



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

OCTOBER 13, 2009

GRISWOLD SENIOR CENTER

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

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 7:200 p.m.

2. Roll Call:

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

Absent:

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
- F. Approval of Minutes of Public Hearing & Regular Meeting of September 14, 2009

G. Rooke-Norman asked for approval of the minutes. M. McKinney made a motion to accept all the items in section 4 of the minutes. D. DeGuire seconded the motion. All were in favor. The ayes carried.

5. Correspondence and Attachments:

- A. September 14, 2009 from Vilma J. Gregoropoulos, Secretary, North Stonington Planning & Zoning to Ellen Dupont, Town Clerk regarding proposed regulation and subdivision test amendment.
- B. Cease & Desist Order, dated September 21, 2009 to Richard Fontaine, 168 Edmond Road, Section 11.17 Unregistered Motor Vehicles and Section 11.12 Refuse Disposal

G. Rooke-Norman asked if item be will be discussed later in the meeting. C. Fontneau stated yes under the Zoning Officer Report.

6. **Matters Presented for Consideration:**

A. ZP 02-10 On the Move Realty, LLC, 19C Slater Avenue, Jewett City, CT 06351. Property location: 96-98 Slater Avenue, Jewett City. Applicant requests approval of zoning permit to convert half of an existing duplex to a real estate office with proposed parking, access and landscaping improvements. Property is zoned B-RC.

G. Rooke-Norman recused herself from this matter and gave the chair to Vice Chair Martin McKinney.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was presenting Lori Hagstrom.

B. Lukens arrived at 7:05 p.m.

J. Faulise explained where the two-family property was located at Route 138 and Pulaski Street. He stated that the north side of the residence is proposed for the realty office and the south side of the building will be a residence. He stated that there will be 8 parking spaces with one handicapped parking space that will be paved. He stated that the site was relatively flat. He stated that there will be three spaces for the residence and 5 spaces for the realty office.

J. Faulise showed photographs of the site to the commission and explained the landscaping for the site that will include the addition of two sugar maples and rhododendron plants with an existing hemlock hedge at the back of the property. He stated that there was a cedar tree on the He showed photographs of the site to the commission. M. McKinney asked if there will be more shrubs. J. Faulise stated that there will be the two trees a vinyl fence and the rhododendrons will be added. There was discussion of this matter.

M. McKinney asked if there will be a dumpster. J. Faulise explained that there will be garbage cans for each side of the building since the realty office does not generate much trash other than paper and the residence will have garbage cans like the rest of the neighborhood.

M. McKinney asked if there will be anything varied on the site. J. Faulise sated no, the building and the landscaping will remain the same. J. Taylor asked if the sign will be 10 ft. from the road. J. Faulise stated yes.

P. Zvingilas asked about handicapped access. J. Faulise explained that the handicapped access ramp will be ADA compliant and there are 3 points of access for the realty office.

M. McKinney asked for any other questions. M. McKinney appointed B. Lukens to sit for G. Rooke-Norman and A. Drobiak to sit for C. Kinnie. M. McKinney asked for a motion. D. DeGuire made a motion to approve this application as presented. B. Lukens seconded the motion. All were in favor. The ayes carried.

M. McKinney returned the chair to G. Rooke-Norman.

B. OR 02-10 Eldridge, Donald, 252 East Main Street, Griswold, CT 06351. Applicant requests an official ruling for a proposed electric FunKart outdoor commercial recreation facility. Property is zoned R-40.

C. Fontneau stated that Mr. Eldridge is not here yet. D. DeGuire made a motion to table this matter to the end of the meeting after the Zoning Enforcement Officer's Report.

G. Rooke-Norman stated that there was a correction to page two of the minutes of September 14, 2009. There was discussion of this matter. D. Szall will make the corrections to the minutes.

G. Rooke-Norman asked for a motion to amend the minutes of September 14, 2009. D. DeGuire so moved. G. Rooke-Norman seconded the motion. All were in favor. The ayes carried.

C. Kinnie arrived at 7:20 p.m.

7. Additional Business:

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

C. Fontneau explained the digital sign regulations in the read along. G. Rooke-Norman stated that those would be message boards for town activities and special activities at specific sites. M. McKinney asked if these would be located at business and public places and stated that he had a problem with businesses having message signs since there was the possibility of every business on Main Street could have a message sign. G. Rooke-Norman stated that the signs are part of the total square footage for signs for a business so it becomes self-limiting. M. McKinney stated that any of the existing signs can be replaced with a digital sign. A. Drobiak stated that the digital message signs would change the character of the town and that he did not see the benefit of the signs. G. Rooke-Norman stated that her concern was that once there was any kind of signage, can we monitor or limit the content. There was discussion of this matter including the requests made by Jewett City Savings Bank to advertise public service announcements along with bank business, and the schools indicating an interest in one digital sign for the three schools as well as using the limiting the content of the signs to municipal announcements only.

G. Rooke-Norman asked if the regulation was reviewed by the town attorney. C. Fontneau stated no. G. Rooke-Norman stated that there is a content issue that the town attorney should advise us regarding limiting the content of a message sign.

B. Zoning regulations for digital sign regulations in Borough and Town and private airport glide slope regulations should be developed.

C. Fontneau stated that he is still working on the regulations for Airport guide slopes.

C. Subdivision regulations regarding changes in authority of Planning & Zoning Commission under 8-25 to require infrastructure improvements of land involved in a subdivision process

C. Fontneau stated that the Buttermilk Farms Decision has changed the authority of the planning commission for how road improvements by subdivisions are handled and the commission should discuss it. He stated that the Coal Pit Hill Subdivision will be on the Agenda with Mark Branse and Harry Heller. G. Rooke-Norman stated that if litigation is being discussed than the commission should go into executive session.

G. Rooke-Norman stated the Buttermilk Farms Case has been discussed a couple of times She asked if there were any questions about the issues that it impacts. B. Lukens stated that the town now cannot have a developer improve town roads to make the development workable in the town. There was discussion of this matter.

G. Rooke-Norman stated that letters should be written to state legislators to change the legislation for the public welfare, health and safety. P. Anthony stated that he spoke with Mark Branse a few weeks ago in this matter to contact the legislature and suggested that the board prepare questions for the town attorney for his clarification on such things as sight line issues. There was discussion of this matter.

C. Fontneau stated that the Town Attorney and Harry Heller will be at the next regular meeting to discussion Coal Pit Hill Farms that should be discussed in executive session. D. DeGuire suggested holding a special meeting before the regular meeting at 6:30 p.m. There was discussion of this matter including whether H. Heller can be included in the executive session and to get an opinion from the town attorney.

G. Rooke-Norman asked if there were other issues. C. Fontneau asked if there were a number of roads that can be discontinued upon which the BOS will take action. C. Kinnie asked if a portion of a road can be discontinued beyond where people live. G. Rooke-Norman asked for a list of roads with a map that locates the residents on that road. There was discussion of this matter including that Todd Babbitt will submitted a list of possible road to be discontinued.

G. Rooke-Norman asked if the commission was in agreement for 6:30 p.m. to meet with M. Branse and H. Heller at a separate meeting. She stated that she wanted a special meeting at 6:30 p.m. There was discussion of this matter. M. McKinney made a motion to set a special meeting on November 9, 2009 at 6:30 p.m. to include an executive session to discuss litigation. J. Taylor seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked to table airport guide slopes. M. McKinney made a motion to table the airport guide slopes to the next regular meeting on November 9, 2009. D. DeGuire seconded the motion. All were in favor. The ayes carried.

8. Old Business

There was no old business.

9. New Business:

B. Lukens stated that there is no regulation for informing people that the commission is rezoning their property; people were not notified that this was happening. G. Rooke-Norman asked what other towns do in this matter. C. Fontneau stated that the legal notice is published in the newspaper and that satisfies the legal requirement. G. Rooke-Norman stated that notice can be sent in the tax bills and that reporters do not come to the meetings to put in the newspaper. C. Kinnie stated that there were two separate articles in the Bulletin for the adoption of the regulations by the Planning and Zoning Commission. There was discussion of this matter including that more people are getting their news of the internet. G. Rooke-Norman asked the commissioners to talk to other people to see what other towns do in this matter. P. Anthony asked D. Szall if the legal notices were on the website. D. Szall stated no but that they can be put on their own page. P. Anthony asked D. Szall to put the legal notices on the website.

10. Reports from the Enforcement Officer:

P. Zvingilas explained that there was a letter from the town attorney with an opinion that the automobiles pre-existed the adoption of the regulations that they are grandfathered on Rhea Street. He read the letter from the attorney for the record. P. Zvingilas read the letter that he sent to Mr. Aubin for the record. He stated that he received a letter from Mr. Aubin in rebuttal to the letter that he sent at the Commission's request to Mr. Aubin regarding the large number of automobiles on his property brought by complaint that Rhea street was a junkyard. He read Mr. Aubin's letter for the record. P. Zvingilas stated that 9 of the vehicles have been removed. G. Rooke-Norman asked how many vehicles have been removed since 2007. There was discussion of this matter.

G. Rooke-Norman stated that there have been repeated requests from Mr. Sylvestre in these issues. She stated that a letter should be sent a letter of response to the Board of Selectmen indicating that we 1) have taken steps to have Mr. Aubin clean up his site. 2) a response from Mr. Aubin and has taken some action to clean up the site. She stated that before we can issue any cease and desist, we requested an opinion of the town attorney and the town attorney responded that the planning and zoning does not have jurisdiction to issue a cease and desist in the matter and that the board has done all that they can do in enforcing zoning regulations concerning the matters brought by Mr. Sylvestre. 5. The BOS want to adopt an ordinance whether it is a blight ordinance or some other ordinance to assist in the clean up and not run afoul of the grandfathering and suggested that the BOS consult the town attorney to give the P & Z direction who will support whatever blight ordinance the BOS might want to enact to enforce regulations that the P & Z has no authority to enforce.

P. Zvingilas read further from the Town attorney's letter that the property may be required to be registered as an automotive recycling facility with the DMV and that there is some dispute who properly enforces this regulation but does not fall to the borough or the town to enforce state statues and regulations. G. Rooke-Norman stated that this letter should be sent to the BOS with copies of letters to and from Mr. Aubin, the letter from the town attorney and copies to Mr. Sylvestre.

P. Anthony stated that Mr. Sylvestre will contest to the state because Mr. Aubin is not licensed with the stated. There was discussion of this matter. G. Rooke-Norman asked if the BOS should be an inquiry to the DMV to see if this individual is within the regulations and that DMV should enforce those regulations. There was discussion of this matter.

G. Rooke-Norman asked for discussion of the cease and desist orders, for Patryllos, Mackin/Prescott, and Wood.

P. Zvingilas explained that the Patryllos have removed nearly all the vehicles on the right have been removed. G. Rooke-Norman asked P. Zvingilas for a progress report to give to the commission and the BOS for item 10B.

G. Rooke-Norman asked P. Zvingilas to report the Richard Fontaine cease and desist. P. Zvingilas explained that Richard Fontaine at Oakville and Edmond Roads has removed 3 vehicles and is in the process of getting rid of the rest. G. Rooke-Norman asked P. Zvingilas to give the commission and BOS a progress report for item 10C.

P. Anthony stated that he left a message for P. Zvingilas on Leha Drive for him to investigate.

G. Rooke-Norman asked about the cross-complaints from Leonard Berry and Patrick Strain. P. Zvingilas stated that he expected both of them to be here tonight. The complainants were not present. P. Zvingilas stated that there is a trailer on the site and he told Mr. Strain that the trailer has to go. C. Fontneau stated that Patrick Strain called him stating that he could not be here because his wife was ill; but that the trailer will be removed within a few days. There was discussion of this matter including that this is now a civil matter.

G. Rooke-Norman stated that we have tabled Donald Eldridge to the end of the agenda and he apparently is not going to be here. She asked for a motion to table to the next regular meeting. J. Taylor made a motion to table Donald Eldridge to the next regular meeting. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that D. DeGuire had a question for P. Zvingilas. D. DeGuire asked about a permit to tear down a building; how to they get a permit and what does it cost. P. Zvingilas stated that it would be a demolition permit and it depends on what the structure is and whether asbestos abatement is required for 1. an asbestos inspection, 2. an asbestos remediation and 3. verification that it has been removed, and then the demolition permit is obtained. D. DeGuire asked what the cost was. P. Zvingilas stated that the permit is \$50 plus \$16.22 per thousand based on the value of the building to be removed. G. Rooke-Norman stated that there should be an appraisal to object to the assessment. She stated that the formula should be revisited especially for homeowners at a lower rate. There was discussion of this matter.

P. Zvingilas stated that there should be a building permit fee waiver for residents over age 62 years so that only the state fee would be paid by the resident. He asked the commission to consider that the building fee be waived for modifications and improvements for residents over age 62. P. Anthony stated that the BOS is investigating this matter for modifications and improvements for residents over age 62. G. Rooke-Norman stated that she thought it was a good thing and there was consensus by the commission. There was discussion of this matter.

G. Rooke-Norman stated that the elections are coming up and there are three members whose terms are up: C. Kinnie who is running for reelection, B. Lukens who is running for reelection and A. Drobiak who is not running for reelection. She thanked everyone for their volunteering their time to the commission.

P. Zvingilas stated that the town pump is in violation of the Borough blight ordinance. He spoke with Mr. Duda who is working on the blight ordinance. He stated that the town does not have a blight ordinance. G. Rooke-Norman stated that this needs to go through the BOS. P. Anthony stated that the BOS is working on a blight ordinance and P & Z will review it and then it will go to town meeting for adoption. There was discussion of this matter.

11. Adjournment:

G. Rooke-Norman asked for a motion to adjourn. J. Taylor so moved. C. Kinnie seconded the motion. All were in favor. The ayes carried. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary