer cooler means plugging it in. Clara Pazillo showed the floor plan to the commission.

M. McKinney asked for questions from the commission. C. Geer stated that this conforms to the regulations for the zone. C. Fontneau explained that it is in the C-1 and C-2 zone. He explained that this was changed to a special exception and that it is overkill for a public hearing so this should be changed to a zoning permit. M. McKinney stated that this should require some oversight. C. Fontneau stated that his was done under retail sales and was changed last for to hold a public hearing. He stated that a zoning permit allows for the Zoning Enforcement Officer to approve the use and that this should be changed in the future. There was discussion of this matter.

M. McKinney asked for any comments for or against from the public. He asked for a motion to close the public hearing.

MOTION: C. Kinnie made a motion to close this public hearing. D. DeGuire seconded the motion. All were in favor. The motion carried.

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

1. Call to order:

M. McKinney called this regular meeting to order at 7:00 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Daniel DeGuire, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, Town Planner Carl Fontneau, ZEO Peter Zvingilas Recording Secretary Donna Szall

Absent: Lawrence Laidley, Erik Kudlis

3. Determination of Quorum

M. McKinney appointed C. Geer to sit for E. Kudlis and J. Kreuger to sit for L. Laidley. There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of July 9, 2012

M. McKinney asked for a motion to approve the minutes.

MOTION: D. DeGuire made a motion to approve the minutes of July 9, 2012. C. Geer seconded the motion. All were in favor. The motion was carried.

5. Correspondence and Attachments

A. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Summer 2012, Volume XVI, Issue 3

C. Fontneau stated that this was informational for the commission.

6. Matters Presented for Consideration

A. **ZP 09-12 LaPorte, Randy, 71 East Main Street, CT 06351.** Requesting approval of a Zoning Permit for a home occupation for a reptile breeding and housing facility. Property is zoned BRC.

M. McKinney asked for a motion to table this matter.

MOTION: C. Kinnie made a motion to table ZP 09-12 to the regular meeting of September 10, 2012. D. DeGuire seconded the motion. All were in favor. The motion was carried.

B. **SE 06-12 Abraham V. Abraham, 16A Vinton Road, Charlton, MA 01507. Property location: 136 Preston Road, Griswold.** Requesting approval of a Zoning Permit for the sale of beer at Petro Max. Property is zoned C-1.

M. McKinney asked for questions from the commission. B. Hull asked what space will be utilized. M. McKinney stated that it would be a couple of existing coolers for the beer. There was discussion of this matter. M. McKinney stated that he thought that it was a minimal use for the location. He asked if it meets all the zoning requirements. C. Fontneau stated that the special exemption requirements should be waived because it is an existing building with existing materials.

MOTION: D. DeGuire made a motion to waive the special exception requirements and to approve SE 06-12 as presented. C. Geer seconded the motion. All were in favor. The motion was carried.

C. **SUB 01-13 Rothstein, Richard I. 121 Broadway, Norwich, CT 06360. Property location: 376 Rixtown Road, Griswold.** Requesting approval of a 4 lot subdivision of consisting of 12.25 acres. Lot 1: 2.28 ac, Lot 2: 2.00 ac.; Lot 3: 2.01 ac; Lot 4: 2.05 ac. Property is zoned R-80.

M. McKinney asked if there was someone to represent the applicant. C. Fontneau explained that he received a call that Mr. Rothstein and the surveyor could not be here tonight and asked that the application be table to the next regular meeting. He stated that we could not act on it since it is pending wetlands approval. C. Fontneau explained that there was open space that was to be conveyed Avalonia Trust when the gravel excavation was approved and they are anxious to get this open space land that runs along Billings Brook for this subdivision. C. Fontneau stated that it appears to be zoning compliant with our subdivision regulations including the common driveway. B. Hull asked if they have the required street frontage on Rixtown Road. C. Fontneau stated that they have the frontage for a common driveway. M. McKinney asked for a motion to table.

MOTION: D. DeGuire made a motion to table SUB 01-13 to the regular meeting of September 10, 2012. C. Kinnie seconded the motion. All were in favor. The motion carried.

7. Additional Business

C. Fontneau stated that there was an official ruling that came up last week from the Town of Griswold Board of Education OR 02-13. C. Fontneau stated that it is in the read-along. P. Zvingilas explained that the application came in with an application from the state that day cares are allowed in that zoning. He stated that day cares are not allowed in the residential zones. He stated that they gave it another name so that it would qualify under the board of education. John Faulise, Boundaries, and John Dilorio, acting superintendant of schools and members of TVCCA explained that the wording regulations are not consistent with the State application for educational program. He stated space is for two rooms in the existing high school used for preschool programs by the public schools which is a licensed and accredited through National Association for the Education of Young Children (NAEYC) as is TVCCA who is accredited and licensed with NAEYC and the State. He stated that there is a space for the Zoning Officer for zoning compliance. J. Faulise stated that the regulations do not define day cares or preschools that create a problem for the zoning officer since it is not in the regulations.

P. Zvingilas stated that Care-alot was given a zoning permit for a before and after school program to operate but it did not qualify as a day care center. P. Zvingilas stated that the TVCCA program will run through the summer too. The TVCCA representative stated yes and that it is for 3 to 4 years from 7 am to 5 p.m. There was discussion of this matter.

J. Faulise stated that the school has a special permit to operate in the R-40 zone. D. DeGuire stated that this is a school. J. Faulise stated yes. J. Faulise stated that we are looking for the commission to agree that this is an educational institution that will operate in the same location that operated there before. M. McKinney asked if it will be getting larger. J. Faulise stated that it will operate in two rooms. C. Fontneau stated that Care-a-lot will be moving to the elementary school from the high school. He stated that the TVCCA program will be an open enrollment. John Dilorio explained that Care-alot preschool and after school child care provider who is operating out of the middle school. He stated that they were in the elementary school until the school was demolished. He stated that there were 4 classrooms in the high school for early childhood education; TVCCA will be using the two rooms and two rooms will be vacant. He stated that we are negotiating with them to remain in Griswold so that residents can avail of this program.

M. McKinney stated that you are expanding it and that Care-a-lot will be there as well. J. Dilorio is not a preschool program, they are a before school and after school child care. He stated that the TVCCA Little Learners Program will be a full day program during the school year. M. McKinney asked if this was open to all residents or to Griswold residents. J. Dilorio stated that Griswold residents are the highest priority and then other vacancies can consider other applicants. There was discussion of this matter including that state assistance was given to Griswold for preschool programs which by State statute, they must share with local preschool programs in the area. P. Zvingilas stated that this is the commissions call and that the chairman of the commission can sign the state application. C. Fontneau stated that there is no paper trail for the Care-alot program and where it was located. P. Zvingilas stated that the Care-alot should apply for a new permit. J. Dilorio explained that Care-alot operated in the cafeteria of the elementary school; then it was moved to the middle school during the demolition and construction of the new elementary school; they will be moving back to the elementary school now that the school is completed. He stated that Care-alot was never in the high school, we operated our own pre-school program in those rooms; the TVCCA program is in addition to the school's preschool program because we cannot service all the children in town.

M. McKinney stated that this seemed straight forward to him. C. Kinnie asked if you are just looking for a ruling.

MOTION: C. Kinnie made a motion to grant an official ruling that this use is compliant with the use that was there previously, that it is education and part of the school system, that it will use 2 rooms at the existing facility high school and a possible expansion to four rooms since these four rooms were already used as preschool education. D. DeGuire seconded the motion. All were in favor. The motion was carried. M. McKinney signed the state form.

8. Old Business

A. Discussion of long term needs for revisions to zoning and subdivision regulations.

C. Fontneau stated that there is a lot of information regarding changes for performance guarantees or surety bonds in 2011. He stated that the next legislature in 2012 enacted PA 12-182 that makes our regulations more compliant and we must make some adjustment to the regulations for PA 12-182 which can be discussed at the next meeting where we can create a subcommittee to review the changes.

B. Status of update of 2007 Plan of Conservation and Development

C. Fontneau gave a status report of the GIS mapping is half done and we must start doing the text changes to the PoCD using the 2010 census to update the PoCD for open space and other commission for 2012. He stated that implementation goals need to be changed to include a Village District zone and work with an architectural review board and use a subcommittee be formed in this matter.

8C C. Fontneau explained that the commission needs a response to the Joel Francouer letter regarding the free split was not zoning compliant in 1998 and that the Planning and Zoning Commission never reviewed the procedure for the paperwork recorded by attorneys for this free split. C. Fontneau stated that the minimum lot size was insufficient for the two lots created and that there is not land available to make the lots zoning compliant. C. Fontneau stated that the title insurance and tile searcher on the original deed is in line of liability. M. McKinney stated that Mr. Francouer is asking for

an official ruling. C. Fontneau stated that Mr. Francouer asked for a letter and we can provide a letter. He stated that the he is present. Joel Francouer stated that he would like to letter filed on the land records. He read from his purchase agreement for the record. He explained that the Zoning Board of Appeals granted a variance for an antique shop on this property and he read their approval for the record that there are no other alternatives for the structure but to leave it vacant or to tear it down. There was discussion of this matter including that there are affidavits that the wetlands was filled by the state of Connecticut.

9. New Business

There was no new business.

10. Reports from the Enforcement Officer

P. Zvingilas stated that there is an application from Ricky Landry to set up a concession trailer on the Geer property. We don't have a provision for concession trailers. D. DeGuire asked if it will be there year round. P. Zvingilas stated that it will be used when there is the farmer's market. M. McKinney stated that if it is a registered motor vehicle, our rights are limited; and asked if this is a registered trailer. P. Zvingilas explained that he is doing his homework before going on with this. J. Kreuger stated that there is a trailer near the Yantic Inn. P. Zvingilas stated that it is wood fire pizza. He stated that someone came to see him about a similar pizza trailer but he hasn't heard back.

M. McKinney stated that the commission needs more information to offer an opinion. P. Zvingilas stated that we should get a sight plan for next month. P. Zvingilas stated that there is cease and desist on Tracy Avenue which has been on Norman Sylvestre's list where there are three unregistered lists. He stated that now that there are no tags it makes it harder to tell if they are registered. He stated that we are limited by the state for our right to trespass on property. C. Fontneau stated that the Bozrah Supreme Court decision limits the ZEO power to go on property without a search warrant. There was discussion of this matter.

11. Adjournment

M. McKinney asked for a motion to adjourn. D. DeGuire made a motion to adjourn. C. Kinnie seconded the motion. All were in favor. The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary