



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

REGULAR MEETING MINUTES

SEPTEMBER 09, 2013

GRISWOLD TOWN HALL

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

1. Call to order:

M. McKinney called this regular meeting to order at 7:06 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Lawrence Laidley, Alternates Charlotte Geer, Benjamin E. Hull, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Daniel DeGuire, Erik Kudlis, Alternate James Krueger

3. Determination of Quorum

M. McKinney appointed C. Geer to sit for D. DeGuire and B. Hull to sit for E. Kudlis. There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of August 12, 2013

M. McKinney asked for approval of the minutes of August 12, 2013.

MOTION: C. Geer moved to approve the minutes of August 12, 2013. B. Hull seconded the motion. C. Kinnie and L. Laidley abstained since they were not at the last meeting. There were three ayes and two abstentions. The motion was carried.

5. Correspondence and Attachments

There was no correspondence or attachments

6. Matters Presented for Consideration

A. SRC 05-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD, CT. Draft Regulation Changes to Section 6: C-1 Village Commercial Districts to add Section 6.2.5 Food Vending Operations to provide reasonable standards relative to the accessibility, appearance, and safety regarding mobile commercial food vending operations and to add to Section 21.1 Definitions for Food Vending Vehicle

M. McKinney asked M. Tristany to explain the draft regulations. M. Tristany stated that there have been several calls where someone has wanted to establish some form of food vending operations. He stated that the Commission requested that we do research for a regulation to address food vending regulations. He stated that this regulation should be part of Section 6.2.5 to be permitted in the C-1 and C-2 zone. He stated that this would eventually go to a public hearing. M. McKinney asked if this was as an accessory use or would it be for an empty lot. M. Tristany stated that the intent was to be as an accessory use on a lot to a primary use.

C. Kinnie stated that it says it is an accessory use in Section 6.2.5.3 and he read it for the record. M. McKinney asked if this was also for the borough. M. Tristany stated that it should be for the Borough, it would compete with existing business in the borough. M. Tristany will have regulations for the Borough for the next meeting. L. Laidley stated that the vendor in questions received a permit from the Borough clerk and it did not go before the Burgesses. M. McKinney stated that we should try to protect the existing property owners who pay taxes and he suggested that these regulations should be in the Borough and in the Town to protect the tax payers.

M. Tristany stated that in Section 6.2.6.12 read for the record that the vending permit should be on a temporary basis and at an annual permit fee of \$250. M. McKinney asked if the health fee was paid by us or the vendor. M. Tristany stated that it was paid by the vendor. M. McKinney asked if P. Zvingilas would inspect it. P. Zvingilas stated that he would inspect it if they had power. C. Kinnie had a question about Section 6.2.5.4 regarding only one vending vehicle permitted per parcel and that a parcel can be a very large parcel.. M. Tristany stated that we left that at the discretion of the commission to set a limit of four or five vendors. C. Geer stated that she was concerned because they have a kettle corn vendor at the tree farm as well as the rolling tomato. M. McKinney stated that the number of vendors should be based on the neighborhood in question.

C. Kinnie stated that it should be based on what the vending is and should consider access. M. McKinney stated that this should be reviewed until next month and to address something based on acreage. M. Tristany state that before the vendor would come to the commission, health approvals would be obtained before they came to the Planning and Zoning Commission. M. Tristany stated that in speaking with F red Marzec and that if it was a motor vehicle the fire marshal has no jurisdiction based on information from the State Fire Marshal other than for LP tanks for cooking.

B. Hull asked if there was a fee schedule especially lunch wagons. M. Tristany read the definition of a Food Vending Vehicle. M. McKinney stated that there is a difference between a parade and a vendor location. M. Tristany read the exceptions at the front of the regulations for community special events.

M. McKinney asked about Section 6.2.5.5 what was considered to be all weather parking, gravel or paved. M. Tristany stated that we are not talking about grass. There was discussion of this matter including that there is a more intensity of the use and should be able to handle gravel and should be a dust free surface and that the property owners need to be protected for those who want to enhance their business and should meet certain criteria. M. McKinney stated that Section 6.2.5.5 should meet the health code. M. Tristany stated that we can research whether that health code is still in effect.

M. Tristany stated that we cannot enforce bathroom facilities with the vending trucks. M. McKinney asked if the health code requires bathrooms. P. Zvingilas stated that not for takeout only. L. Laidley stated that there should be portable restrooms. M. McKinney stated that on a vacant lot, he asked P. Zvingilas if he would allow for a generator for lighting and electrical services. C. Geer stated that paving would make it more permanent and this is for a temporary use. There was discussion of this matter.

M. McKinney stated that we need to protect the people who pay taxes to the town. P. Zvingilas suggested that there should be a \$250 fee for each month of occupancy. L. Laidley stated that it should be a little less per month.

M. McKinney asked the members to review this draft for next month's meeting. C. Geer stated that we should look at the distance from a similar use. There was discussion of this matter including that the vendor fee should offset the taxes that the vendor does not pay to the town.

7. Additional Business

- A.** Letter from Gaston Cyr requesting a bond release in the amount of \$39,000 for all work which has been completed and the grass is grown in at St. Mary Cemetery at 50 Lily Pond Road.

M. Tristany stated that he and P. Zvingilas when to the site and compared it with the site plan, He stated that the grading matches the site plan and there is no evidence of erosion and there is heaving ground cover.

He recommended to the commission to release the bond. M. McKinney asked for a motion.

MOTION: C. Kinnie moved to release the bond of \$39,000 to Gaston Cyr for 50 Lily Pond St. Mary Cemetery. L. Laidley seconded the motion. All were in favor. The motion was carried.

8. Old Business

There was no old business.

9. New Business

SRC 06-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD. Draft regulation changes to Town of Griswold Section 11.11 Animals regarding the keeping of poultry and new regulations for Borough of Jewett City Section 10.10 Animals regarding new text regarding the prohibition of farm animals and new text for the keeping of poultry within the Borough.

M. Tristany stated that over the past few months, there have been several complaints regarding roosters creating a lot of noise. He and P. Zvingilas went to a complainant on Juniper Lane where a neighbor's free-range chickens had ruined her flower gardens and have defecated all over her stair and deck. P. Zvingilas stated that at Juniper Lane, there were twenty pullets and one rooster. M. Tristany read Section 11.11 for the Town for the record. He read Section 10.10 for the Borough for the record. C. Kinnie voiced his concerns regarding the language for roosters. He stated that in the case of roosters, neighbors should just be able to talk to their neighbors about them. L. Laidley stated that he did not have any problem with chickens because you hardly know that they are around. There was discussion of this matter. M. McKinney stated that the members review the proposed regulations and make any suggestions and changes for next month's meeting.

10. Reports from the Enforcement Officer

P. Zvingilas stated that in the commercial zones, farming is not a permitted activity. He stated that he spoke with man who has over 40 acres across from the Golf course who wanted to put up a roadside stand. He told the commission that he does not approve permits for commercial zones but that it must come before the commission. P. Zvingilas stated that the man is here. Gordon Santere, Jr. stated that it had been a farm when the Pepins owned it and he farms it as well and he wanted to put up a stand and a green house. M. McKinney asked how many acres he had. G. Santere stated that he had 42 acres. L. Laidley stated that if it was a farm, he had no problem with it.

M. McKinney asked if there was a curb cut. P. Zvingilas stated that there is a curb cut. G. Santere stated that he has two driveways that had curb cuts on Preston Road already. M. McKinney asked if Mr. Santere had a plan and that he had no problem with the farm but that he would like to see more details. M. McKinney asked that Mr. Santere submit a site plan of the area with the stand and to show some parking and how far from the road the stand would be located for the retail aspect. G. Santere stated that he will get a plan.

P. Zvingilas stated that there is a glitch in the regulations. He explained that in the C-1 and C-2 zones farming is not an allowed use. M. McKinney stated that there should be some earmark of it being a farm because there is a tax ramification for things such as forestry. M. Tristany stated that a certified forester determines that it is a forest. C. Kinnie stated that this can be in a commercial zone. M. McKinney stated that it should be allowed for a certain amount of time. P. Zvingilas stated that if it is vacant land it is taxed as residential, farm or forest until a commercial activity is established. L. Laidley stated that Stott's has been sitting vacant for 2005 as an abandoned use. He stated that there should be farming as a permitted use. M. McKinney asked what the definition of a farm was. M. Tristany read the definition of a farm for the record. There was discussion of this matter. M. Tristany will create a text amendment to allow farming as a permitted use in the C-1 zone.

P. Zvingilas stated that he had farm building that was issued for an agricultural building and is now for an ice cream stand on a highway and the owner wants to put an addition to this building. He explained that the planning and zoning and the permits was for an agricultural use for ice cream. M. McKinney asked if it was taxed as commercial. P. Zvingilas stated no. C. Kinnie stated that the one building is retail. P. Zvingilas stated

that the owner wants to put an addition to the ice cream stand and asked the commission how to handle the application. P. Zvingilas stated that the addition will be used to 24 ft. by 30 ft. freezer to sell frozen meats that will be butchered elsewhere and then he will sell it frozen in the addition to the ice cream stand. B. Hull stated that a farm building is an accessory to the principle structure. M. McKinney asked if that was all on one parcel. P. Zvingilas stated that he thought that the house was on a separate parcel. M. McKinney asked M. Tristany what he thought. M. Tristany stated that it seems it has clearly gone beyond an accessory farm use. He stated that he should come in with some sort of site plan since there was no formal site plan for the ice cream stand. He stated that there was a lot of traffic generated on a state highway by the ice cream stand. B. Hull stated that P. Zvingilas has the right to ask for a site plan. There was discussion of this matter including what types of agricultural buildings are on this property.

M. McKinney stated that for any other additions the owner needs to come before the commission with a site plan and formal application. C. Kinnie stated that it is a retail sale situation but he will be selling his own beef. P. Zvingilas stated that he researched all the minutes for P & Z and did not find anything for this property. M. Tristany stated that the ice cream parlor was done in 2002 based on the street card. There was discussion of this matter. M. McKinney asked to get a legal opinion from Town Attorney Mark Branse before we make a decision especially with traffic counts generated. M. Tristany stated that he will get the authorization to get a legal opinion from Attorney Branse.

M. Tristany stated that there was an application from East Coast Auto to use the island to display cars and they are. He set them a letter in August which he read for the record regarding the buffer zone was set and not to use the island to display cars. He read the denial letter of February 22, 2013 from the Planning and Zoning Commission for the record. M. Tristany stated that he received a response from Mr. Hunter in response to his August letter and he read this letter for the record that the adjacent business uses the buffer zone for display of its products. M. Tristany asked the commission if they wanted to authorize the use of buffer strips for sale and display of products. There was discussion of this matter including if there were sight line issues. M. McKinney stated that we cannot allow buffer zones to be used and instructed the Zoning Enforcement Officer to enforce the buffer regulations and to have the other business to submit a Mylar of the site plan.

C. Kinnie stated that prohibition of roosters in the residential zone and asked are they allowed in other zones. P. Zvingilas state the other zones are not an agricultural use. C. Kinnie stated that the changes should apply to all the zones. M. M asked if there were a lot of farms with chickens. P. Zvingilas stated no, there are a lot of chickens in residential zones.

11. Adjournment

M. McKinney asked for any other business. There was no other business. He asked for a motion to adjourn. **MOTION:** C. Kinnie moved to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary