



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

SEPTEMBER 13, 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 7:00 p.m.

2. Roll Call:

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

Absent: Member John Taylor, Alternates Heather Edge

3. Determination of Quorum:

G. Rooke-Norman appointed E. Bevis 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 for approval of the minutes of July 12, 2010. E. Bevis motioned to approve the minutes of July 12, 2010. D. DeGuire seconded the motion. All were in favor. The ayes carried.

B. Approval of Minutes of the Regular Meeting of August 9, 2010

G. Rooke-Norman asked for approval of the minutes of August 9, 2010. E. Bevis motioned to approve the minutes of August 9, 2010. D. DeGuire seconded the motion. All were in favor. The ayes carried.

4. Correspondence and Attachments:

A. Letter dated August 16, 2010 to James R. Sullivan State Marshal regarding Peter Zvingilas, ZEO, Borough of Jewett City v. David and Melissa Bergeron Writ, Summons and Complaint. This matter will be discussed under additional business.

B. Letter dated August 30, 2010 from Boundaries, LLC to Carl Fontneau regarding Commercial resubdivision RPM Development, LLC request for release of bond in the amount of \$6,236. This matter will be discussed under additional business.

- C. Letter dated August 13, 2010 from FEMA to Philip E. Anthony regarding digital Flood Insurance Rate Map and Flood Insurance Study Report for New London County, Connecticut.

5. **Matters Presented for Consideration:**

- A. **SE 07-06 Tilcon Connecticut, Inc., One Forest Road, North Branford, CT 06471. Property Location: 22 Sibicky Road/128 Rixtown Road, Griswold, CT.** Applicant requests approval for a continuation of an existing earth products excavation operation. The pre-Phase I area and a portion of Phase I is currently stabilized and reclaimed; currently operating in the Phase I and Phase II areas with 8.2 acre unclaimed area remaining. The property is zoned R-80.

G. Rooke-Norman asked if there was anyone to represent the applicant. Attorney Harry Heller, 736 Route 32 in Uncasville, represented the applicant. He explained that this is a request for a two-year extension of a continuing gravel excavation for the 6 Phase excavation of earth products at Sibicky and Rixtown Roads. H. Heller stated that at 2008 renewal explaining that a substation portion of the pre phase I area and a portion of the Phase I area has been loamed and seeded and is stabilized with approximately 8 acres currently under excavation in the phase 1 and phase II areas. He explained that the Phases as demonstrated by CME Associates show that the phases overlap to comprehensively excavate this site shown on Sheet 3.

G. Rooke-Norman stated that this application is signed by Charles & Elizabeth Sibicky and Tilcon. She recused herself because the Sibickys are here clients. She handed the chair to M. McKinney. H. Heller stated that there are letters of authorization from the Sibickys in the file.

H. Heller explained that Phase 6 is the final phase along Rixtown Road so the berm will remain in place until the excavation is completed to be incorporated into the restoration of the site. The final grading plan will be using for lot development purposes for residential purposes. H. Heller explained that the products are removed to the site across the street for processing. There was discussion of this matter including that the industrially zoned area across the street is approximately 20 acres.

M. McKinney asked if this permit had lapsed. H. Heller stated no; the current permit expires on October 10, 2010 and we are asking for a two year extension to expire on October 10, 2012. D. DeGuire asked P. Zvingilas if he has looked at the site. P. Zvingilas stated that he looked at the site which is in pretty good shape and that there is very little activity.

Frank Blaine, Director of Real Estate for Tilcon stated that they were operating for 5 weeks in the spring until July; and have only started operating again this week.

D. DeGuire made a motion to approve SE 07-06 from October 20, 2010 to October 10, 2012 as long as the bond for restoration is kept in place. M. McKinney asked H. Heller if the bond would remain in place. H. Heller stated yes and that it will be kept for the same amount. C. Fontneau stated that is was for \$194,587 for restoration grating and seeding. C. Kinnie seconded the motion. All were in favor. The ayes carried.

- B. **ZP 01-11 DELMAC, LLC, 59 Jennifer Lane, Griswold, CT 06351. Property location: 134 Preston Road, Griswold.** Applicant requests approval for a site plan modification to increase room capacity from 90 room to 103 room hotel facility to and to increase the building height for an additional storey from 49.6 ft. to 67.6 ft. and to include an indoor swimming pool.

G. Rooke-Norman asked if this required a public hearing. C. Fontneau stated that the applicant has not arrived yet and suggested to go on with the agenda. G. Rooke-Norman asked him if

this application is a major deviation from what was already approved. C. Fontneau stated that the requirement about 55 feet requires a special exception. G. Rooke-Norman stated that there is no special exception for that specific dimension then it needs a public hearing. C. Fontneau stated that it needs a new application and this should be discussed with the applicant. There was discussion of this matter. D. DeGuire made a motion to move Item 5 B to the end of Section 8 Additional Business. M. McKinney seconded the motion. All were in favor. The ayes carried.

6. Additional Business:

- A.** Discussion of a request for release of a bond in the amount of \$6,236 for RPM Development LLC, Route 138 and Latham Drive.

G. Rooke-Norman asked if there was anyone here to represent RPM Development LLC. John Faulise, Boundaries, LLC was present to represent RPM Development LLC. He stated that there is a bond in place in the amount of \$6,236 for erosion and sedimentation controls and that the construction has been completed by the developer for installation the loop driveway, the Rte 138 aprons, and that the areas have been seeded and stabilized and the grass is growing well. We are requesting release of the bond. He stated that any further construction will be done by the individual lot owners as the site is developed. G. Rooke-Norman asked C. Fontneau and P. Zvingilas if he looked at the site. C. Fontneau stated that he went out to look at the site today and the work has been done according the plan and the grass is established. He recommended that the full bond be released. P. Zvingilas stated that he agreed.

G. Rooke-Norman asked for questions from board members. D. DeGuire asked if it was just a binder course on the driveway. J. Faulise stated that there were two courses on the driveway.

M. McKinney made a motion to release RPM Development LLC Bond in the amount of \$6,236. D. DeGuire seconded the motion. All were in favor. The ayes carried.

J. Faulise explained that he was not aware of the trailer on the property with the advertising. There was discussion of this matter of signage. He stated that he will contact the individual lot owner to have the trailer removed.

D. DeGuire asked J. Faulise about the landscaping on the golf barn property. J. Faulise stated that the landscaping needs to be done. He stated that the new owner is working on the building. G. Rooke-Norman asked if there was a co. P. Zvingilas stated that he didn't know if the co was temporary or permanent. G. Rooke-Norman stated that the landscaping needs to be completed. J. Faulise stated that the rest of the site needs to be finished. There was discussion of this matter. G. Rooke-Norman asked P. Zvingilas to check if it is a temporary or permanent co. P. Zvingilas stated that he would have to check to see what improvements needed to be done.

C. Fontneau explained that there is \$1500 bond for the landscaping from the previous owner and to whom it gets released. There was discussion of this matter. G. Rooke-Norman asked C. Fontneau to check with the town attorney regarding the \$1500 bond and how to release it when the landscaping is completed.

G. Rooke-Norman asked if the commission had any other questions for J. Faulise. D. DeGuire asked J. Faulise regarding the market on the Mooney property. J. Faulise stated that they are in the process to modify the site to change the drainage ditch swale that has been overbuilt and is part of the drainage for that lot. They are also working to acquire Lot 8 so that there will be

access to Route 138 rather than Latham Road. There was discussion of this matter including the safety of the drainage ditch on the property.

G. Rooke-Norman asked J. Faulise if he represented SRS for the gas station on Preston Road. J. Faulise explained Boundaries has been hired by the gas station to do the as built. The gas station is not complete and that they are waiting for the hotel parcel to finish the infrastructure to install the landscaping and the other things to be completed. J. Faulise will look at the site before they do the as built plan G. Rooke-Norman stated that the pads at the pump sites are much higher than they should be and she voiced her concerns. J. Faulise stated that it is an illusion because the berm and sidewalks have not been completed and there is no landscaping. There was discussion of this matter including that the commission be invited to walk the site with the as built maps.

B. Discussion of Branse, Willis & Knapp, LLC regarding Writ, Summons and Complaint for Borough of Jewett City v. David and Melissa Bergeron

G. Rooke-Norman asked P. Zvingilas in the matter. P. Zvingilas explained that the Bergerons are owners of the property where the Soda Warehouse is located and that for a number of years there has been a conex trailer that the zoning permit has expired and now arrangements must be made to obtain a new permit. He stated that a renewal was sent in July 2008 and was ignored and it was ignored in 2010. P. Zvingilas explained that he spoke with the owner and that there is a garage that the soda warehouse may be able to use for the two car garage for the storage. There was discussion of this matter. P. Zvingilas stated that this writ is going forward since he had not heard from the permittee.

G. Rooke-Norman stated that L. Laidley has arrived at 7:20 p.m. and will participate in all discussion but will not be voting in any matters.

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

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

G. Rooke-Norman asked for a motion to take ZP 01-11 application now. E. Bevis recused herself from the meeting. G. Rooke-Norman appointed L. Laidley to sit for J. Taylor. M. McKinney made a motion to take ZP 01-11. L. Laidley seconded the motion. All were in favor. The ayes carried.

B. ZP 01-11 DELMAC, LLC, 59 Jennifer Lane, Griswold, CT 06351. Property location: 134 Preston Road, Griswold. Applicant requests approval for a site plan modification to increase room capacity from 90 room to 103 room hotel facility to and to increase the building height for an additional storey from 49.6 ft. to 67.6 ft. and to include an indoor swimming pool.

G. Rooke-Norman asked if anyone was here representing the application. Greg Mackin DELMAC, LLC explained that they were here to give an update of what they were planning to do for the hotel. G. Rooke-Norman stated that you are looking to put up a building that is higher than 55 ft. which makes it a special exception and a public hearing is required. G. Mackin stated that he wanted to show the commission the plan for what they wanted to do. G. Rooke-Norman stated that the current application can be withdrawn and submit a special exception application and the fee can be applied to the new application. She explained that the application, all the site plans, and reports must be on file when this has been legally noticed in the paper so that it

is available to the public for review. P. Zvingilas suggested that G. Mackin complete a special exception application tonight and the commission can set a public hearing. C. Kinnie suggested that Mr. Mackin withdraw this zoning permit application. There was discussion of this matter including Section 10.6 for the building height.

G. Rooke-Norman stated that this is a special exception application is necessary she asked Mr. Burns to give a pre-conceptual presentation but that any information tonight cannot be considered part of the application and that all facts must be brought to the public hearing to be placed on the record.

G. Mackin stated that Mr. Burns has the plan and he can explain the changes to the site plan. Brian Burns, CCG representing the design builder developer for the hotel project. Mr. Burns explained the changes to the site plan for the number of rooms from 90 to 101 rooms, 4 storey Hampton inn & Suites having a colonial hip roof for a change in building height of 67.6 feet, the change in the building length will change from 260 feet to 295 feet to accommodate the swimming pool location. He explained that there were no changes in the number of parking spaces and the building elevation will change from 237 to 238 to be consistent with the road. G. Rooke-Norman asked if the width of the building changed. B. Burns stated that it is 47 ft. 9 inches.

G. Rooke-Norman stated that because of the additional height requires a public hearing and because of the changes for the number of rooms a 35 ft longer building, the public hearing should have representations on the record and reports from the engineers that what has been designed is adequate for the larger building and all other systems approved on the other site plan will be adequate for this new site plan so under Section 13.9 there is a substantial difference to require a public hearing. There was discussion of this matter that included that the parking reconfiguration may affect the wetland regulated area and to amend the wetland permit before the public hearing, the addition of a water loop for water pressure, amended sewer approvals,

G. Rooke-Norman voiced her concerns that the developer keep the residential area be considered for the parking and headlights shining in to homes. G. Rooke-Norman asked for question or concerns to be addressed in the presentation. L. Laidley asked if the set back was affected by the bump out. C. Kinnie stated that he was concerned that the project be reviewed by the Wetlands Commission for any changes that affect the wetlands buffer. There was discussion of this matter. G. Rooke-Norman stated that this should be a complete application to present to the public hearing for the hotel including engineering reports and a letter from the expert.

G. Mackin withdrew ZP 01-11 and that the fee to be applied to the special exception application. M. McKinney made a motion to accept the withdrawal of ZP 01-11 and refund the application fee. D. DeGuire seconded the motion. All were in favor. The ayes carried. There was discussion of the time limits of the public hearing process.

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

G. Rooke-Norman asked for discussion of the form. C. Fontneau stated that there was discussion last time for a signature from a land surveyor or attorney that the free split was justifiable and would do the title search. G. Rooke-Norman stated that because there were free splits that really were not free split; they need a land surveyor or attorney to certify that it is a buildable lot meets the setbacks and square footage for the zone. There will be a signature for the surveyor on the review form. J. Faulise suggested that there be a spot for approval from the Health Department for a code compliant with the state for the existing parcel and the new lot. There was discussion of this matter.

G. Rooke-Norman asked G. Mackin if he had the special exception application. He asked when the public hearing would be held. G. Rooke-Norman stated that it would be on October 12. He submitted the application and the presentation site plan to G. Rooke-Norman. G. Rooke-Norman stated that there is an application from DELMAC LLC for a special exception SE 01-11 for a change in height under Section 13.19 plus other matters. G. Rooke-Norman asked for a motion to set a public hearing for SE 01-11 on October 12, 2010 at 6:15 p.m. at the Griswold Senior Center. D. DeGuire so moved to set a public hearing for SE 01-11 on October 12, 2010 at 6:15 p.m. at the Griswold Senior Center. M. McKinney seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked for any report from the zoning officer before discussing the zoning changes.

11. Reports from the Enforcement Officer:

P. Zvingilas stated that he is working on the blight ordinance form and the BOS set the fees of \$200.00 for an appeal of the ordinance. He stated that he had no other reports. G. Rooke-Norman asked for any old business or new business before discussing the zoning regulation changes.

9. Old Business

There was no old business.

10. New Business:

There was no new business

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

G. Rooke-Norman stated that we will review the changes to the zoning regulations. C. Fontneau stated that the slightly modified regulations are at the back of the read along. He stated that there were no changes to section 6.2.5 He stated the attorney will weigh in on whether it is the building or the parcel. G. Rooke-Norman asked if the attorney had not gotten back. C. Fontneau stated that he did not ask him yet. D. DeGuire stated that he remembered discussing that it was 1000 feet from the parcel. There was discussion of this matter.

There was discussion of this matter. She asked the commission what their preference was for distance. L. Laidley stated that he felt that it should not restrict a liquor store being next to a restaurant. P. Zvingilas stated that he was concerned that when he signs forms from the State that it would not be in conformance with the regulations. G. Rooke-Norman stated that it would be in conformance with the regulations as a preexisting non-conforming use. There was discussion of this matter.

M. McKinney stated that he felt that 1000 feet was too far. G. Rooke-Norman stated that she would be agreeable to 800 feet; if it was from parcel to parcel. M. McKinney agreed that we should not throw too many parcels into non-compliance. There was discussion of this matter. She asked if 800 feet was agreeable to everyone. D. DeGuire agreed 800 feet was good. C. Kinnie stated that it depends on the size of the parcel, you could have a 150 acre parcel. M. McKinney suggested 500 feet from parcel to parcel. G. Rooke-Norman read the new language for the record.

C. Fontneau suggested reviewed the sections to send to public hearing. G. Rooke-Norman asked the commission if Section 6.2.5 should go to public hearing. The commission agreed to send Section 6.2.5 to public hearing.

C. Fontneau reviewed Section 11.11 Animals explained there was a question of how to address the high density residential zone to replace the R-20 zone that no longer exist to define what is covered under the large animal. D. Szall stated that there was supposed to reference to poultry in the high density zone not the keeping of large animals. G. Rooke-Norman stated that there should be the word and after at lease three acres of land AND b) no more than two (2) such animals. She stated that and should be in caps and bolded. There was discussion of this matter. G. Rooke-Norman stated that we can skip this section until it is corrected.

G. Rooke-Norman stated that she was not ready to discuss section 13.7 Performance Guarantee because she had many objections and there wasn't enough time to review it.

G. Rooke-Norman asked to look at 15.3.7. Message Board sign panels.

C. Fontneau stated that he change wording in section 15.4.4.1. M. McKinney asked if this would be running all night. C. Fontneau stated that it would not run all night except for time and temperature. D. DeGuire asked about digital prices gas station signs. C. Fontneau stated that this section 15.3.7 only applies to banks in commercial and industrial zones.

G. Rooke-Norman stated that any additional messages are only public service municipal messages only. There was discussion of this matter. D. Szall questioned the wording of the message signs advertise goods and services on the parcel; it should not be parcel if there is another business other than the bank on the parcel. G. Rooke-Norman stated that was a good point. G. Rooke-Norman stated that it should read bank or financial institutions in line one, and on line 5 to read advertise goods and services from the bank or financial institution. G. Rooke-Norman read the revised Section 15.3.7 for the record. M. McKinney asked if it was for the borough or the town. C. Fontneau stated that it would read the same for the borough.

G. Rooke-Norman stated that 15.4 Signs on Town own property for sponsor signs. C. Fontneau asked if this could be made exempt from last meeting. M. McKinney stated that it should be removed from the regulation for regulating the sponsor signs at recreation fields. G. Rooke-Norman agreed that it should be left alone. C. Fontneau stated that this section is for Message signs but it will come up under section 15.4.2. There was discussion of this matter.

G. Rooke-Norman stated that Section 15.4.2 should read that Sponsor Signs attached to existing structures or fences located on Town-owned public recreational areas, ball fields, or parks are exempt from these sign regulation as long as any one sponsor sign is thirty-two (32) square feet or less. Sections 15.4.2.1 through 15.4.2.4 are deleted.

C. Fontneau asked about Section 15.4.1. There was discussion of this matter. G. Rooke-Norman read section 15.4.1.1 for the record that it should read may be permitted after review and approval by the Zoning Enforcement Officer.

G. Rooke-Norman read section 15.4.1.2 for the record. There was discussion of this matter. G. Rooke-Norman read the new wording for the record to include on the parcel provided the location of the sign meets clear site line maintenance regulations.

G. Rooke-Norman asked if 15.4.1.3 was good. D. DeGuire asked about the brightness of the LED. There was discussion of this matter. C. Fontneau stated there were federal guidelines. P. Zvingilas stated that the time should be changed to 10 p.m. L. Laidley stated that the morning time should be changed. G. Rooke-Norman stated that the time would be 6: am and 10 p.m.

C. Fontneau asked about the corresponding borough regulations. G. Rooke-Norman stated to make the corresponding borough regulations match those of the town.

G. Rooke-Norman asked for a motion to send these regulation changes to a public hearing. L. Laidley made a motion to put the Griswold regulation items plus their borough counter parts to October 12, 2010 at the Griswold senior center at 6:30 p.m. M. McKinney seconded the motion. All were in favor. The ayes carried.

11. Adjournment:

G. Rooke-Norman asked for a motion to adjourn. D. DeGuire made a motion to adjourn at 9:13 p.m. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 9:13 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary