



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARINGS & REGULAR MEETING MINUTES

SEPTEMBER 14, 2009

GRISWOLD SENIOR CENTER

I. PUBLIC HEARING (6:40 P.M.)

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 6:40 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Secretary Courtland Kinnie, Members Daniel DeGuire, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Vice Chair Martin McKinney, John Taylor, Alternates Barbara Lukens, Andrew Drobiak, ZEO Peter Zvingilas,

3. Determination of Quorum:

There was a quorum for this public hearing.

4. Matter Presented for Public Comment:

A. SE 06-08 Sweet, Lee and Charette, Paul, P.O. Box 232, Voluntown, CT. Property location: 1130 Voluntown Road, Griswold. Public hearing to revoke a special exception granted on April 25, 2008 for a small engine repair service on C-2 property. The property is in the C-2 zone

G. Rooke-Norman asked if there was someone to represent the applicant. Richard Duda, Attorney at 110 Main Street, Jewett City was here to represent Lee Sweet and Paul Charette who had been before the commission a year ago to request a special exception for a small engine repair at 1580 Voluntown Road in Griswold.

R. Duda submitted the certified mailing list to the commission. G. Rooke-Norman asked if all where were entitled to notice were noticed. R. Duda stated yes.

R. Duda explained that a special exception approval was given to Lee Sweet and Paul Charette on Voluntown Road for a small engine repair a year ago. He stated that this was located in a condominium where one of the owners was not noticed and this is in Superior court on appeal. He stated that this small engine repair has been closed for several months. He stated that the appeal remains and can be disposed of by requesting of the Commission to revoke this special exception and withdraw the application. G. Rooke-Norman asked if it is their request of the commission to terminate the approval. R. Duda stated yes. She asked C. Fontneau if he had discussed this with the town attorney. C. Fontneau stated yes and was recommended that a public hearing be held with abutters notified so they can speak to the matter. There was discussion of this matter including review of the letter from Attorney Duda with the request to revoke the special exception permit.

G. Rooke-Norman closed the public hearing at 6:49 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 6:50 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Secretary Courtland Kinnie, Members Daniel DeGuire, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Vice Chair Martin McKinney, Member John Taylor, Alternates Andrew Drobiak, Barbara Lukens, ZEO Peter Zvingilas,

3. Determination of Quorum

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 was here to represent himself. He submitted the abutters' notifications to the commission. G. Rooke-Norman asked if it was his representation that all who were entitled to notice have been noticed. He stated yes. He submitted a letter of consent from Mike Pappas, the property owner.

J. Nowakowski explained that he is requesting waivers fro Section 11.8, Section 12, and Section 13. He explained that he will be using this property as a location for his business and as his residence. He explained that the main room will house the office and that the garage will be used for storage. D. DeGuire asked what kind of trucks he has. J. Nowakowski stated that he had a van and a truck which hold the ladders and other equipment. He explained that his van and truck for his business will be stored on site.

He explained his request for a waiver for the parking; that there is adequate parking since he doesn't conduct business from this property; customers do not come to the site and that all the work is performed off-site. He submitted an aerial photograph of the site location to the commission.

G. Rooke-Norman asked if there were houses next door that were a residential use. J. Nowakowski explained that Mr. Papas had used the house as an office and that the adjacent property owned by Mr. Mackin is used as an office so there are no houses used as a residence.

G. Rooke-Norman stated that 11.8.2.5 waiver request for vehicles; 11.8.2.6 waiver request for sight lines. J. Nowakowski stated that there was plenty of sight line for vehicles. He submitted a site plan to the commission D. DeGuire asked about the sign. J. Nowakowski stated that the sign will contain the business name and phone number and will be regulation size and set back out of the line of sight. He stated that there won't be a sign on the building and that it will be free-standing.

G. Rooke-Norman asked the size of the house and which rooms will be used for the business and which will be used for the living area. J. Nowakowski stated that the house was 1250 sq. ft. and 830 sq. ft. will be used for the business. He explained that the business area will be in the front of the building and the living area will be at the back of the building and that storage will be in the garage.

G. Rooke-Norman explained that there are two uses for this property one for the business and that he will be living there. She stated that the living area can be occupied by the person who owns the business. J. Nowakowski stated that he would be the only person living there and that Nowakowski Planning as his business will be located there.

She asked for questions from the Commission. C. Kinnie asked about the placement of the sign and if it will be backed from enough from the edge of the road. J. Nowakowski stated that it would be ten feet back so that it won't block his line of sight going in both directions.

G. Rooke-Norman asked for comments from the general public. There were no other comments. G. Rooke-Norman asked for a motion to close the public hearing. C. Kinnie so moved. D. DeGuire seconded the motion. All were in favor. The public hearing closed at 7:00 p.m.

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

1. Call to order:

Chairperson G. Rooke-Norman called this regular meeting of Griswold Planning & Zoning Commission to order at 7:05 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Secretary Courtland Kinnie, Members Daniel DeGuire, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Vice Chair Martin McKinney, Member John Taylor Alternates Andrew Drobiak, Barbara Lukens, ZEO Peter Zvingilas

3. Determination of Quorum:

There was a quorum for this regular meeting.

4. Approval of Minutes:

- A. Approval of Minutes of the Special Meeting of July 15, 2009
- B. Approval of Minutes of the Public Hearing & Special Meeting of July 27, 2009
- C. Approval of Minutes of the Public Hearing & Special Meeting of August 3, 2009
- D. Approval of Minutes of the Public Hearing & Special Meeting of August 6, 2009
- E. Approval of Minutes of the Regular Meeting of August 10, 2009

G. Rooke-Norman stated that since there are only three members present, she suggested that all the minutes be tabled until more members are present to vote. D. DeGuire so moved. C. Kinnie seconded the motion. All were in favor. The ayes carried.

4. Correspondence and Attachments:

- A. Letter dated August 17, 2009 from Peter Zvingilas, Zoning Enforcement Officer to Alan A. Aubin regarding a potential violation of the regulations regarding a junk yard.

- B. Letter dated August 18, 2009 from Attorney Brendan Schain, Branse Willis & Knapp, LLC to Peter Zvingilas, Zoning Enforcement Officer regarding existing condition on Rhea Street.
- C. Letter dated August 17, 2009 from Glenn A. Reil requesting a renewal of existing excavation permit for SE 02-97 (SE 05-07) Gravel Bank at 376-98 Rixtown Road, Griswold. - Item 7A.
- D. Letter dated August 19, 2009 from Seymour Adelman requesting a renewal of existing gravel excavation permit for SE 01-93 (SE 03-08) at Route 12, Griswold. – Item 7B.
- E. Cease & Desist Order to Margaret Abby Patrylo & Margaret Ann Patrylo Johnson, 1560 Voluntown Road for violation of Section 11.17 Unregistered Motor Vehicles of Griswold Zoning Regulations.
- F. Cease & Desist Order to Leellyn J. Wood, 28, 28 Tift Street, for violation of Section 4.1 Permitted uses in Residence District of Borough Regulations.
- G. Cease & Desist Order to Crystal Mackin & Michael Prescott, 1521 Glasgo Road, Lot #126 for violation of Section 11.11 Animals of the Griswold Zoning Regulations.
- H. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Summer 2009, Volume XII, Issue 3
- I. Avalonia Trails Newsletter, Fall 2009, Avalonia Land Conservancy, Inc., P.O. Box 49, Old Mystic, CT 06372

G. Rooke-Norman stated that those letters are in the correspondence file and are a matter of public record and are available if anyone wants to review them. She stated that the items for discussion by the commission are listed later in the agenda.

5. **Matters Presented for Consideration:**

- A. **SE 06-08 Sweet, Lee and Charette, Paul, P.O. Box 232, Voluntown, CT. Property location: 1130 Voluntown Road, Griswold.** Public hearing to revoke a special exception granted on April 25, 2008 for a small engine repair service on C-2 property. The property is zoned C-2.

G. Rooke-Norman stated that this was a prior public hearing this evening and asked the commission what was their consideration. C. Kinnie stated that considering the testimony we heard and the town attorney has reviewed this and this was one of the recommended avenues the commission can take, C. Kinnie made a motion to revoke special exception SE 06-08 for Mr. Sweet and Mr. Charette at that location as requested by the applicant. D. DeGuire seconded the motion. All were in favor. The ayes carried.

- B. **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 this was a prior public hearing this evening. D. DeGuire stated that he did not have a problem with it as long as he was the only person living there and that the signage is off the road so the sight line is not a problem. C. Kinnie stated that the waivers for the landscaping and site plan requirements. There was discussion of this matter.

G. Rooke-Norman asked for a motion for the waivers for various sections under 11.8, and 13 and 12.3. C. Kinnie made a motion to grant the waivers as requested considering that this is

already a developed lot and there is no expansion on this lot as it is presented. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked for a motion for the special exception under section 6.6.3. She stated that the accessory residential portion of the property shall only be occupied by the business owner of the principle business. There was discussion of this matter. D. DeGuire so moved with the condition as stated. C. Kinnie seconded the motion. All were in favor. The ayes carried.

C. Fontneau stated that the some of the other applicants have not arrived since he told them that it would be a long wait. He suggested that the letter from Peter Zvingilas regarding FIP Construction be put on the agenda since FIP Construction is present. G. Rooke-Norman asked for a motion to put the Zvingilas letter concerning the FIP matter to the agenda

D. DeGuire made a motion to put the Zvingilas letter regarding FIP on the agenda. C. Kinnie seconded the motion. All were in favor. The ayes carried.

Zvingilas letter regarding FIP Construction

C. Fontneau explained that the already permitted phase 1 that there is an opportunity to start to pour concrete for a foundation wall and that this work is five feet from the school. P. Zvingilas was at a building committee meeting when this was discussed and P. Zvingilas wanted this matter addressed by the commission.

G. Rooke-Norman asked if there was someone to address this matter. John Faulise, representing the building committee and there are other committee members present; and Phil Reese, FIP who is the manager for the elementary school project.

J. Faulise explained that this part of the project was already approved and the schedule is such that the demolition is ready for January. He stated that the north foundation wall can be constructed at this time without interruption of the existing school building; and the concrete poured and when the demo is complete in January so that there is no concrete poured in winter. He stated that the primary concern was for the moving of the construction perimeter fence will be moved to the top of the slope to accommodate the excavation and construction of the wall. This was discussed with the Fire Marshal Fred Marzec because there is an egress door on that side of this building and that the Fire Marshal was ok with that. J. Faulise stated that they have a letter from the Fire Marshal. The letter was submitted for the record.

J. Faulise explained that there was concern for the impact to classroom operations and that the administration felt that it would not hamper their ability to function. The building committee expressed concerns for noise for the pouring of the concrete which makes the most noise. He stated that the concrete will be poured after school hours, when school is not in session and on Saturdays to reduce noise impact. G. Rooke-Norman asked if there won't be any cement wall construction while students are in the building. J. Faulise stated that that was what was discussed and they will attempt to avoid that. There was discussion of this matter.

G. Rooke-Norman asked what grades would be affected. C. Kinnie stated that the grades of the students would be 4th and 5th graders.

Phil Reese, FIP Construction submitted the letter from the administration. He explained that the construction fence with green screening will be 8 feet away from the school and the surface is a hard surface for the emergency egress. He stated that the actual construction is 35 feet from the school at the base of the slope. The wall will be 16 feet high and 14 feet is above grade; and only the frost wall portion will be below grade and the majority of the work will be above ground so the excavation of the footing will be done before the students are in school. He explained that the form work for the wall will take a total of four weeks to form the footings and the wall. There will be only a few days of pouring the cement when most of the noise will take place; with

the concrete contractor willing to work with us to have hours that won't disrupt the school. He stated that all the utilities will come into the school in this area and this will save the town money to do the work before winter conditions. P. Reese explained that the original fencing scenario will be back in place in January and the north wing will be taken down and the foundation will already be in place. He stated that the first phase is 80,000 sq. feet. G. Rooke-Norman asked if the placement of the forms would be done when the school is not in session. P. Reese stated no; the placement of concrete into the forms will be done when students are not in school and will take three to four days.

Sharon Hvizdak explained that the students in the middle school were not affected by the construction. She stated that her seventh graders adapted and have gotten used to the noise of construction. She stated that they ignore most of the construction.

G. Rooke-Norman stated that there is an extra week before the Christmas break for teacher in-service and asked if the work could be done at this time. P. Reese stated that that was the time set for the abatement of the building during that week since this is the heart of winter and there is the demolition of this wing.

G. Rooke-Norman asked for questions from members. C. Kinnie stated that wall at the base of the slope that the machinery will be mostly below the slope and that is a good thing. He stated that there was a monument at the base of the slope and will this be saved. P. Reese stated that this will be saved and given to the owner and it will be relocated. J. Faulise stated that it was a memorial for landscaping placed there and that there are other areas such as the time capsule and the building committee and administration is looking for a central location for these memorials and they will be relocated. He stated that the shrubbery on the slope will be moved to other locations on the campus. C. Kinnie stated that his son was in Mrs. Hvizdak's class last year and seems no worse for wear for the construction. He stated that the classes in the wing and in school orientation that the fourth graders are at the furthest end. S. Hvizdak stated that there will be no windows and only the exit doors. C. Kinnie stated that if the scheduling of the pouring of the concrete when the students are not in school; this is doable because of the lay of the land and the building not having windows; and if this is done right it can make it better time wise and getting ahead of the weather. D. DeGuire agreed with C. Kinnie.

G. Rooke-Norman asked where the construction vehicles coming into the site. P. Reese stated that that has not changed from the original approval and he showed the locations. G. Rooke-Norman asked the school representatives when the last students left the site. J. Faulise stated that the deliveries are scheduled around the school days; and there is a person who turns away deliveries while school is in session. He stated that the elementary school is done by 3:30 p.m. There was discussion of this matter. C. Fontneau stated that this doesn't change the site plan; it only changes the timing.

G. Rooke-Norman asked for a motion. J. Faulise stated that the only change to the plan is the relocation of the fence. He stated that the wall construction has already been approved; and is only being moved up in time. There was discussion of this matter including that there will be more footings and foundations installed according to the regular schedule in January.

G. Rooke-Norman asked for a motion to approve the concept of the change of the construction schedule as long as the pouring does not occur during school hours. D. DeGuire so moved. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that we will go back to the agenda. C. Fontneau stated that he told the Beacon of Hope people to come at 8 p.m. There was discussion of this matter.

G. Rooke-Norman asked for a motion to move Item 6 B. Seymour Adelman to the agenda at this time. C. Kinnie so moved. D. DeGuire seconded the motion. All were in favor. The ayes carried.

6B. Request from Seymour Adelman to renew an excavation permit for SE 01-93 at Route 12, Griswold.

C. Fontneau explained that there is a letter in the file to accept the site plan dated 12/17/2007 since the conditions have not changed on the site. G. Rooke-Norman asked if everything that was reclaimed has been done and asked if there is any erosion. S. Adelman stated that everything looks good it is all grass and was graded along time ago and there is no erosion, it is all sand and drains right off.

C. Fontneau stated that the surety bond is set to expire and Mr. Adelman has agreed to substitute a letter of credit. There was discussion of this matter. Mr. Adelman will get a letter of credit from the dime Bank in the amount of \$12,000. G. Rooke-Norman asked for a motion. D. DeGuire made a motion to approve Mr. Adelman's extension of SE 01-93. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman called for a 5 minute recess at 7:45 p.m. G. Rooke-Norman reconvened the meeting at 7:50 p.m.

5C. OR-01-10 BEACON OF HOPE, LLC, 5 Business Park Way, Griswold, CT.
Requesting an official ruling to reduce the number of parking spaces from 18 spaces to 10 spaces consisting of 9 spaces and 1 handicapped space according to the building size and a reduction of shade trees and a further reduction in the letter of credit for ZP 02-09. Property is zoned C-1.

G. Rooke-Norman stated that she rode through the site and looked at the boundaries. C. Kinnie and D. DeGuire stated they also drove through the site. C. Fontneau stated that P. Zvingilas did an inspection parking lot and a portion of the landscaping materials and that they were zoning compliant.

G. Rooke-Norman asked if there was anyone to represent the application. Lorna B. Burkart presented her request. She explained that there were 10 parking spaces based on the size of the building. She stated that they have a new map and there is a letter that was submitted to C. Fontneau. D. DeGuire asked if the parking was based on the square footage of the building in the regulations. C. Fontneau explained that parking was based on 150 sq. ft. there is a parking space and the 10 spaces is compliant. There was discussion of this matter including that there are nine regular spaces and one handicapped space.

G. Rooke-Norman asked about the remaining space for parking that is left bare. L. Burkart stated that the area has been seeded and is well manicured. G. Rooke-Norman stated that not disturbing the growth between the commercial property and the residential area across the road does enhance the look. L. Burkart stated that the commercial property behind on Commerce Circle and she did not want to do anything at this time since the property is not being developed and that she wanted to wait until that property was developed before completing the landscaping. D. DeGuire stated that that whole hill would have to be cut down to develop that lot. He asked where her property line was located. She explained where the lot line was located and that the buffer required would look like it was just stuck in the middle and it is well manicured as it is now. There was discussion of this matter.

Jeff Burkart stated that there is an easement owned by CL P and that the site is all grassed with natural trees and it is a bird sanctuary with maple trees, ash trees and cedar trees, grapes and honeysuckle. G. Rooke-Norman asked if they objected to put up a buffer when the adjacent lot was developed L. Burkart stated no, it would be better to wait these how the land was set up so that it would look better so that any buffer that is put in wouldn't look like it was just plopped in there.

G. Rooke-Norman asked C. Fontneau their request for the official ruling. C. Fontneau explained that the official ruling was to have a letter in the file that the parking lot was reduced from 18 to

10 and that the related landscaping didn't have to be in and a statement to encourage the Burkarts to put in the appropriate landscaping once the adjacent commercial lot is developed at that time.

G. Rooke-Norman asked for a motion to approve the request to reduce the parking lot from 18 spaces to 10 spaces. D. DeGuire made a motion to reduce the parking spaces to 10 parking spaces which makes it still zoning compliant. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that the plantings at the northerly boundary intersecting commerce circle to modify the requirement to do the plantings until or unless the adjacent property is developed and then they will conform to the site plan on record. G. Rooke-Norman asked L. Burkart if she agreed. L. Burkart stated yes but had a question about the need for arbor vitae which isn't a requirement for a commercial property. G. Rooke-Norman suggested that it can be arbor vitae or a reasonable substitute reviewed by the town planner. There was discussion of this matter.

G. Rooke-Norman asked for a consensus for postponing compliance of the buffer planting until or unless the adjacent commercial property is developed and that the applicant can go ahead with arbor vitae as presented or a suitable substitute as approved by the planner. D. DeGuire so moved. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked if there were any other issues. C. Fontneau stated that there is a request to reduce the letter of credit to zero. G. Rooke-Norman asked for a motion. D. DeGuire made a motion to reduce the letter of credit to zero. C. Kinnie seconded the motion. All were in favor. The ayes carried.

C. Fontneau will put a letter and site plan in the file and a letter to reduce the letter of credit to zero.

C. ZP 01-10 DELMAC, LLC, 166 Preston Road, Griswold, CT. Property location 134 & 140 Preston Road, Griswold. Applicant requests a minor site plan change under Section 13.9. Property is zoned C-1 & C-2.

G. Rooke-Norman asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was present to represent the applicants DELMAC, LLC. He explained that this was discussed at last month's meeting and the changes were presented and the rationale behind the changes. He stated that there are further changes to the landscaping elements and he met with CLA Engineering and the planner to review the proposed changes to the site plan and the bonding. He reviewed the changes to the site plan for the 90 room hotel and the 46 x 80 travel center and the car wash that had been approved previously to the commission. He explained the changes to the two drainage areas that will discharge into 3 bay quality basins.

G. Rooke-Norman asked if the drainage systems are not interconnected until they meet at the water quality basins. J. Faulise stated that was correct. He explained how the drainage systems were designed and discharge into the 3 bay water quality basin. He stated that all the basins will be installed at the same time.

G. Rooke-Norman asked about the canopy for the travel center. J. Faulise explained the site plan modifications that included the removal of the canopy structure that was connected to the travel center structure 67 ft. x 28 ft structure to be removed. He stated that there was consensus last month that no one has connecting canopies as well as to reduce the length by five feet of the canopy to reduce the pump island from 135 ft to 130 ft. J. Faulise explained the changes to the site plan for the car wash by enlarging the car wash by 16 feet closer to the entrance from 26 ft by 34 ft. to 26 ft by 50 ft.

J. Faulise stated that these changes were discussed with the town engineer and the town planner. The town engineer read a letter to C. Fontneau from Bob DeLuca of CLA engineering dated September 14, 2009 with his comments and review of the changes for the record. J. Faulise explained that all the drainage structures and stormwater management system will be installed for the travel center and the hotel and the 3 bays of the water quality basins during the initial phase of construction. D. DeGuire asked if the water from the car wash to be discharged into the basins. J. Faulise stated that 75 percent of the water is recycled water and 25 percent is discharged with the water being filtered and treated. There was discussion of this matter.

J. Faulise explained the changes to the landscaping of the trees and that five trees have been added to the berm that will include the original crab apple trees and a larger crab apple tree. G. Rooke-Norman asked what trees were added and their size. J. Faulise stated that there will be a flowering dogwood 2.5 inches diameter, a green ash tree 3-4 inches in diameter, two linden trees 3-4 inches in diameter; and a larger crab apple 2.5 inches in diameter. He stated that there are shrubs are conifers and these will be planted on the proposed berm and are 2-3 feet in height for a total of 39 shrubs on the berm He showed an illustration of the berm in relationship to the pump islands. He stated that one tree will be removed for safety concern due to sight line issues from traffic leaving the drive through.

J. Faulise explained the changes for the bonding of the site. He stated that the bond for the hotel at \$1.2 million and the travel center at \$467,000. He explained the revised bond estimate that was reviewed by the town planner and the town engineer to modify the bond to make this project more viable and reasonable to provide letter of credit to build the site to cover the town's exposure to stabilize the site should the project fail. He stated the travel center bond would be for the on site drainage and the off-site improvements for the drainage systems and water quality basins for the hotel and the third part for the stabilization of the site and erosion & sedimentation controls and installation of the drainage for the hotel. J. Faulise gave the figures of \$75,690 for onsite improvements. Bob DeLuca suggested \$95,000 that included current unit prices. The off-site improvements were listed at \$95,005.80; Bob DeLuca suggested \$105,000. The site stabilization and drainage system and e & s protection was \$59,846; Bob DeLuca suggested that the \$59,846 was acceptable. J. Faulise read item 4 of the Bob DeLuca letter that referred to the Certificate of Occupancy no issued until final compliance that the only bonding required would be to maintain e & s controls, reestablish vegetation on site and dismantling of partially installed above-ground work. J. Faulise stated that this would be onsite cost would be \$15,147; the off-site stabilization area would be an additional \$7,374; so they are requesting that amount for the total bond. He explained the drainage system numbers. G. Rooke-Norman stated that the original bond was 467,000 and the new figure discussed with the engineer that off site and on site comes to \$200,000 and you are asking us to approve \$15,147 and \$7,374. J. Faulise stated that the \$200,000 includes all of the drainage systems. There was lengthy discussion of this matter including that the town does not have any authority until there is an impact to be on the site because it is a private construction project.

C. Kinnie asked if the drainage structures will be in place according to this plan or will it be out there in the future for the hotel. J. Faulise stated that the structures will be in place as well as the piping. He explained that the tops will be set at finished grade but will not collect anything until the hotel site is done. G. Rooke-Norman asked if there will be a runoff problem because the catch basins are above grade. J. Faulise explained that the site will be seeded and stabilized so there would be no impervious surfaces on the hotel site. C. Kinnie asked if a hotel wants a different foot print. J. Faulise explained that the developer would have to come before the commission with the new plan showing any changes.

Greg Mackin stated that his company is committed to this site explaining that they have spent half million dollars running water to this site. D. DeGuire asked how long it would be before there was a hotel and restaurant. G. Mackin stated that there is a developer with a hotel that has 78 rooms so it doesn't affect the foot print. He stated that they are committed to the site and we are going ahead with the stormwater management explaining that they own all the land

around this site. J. Faulise explained that developers are looking at this process and how hard was it to do this project and the attitude of the town and the bonding process.

G. Rooke-Norman asked if there were two separate and distinct parcels and who would be doing the letter of credit. J. Faulise stated that there would be two letters of credit. G. Mackin should the plan to the commission and submitted it for the file.

G. Rooke-Norman asked for other questions. D. DeGuire asked about the amounts for the letters of credit. G. Rooke-Norman explained they are requesting that the on-site letter of credit is for \$15,147 and the off-site letter of credit was for \$7,374. J. Faulise stated that those figures are desirable; but that the other figures at 50 percent of the drainage would be for on-site is \$45,000 and off site is \$ 51,000.

G. Rooke-Norman stated that this came under section 13.9 and must decide that this is minor or an allowable site plan change in the scope of the permit; that this was a public hearing and must take into consideration those people who spoke at the public hearing. G. Rooke-Norman recommended voting on each piece of this matter.

G. Rooke-Norman stated that there was the change to the canopy under 13.9 and asked for a motion to modify the site plan to eliminate the canopy and is not a major site change. D. DeGuire moved to approve under section 13.9 the applicants request to modify the site plan to eliminate the canopy between the gas pump canopy and the convenience store building. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that there is a request to modify the site plan under 13.9 to reduce the size of the pump island from 135 feet to 130 feet. D. DeGuire made a motion to approve the request to modify the size of the pump island from 135 feet to 130 feet. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated there is a request to modify the site plan under 13.9 to increase the size of the car wash from 26 by 34 feet to 26 by 50 feet. D. DeGuire made a motion that it is a minor change under 13.9 to increase the size of the car wash.

G. Rooke-Norman stated that the applicant is asking to modify the front landscaping that will increase, be the equivalent or more of a buffer under section 13.9 as a minor change to the site plan. C. Kinnie made a motion to approve the modification as it enhances the front landscaping. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that the applicant is asking to modify the site plan under section 13.9 to remove a tree located in a traffic pattern for the purpose of improving the safety and the traffic flow. C. Kinnie made a motion to approve that modification as is enhances the safety and the traffic flow under section 13.9. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that the applicant is asking to modify the amount of the letter of credit estimates. There was discussion of this matter that included those items that would protect the town minimum liability for erosion and sedimentation controls, reestablish vegetation and dismantling partly-installed above-ground work for consideration to a cost of bonding the improvements that are the town's exposure and the 50 percent cost of drainage systems. G. Rooke-Norman asked the commission if there is a consensus to revise the bond requirement from the original \$1.2 million for the hotel and \$467,000 for the travel center in order to make this commercial development happen and still protect the town and is the consensus that those figures are to high. C. Kinnie and D. DeGuire agreed that those original figures were too high.

G. Rooke-Norman stated that a letter of credit for a total of \$110,000 with \$50,000 for the on site improvements and \$60,000 on the off-site improvements. There was discussion of this matter. J. Faulise stated on behalf of the applicant those numbers are reasonable numbers. C. Kinnie

stated that he was comfortable with the proposed amount of \$110,000. D. DeGuire asked if the figure included construction of all 3 water quality basins. J. Faulise stated yes.

G. Rooke-Norman asked for a motion under Section 13.9 and creating a more reasonable bond that is within the approved range provided by the town engineer to modify the total letter of credit in the amount of \$110,000; \$50,000 allocated on-site items and \$60,000 allocated to the off-site items with the condition that no certificate of zoning compliance or certificate of occupancy shall be issued until the final compliance items are finished or additional bonding is posted to bring the site into compliance. C. Kinnie so moved adding that there are two separate letters of credit total to \$110,000. D. DeGuire seconded the motion. The ayes carried.

C. Fontneau stated that a revised site plan be submitted showing these changes as well as the sidewalks. J. Faulise will submit the revised site plan for the record. G. Rooke-Norman asked Greg Mackin and the developers to make an extra effort to meet with the town planner and the zoning officer on a more frequent basis that is normally required to catch any hiccups before they become mountains. G. Mackin stated that this request would not be a problem. He stated that the hotel will probably be coming in at the end of the month.

6. **Additional Business:**

- A. Request from Glenn A. Reil to renew an existing excavation permit for SE 05-97 Gravel Bank at 376-98 Rixtown Road, Griswold.

C. Fontneau explained that this excavation permit expired on September 7, 2009 and a reminder was sent on May 9 2009 that this permit be renewed. This request was received on August 27, 2009 for the September 14, 2009 meeting. He stated that there was no updated phasing plan for the excavation and that the \$20,000 letter of credit has expired. C. Fontneau stated that he explained this to Glen Reil that he must submit a new application and that there was no updated site plan. There was discussion of this matter including that there was a newer permit in 2007. G. Rooke-Norman asked that C. Fontneau and P. Zvingilas follow-up on this matter and if it is an on-going gravel bank, G. Reil needs a permit and that the Commission wants to see him in compliance.

- C. Discussion of Zoning and Subdivision updates for the next three months.

G. Rooke-Norman stated that the subdivision regulations about recent changes in authority regarding infrastructure improvements. G. Rooke-Norman stated that she has not talked to Mark Branse on this. C. Fontneau stated this will be on the agenda next month. G. Rooke-Norman stated that zoning regulations concerning digital sign regulations and private airport glide slopes will be discussed when we have a larger board next time. G. Rooke-Norman stated regarding researching changes prior to 2000 for changes in the 2000 map and that we should not be taking time to researching the changes to the zoning map; those people whose land has been changed will bring it to the planner's attention. She stated that if it can done in less that seven hours, then do it.

7. **Old Business**

8. **New Business:**

C. Fontneau asked for authorization to write a letter to support a EPA cleanup grant to remediate 226 East Main Street and in-kind services. There was discussion of this matter for the small triangle parcel that the town owns. G. Rooke-Norman asked the commission for authorization to write a letter to the selectman to meet the deadline of the public hearing. D. DeGuire so moved. C. Kinnie seconded the motion. All were in favor. The ayes carried.

8. Reports from the Enforcement Officer:

G. Rooke-Norman stated that these items will be discussed at the next regular meeting when P. Zvingilas has returned. G. Rooke-Norman asked C. Fontneau to send copies of all the letters to Mr. Normand Sylvestre these documents for the progress on your concerns.

- A. Report on Rhea Street for Connecticut State Law regarding junkyards.
- B. Discussion of Cease & Deist Orders for Patrylo/Johnson, Mackin/Prescott and Wood.

9. Adjournment:

G. Rooke-Norman 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 9:35 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary