



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### PUBLIC HEARING & REGULAR MEETING MINUTES

OCTOBER 14, 2008

GRISWOLD TOWN HALL

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

##### 1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 6:30 p.m.

##### 2. Roll Call:

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

**Absent:** John Taylor

##### 3. Determination of Quorum:

B. Lukens recused herself from this matter. G. Rooke-Norman appointed A. Drobiak to sit for J. Taylor. There is a quorum for this public hearing.

##### 4. Matter Presented for Public Comment:

**A. ZC 01-09 Knutson, Peter R. and Phyllis N., 268 Route 2, Preston, CT. Property location: 989 Voluntown Road, Griswold.** Applicant requests approval of a zone change from an R-80 zone to an R-60 zone in order to make the property more consistent with other lake front properties on Pachaug Pond. The property is in the R-80 zone.

G. Rooke-Norman asked if there was someone to represent the applicant. Phyllis Knutson presented her application to the Commission. P. Knutson stated that they have owned this property for 21 years and has a cottage and excess land. She submitted the abutters' notification packet and the green cards to the commission. She submitted a copy of the site plan to the commission. G. Rooke-Norman asked P. Knutson if she represented that certified mail was sent to everyone who was required to be notified. P. Knutson stated yes.

P. Knutson explained that the property was 20 acres and that they wanted to change the R-80 zoning designation to an R-60 zoning designation to be consistent with the other lots on the pond. A. Drobiak asked where the property was located. P. Knutson showed where the property was located across from the Campbell farm stand. P. Knutson stated that there was very little R-80 on the lake. She explained that in 1986 the area was rezoned R-80 and they want to be more consistent with the area as they are

surrounded by smaller lots. G. Rooke-Norman asked C. Fontneau about this matter. C. Fontneau stated that the PoCD shows this area a low density residential as R-80 and R-60, and the adjacent properties to the east is shown as future commercial uses in the PoCD is presently R-40. There was discussion of this matter including concerns that it could create a reverse spot zoning and there are no contiguous R-60 to this parcel.

P. Knutson stated that she would like to build a house and to have something for her grandchildren. She stated that the setbacks do not meet the R-80 requirements in the location that she has chosen for the house. She stated that they were told that they could not get a variance because there was no hardship. She stated that they are the only R-80 parcel on the lake. There was discussion of this matter.

D. DeGuire asked how much frontage she had on Route 138. P. Knutson stated that they had 440 ft. of frontage. G. Rooke-Norman asked if there were any contiguous R-60 parcels next to this parcel. C. Fontneau stated that there were no other R-60 parcels. D. DeGuire asked if the parcels to the west were R-80. P. Knutson stated yes.

G. Rooke-Norman asked for questions from the commission members. C. Kinnie stated that there is a gentleman here who is an adjacent landowner. He asked the gentleman to show where his property was on the map. Richard Gileau showed the commission where his property was located. G. Rooke-Norman asked if there were houses on the property. He stated yes that there was his house, the Landry House and the beauty salon. He stated that he came to see how this would be worked out and he was concerned that it would be overdeveloped. P. Knutson stated that an acre and a half wouldn't be over developed and they had no plans to develop it right now just to build a house and fence in the property for their grandchildren. There was discussion of this matter.

G. Rooke-Norman asked if there were any other people to make a statement regarding this application.

A. Drobiak stated that he was concerned for the overdevelopment in the future, especially the number of lots and the 400 feet of frontage. P. Knutson stated that there is 440 ft. of road frontage. G. Rooke-Norman stated that there were other limiting factors. Peter Knutson explained that when the zoning changes took place in 1986. They were told that they could change it back.

C. Kinnie stated that the PoCD would be working on the tiered zoning system. P. Knutson asked about the tiered zoning. C. Kinnie explained that having so many zones it can be confusing especially when a parcel has more than one zone.

A. Drobiak asked C. Fontneau about his reservations since there was no contiguous R-60 zone. G. Rooke-Norman stated that historically when they are changing zones, they usually look at contiguous zones. D. DeGuire stated that this is like spot zoning because there are no R-60 parcels. There was discussion of this matter.

G. Rooke-Norman asked for other comments or questions. P. Knutson stated that a variance required a hardship. G. Rooke-Norman stated that the topography can be considered a hardship. C. Fontneau stated that he did not speak to them before the application. P. Knutson submitted a copy of the street card for the record.

G. Rooke-Norman asked for a motion to close the public hearing. D. DeGuire made a motion to close the public hearing. M. McKinney seconded the motion. All were in favor. The ayes carried.

## 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 7:05 p.m.

### 2. Roll Call:

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

**Absent:** Member John Taylor

### 3. Determination of Quorum

B. Lukens returned to her seat. G. Rooke-Norman appointed A. Drobiak to sit for J. Taylor. It was determined that there is a quorum for this public hearing.

### 4. Matter Presented for Public Comment:

**A. SRC 02-08 Text Amendments to Town of Griswold Zoning Regulations, Subdivision Regulations and Borough of Jewett City Zoning Regulations.** Text Amendments to the Town of Griswold Zoning Regulations to **Section 4.2.6** Temporary and Limited Moratorium on Residential Subdivisions /Resubdivisions in R-40, R-60 and R-80 zoning districts. This temporary moratorium will be effective on February 1, 2008 and remain in effect and extended for a term ending March 31, 2009; **Section 5.3.2.1** Temporary Moratorium on Multifamily Units in the R-20 zoning district. This temporary moratorium will be effective on February 1, 2008 and remain in effect and extended for a term ending March 31, 2009; Text Amendment to Town of Griswold Subdivision Regulations **Section 9.6** Temporary and Limited Moratorium on Residential/Re-subdivisions. This temporary moratorium will be effective on February 1, 2008 and remain in effect and extended for a term ending March 31, 2009; Text Amendment to the Borough of Jewett City Zoning Regulations to **Section 2.8** Temporary and Limited Moratorium on Residential/Re-subdivisions and Multifamily Units. This temporary moratorium will be effective on February 1, 2008 and remain in effect and extended for a term ending March 31, 2009.

C. Fontneau stated that the moratorium was for large subdivisions and multifamily development. He stated that this public hearing is to extend the moratorium to March 31, 2009 to complete the changes to the town regulations, borough regulations, and subdivision regulations. G. Rooke-Norman read the sections for the record of the requested moratorium extensions.

G. Rooke-Norman asked for questions from the board. She asked for questions from the public for this public hearing.

Erik Seitz had a questions regarding the first free split and if they would be grandfathered for the prior zoning requirements. G. Rooke-Norman stated that when the building permit is obtained, the most current zoning requirements would be effective. There was discussion of this matter.

G. Rooke-Norman asked for comments from the public. She asked for a motion to close the public hearing. D. DeGuire made a motion to close the public hearing. M. McKinney seconded the motion. All were in favor. The ayes carried.

### 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 7:18 p.m.

#### 2. Roll Call:

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

**Absent:** Member John Taylor

#### 3. Determination of Quorum:

G. Rooke-Norman appointed A. Drobiak to sit for J. Taylor. There was a quorum for this regular meeting.

#### 4. Approval of Minutes:

- A. Approval of Minutes of the Regular Meeting of August 11, 2008
- B. Approval of Minutes of the Regular Meeting of September 8, 2008
- C. Approval of Special Meeting of September 22, 2008

G. Rooke-Norman asked for a motion concerning the minutes. D. DeGuire made a motion to accept the minutes of August 11, 2008, September 8, 2008, and September 22, 2008. M. McKinney seconded the motion. All were in favor. The ayes carried.

#### 5. Zoning Regulation & Subdivision Regulation Update

C. Fontneau stated that the subdivision regulation changes have been completed and are ready for review. G. Rooke-Norman asked the members to review the sections of the subdivision regulations.

There was discussion of Section 2.4 and to contain the some wording "certify to the town"; Section 1.33 of the zoning regulations contain "or their authorized agents as authorized through this regulation; Section 3 public hearing for 5 or more lots, Section 3.3 certified mail receipts required, Section 3.4 was a statutory change to 35 days; Section 3.7 performance guarantees; Section 3.8 regarding electronic versions of final site plans; Section 3.9 "Notice on land records that the subdivision is not in conformance", "to be reviewed by Atty. Branse; Section 3.12 updates soil and erosion controls; Section 3.14 Street numbers; Section 4.1 changes to number of site plans; Section 4.16 Parcel History Map and site plan requirement and parcel status from March 1971. Section 4.3.1 Revision dates on all sheets. Section 4.3.14 & 15 Wetland approvals and signature blocks; Section 4.3.16 site lines and grading to DOT standards for driveways and common driveways. Section 4.4 Road ordinance standards; Section 4.4.2 Policy changes for drainage systems to the 2004 stormwater management plan; Section 4.3 Stonewall preservation; Sections 4.5.1 S & E plan; Section 4.5.4. Performance guarantees. Section 5.2.1 lot definition; Section 5.2.6 tiered lots; Section 5.2.7 remaining land; Section 5.5.1 Change to Open Space 10%; Section 5.5.3.3.1 clarification of performance guarantees; Section 5.6 Pedestrian Easements; Section 6.1 General language.

G. Rooke-Norman asked for a motion to go on with the regular meeting and move this item to the end of the agenda. D. DeGuire made a motion to go on with the regular meeting and move this item to the end of the agenda. M. McKinney seconded the motion. All were in favor. The ayes carried.

**6. Correspondence and Attachments:**

- A. Letter dated September 17, 2008 from Attorney Mathew J. Willis to Gail Rooke-Norman, Chair regarding subdivision existence.
- B. "Avalonia Trails" Newsletter, Fall, 2008 by Avalonia Land Conservancy Inc.

**7. Matters Presented for Consideration:**

- A. **ZC 01-09 Knutson, Peter R. and Phyllis N., 268 Route 2, Preston, CT. Property location: 989 Voluntown Road, Griswold.** Applicant requests approval of a zone change from an R-80 zone to an R-60 zone in order to make the property more consistent with other lake front properties on Pachaug Pond. The property is in the R-80 zone.

B. Lukens recused herself. G. Rooke-Norman asked the commission for discussion. M. McKinney stated that he did not have any problems with this zone change. A. Drobiak stated that he was concerned with the amount of acreage and the future of overdevelopment of the area. C. Kinnie stated that it would have been better if there were multiple landowners requesting the zone change. G. Rooke-Norman stated that it would be setting a precedent since there were no contiguous R-60 properties. There was discussion of this matter.

D. DeGuire made a motion to approve ZC 01-09 to change the present zoning from R-80 to R-60. M. McKinney seconded the motion. G. Rooke-Norman asked for further discussion.

M. McKinney stated that C. Fontneau said earlier that it wouldn't be a spot zoning problem. C. Fontneau stated that it would not be an illegal spot zoning problem. G. Rooke-Norman state that this has not been done before. C. Fontneau stated that it is not inconsistent with the PoCD. There was discussion of this matter.

A. Drobiak asked P. Zvingilas if he had an opinion on the development of that parcel. P. Zvingilas stated no, he did not have an opinion. G. Rooke-Norman stated that someone in the town hall recommended a zone change instead of a variance. P. Zvingilas stated that there is twenty acres and there should be a location to build. P. Knutson stated that it wasn't someone in the town hall it was someone in the surveyor's office. There was discussion of this matter.

M. McKinney stated that he has more reservations than he initially thought. A. Drobiak asked if it can be approved conditionally. There was discussion of this matter. D. DeGuire rescinded his motion. M. McKinney rescinded his second.

G. Rooke-Norman asked for a motion to continue this application. A. Drobiak made a motion to table this to the next regular meeting on 11/20/08. D. DeGuire seconded the motion. All were in favor. The ayes carried.

- B. **OR 01-09 Zvingilas, Peter, 28 Main Street, Griswold, CT. Property location: Town wide.** Applicant requests an Official Ruling regarding pre-existing-discontinued signs with state permits. All town zones.

P. Zvingilas explained that the State had asked for the status of reusing billboards and preexisting state permits. He stated that the State wanted to know if the town had objections to them reusing the existing billboards. There was discussion of this matter. P. Zvingilas will make copies of the letter from the state to give to the members to discuss next month.

**C. OR 02-09 Zvingilas, Peter, 28 Main Street, Griswold, CT. Property location: Town wide.** Applicant requests an Official Ruling if no trespassing and beware of dog signs, etc. are subject to Section 15.2.6. All Town Zones.

P. Zvingilas explained that he wanted a ruling on whether no trespassing and beware of dog types of signs did not come under Section 15.2.6 of the zoning regulations. G. Rooke-Norman stated that they are not subject to Section 15.2.6. P. Zvingilas stated that he had a complaint that someone had excessive no trespassing signs and beware of dog signs. There was discussion of this matter and a consensus that the commission it has no jurisdiction for those types of signs.

**D. ZP 02-09 Burkart, Jeffery and Lorna, 68 Dawley Road, Griswold, CT. Property location: 5 Business Park Way, Griswold.** Applicant requests approval of a zoning permit in order to construct a 1,680 s. f. office building with associated parking area and utilities. The property is in the C-1 zone.

G. Rooke-Norman asked if anyone was representing the applicant. Lorna Burkart presented her application explaining that they are moving their business to Griswold. She stated that the building is a 60 ft. x 28 ft. building to be used as an administrative office. She stated that the required parking was for nine cars, but they had put more spaces to anticipate continuing education in the future. G. Rooke-Norman asked the nature of the business. L. Burkart stated that the business is financial services and financial education. There was discussion of this matter.

C. Fontneau explained that the plan was reviewed and that the drainage for the business park was provided for by the developer in the road drainage calculations at the time of the subdivision approval. He stated that Bob DeLuca reviewed the plan and submitted a letter that the road drainage calculations were oversized were able to accommodate the stormwater routed to a catch basin in the road; and that the letter of credit was reviewed and it was adequate and B. Deluca recommended a possible reduction that would still be protective of the town. C. Fontneau stated that the landscaping requirements meet the minimum requirements and the elevation plans show a basic building that is sided. He did not see any outstanding issues. He stated that there was a request to waive the dumpster pad and the loading dock that the application felt was not needed for their type of business and the parking meets the demands proposed and are more than adequate.

A. Drobiak asked what their plan was for recycling and waste disposal. L. Burkart stated that they don't generate a lot of waste and that they take care of the waste privately. She stated that it would take a very long time to fill a dumpster.

M. McKinney stated that should the building be sold and the use changed, would it be a new review. G. Rooke-Norman stated that was a concern. M. McKinney stated that the applicant may not need a dumpster now, but may in the future. There was discussion of this matter including that a dumpster pad and fencing could be installed for any future use.

M. McKinney stated that the developer was to have a monument sign at the road. L. Burkart asked if the monument sign prevented her from putting a sign at the property. C. Fontneau state no and that there can be a free standing sign on the property. P. Zvingilas stated that it

can be 32 sq. ft. G. Rooke-Norman stated that there can be a sign on the building as well. There was discussion of this matter.

G. Rooke-Norman asked for other issues.

M. McKinney asked where the well and septic system was located. C. Fontneau stated that the sanitarian reviewed the site plan and well and septic location that are on page two. There was discussion of this matter.

G. Rooke-Norman asked for any other comments. She asked for a motion.

D. DeGuire made a motion to approve ZP 02-09, 5 Business Park Way, Pachaug Business Park and for the bond estimate of \$54,000. C. Fontneau stated the engineer recommend a reduction of \$34,000. D. DeGuire amended his motion to reduce the bond to \$34,000. G. Rooke-Norman stated that there were three exceptions. D. DeGuire rescinded his motion.

C. Fontneau stated that the bond would be to stabilize the site should the project not be completed. He stated that it was a disincentive to a small business to tie up cash in a bond. M. McKinney suggested \$25,000 for the bond. There was discussion of this matter.

G. Rooke-Norman stated that the dumpster pad should be included. Rich DeChamps, the engineer stated that there were two locations for the pad since the site had frontage on three roads. There was discussion of this matter. G. Rooke-Norman stated that there should be a pad and fencing installed. There was consensus from the commission. There was discussion of this matter. R. DeChamps will put in the pad and fencing.

G. Rooke-Norman stated that there was an exception for the loading dock. There was discussion of this matter. There was a consensus from the commission to waive the truck loading dock. G. Rooke-Norman asked about the bonding. She asked the commission if they were in agreement to reduce the bond to \$25,000. The commission was in consensus to reduce the bond to \$25,000.

G. Rooke-Norman asked for a motion. D. DeGuire made a motion to approve ZP 02-09, 5 Business Park Way, Pachaug Business Park with a \$25,000 cash passbook or letter of credit, to require a dumpster pad and fencing enclosure, and to waive the loading dock requirement based on the site plan dated 9/22/08. M. McKinney seconded the motion. All were in favor. The ayes carried.

## **8. Additional Business:**

**A.** Section 8-24 Review requesting the discontinuation of Lee Road (a.k.a. Forest Road) at a town road.

C. Fontneau stated that the DEP wanted to have Lee Road that discontinued that consisted of the section of Lee Road called Forest Trail I and Forest Trail II. He stated that there is another section of Lee Road that is plowed and maintained by public works and that this section will remain as a town road. There was discussion of this matter. C. Fontneau will recommend to the BOS to discontinue the Lee Road sections known as Forest Trail I and II and that Lee Road off of Breakneck Road is a town road will be maintained.

M. McKinney made a motion to send a positive 8-24 review to the BOS. D. DeGuire seconded the motion. All were in favor. The ayes carried.

**B.** Terrie Berry, 1053 Voluntown Road, complaint regarding Four Brothers Motorsports

G. Rooke-Norman asked if Terrie Berry was present. D. DeGuire recused himself from this matter. Terrie Berry stated that the board was to review the tapes in the discussion because of the hours of operation. She submitted materials to the commission containing photographs to review. She set up a laptop for the commission to review sound clips that she took of Four Brothers Motorsports. She stated that there were vehicles parking and tires stored behind the building. She submitted photographs. There was discussion of this matter.

G. Rooke-Norman asked if P. Zvingilas had looked at this during the day during business hours. P. Zvingilas stated that there looks like there is some storage of items outside that should not be there. G. Rooke-Norman asked if anyone from Four Brothers Motorsports was present. Patrick Strain was present and stated that the commission listen to Tina Chapman who was here with her small child.

Tina Chapman, owner of the Pachaug Aquarium stated that she does not have any issues with Four Brother's Motorsports. She stated that she works at her shop all day and has no problems with noise. She stated that she has an issue with Terrie Berry that when she was outside the business, T. Berry came out and photographed everything and that she has even photographed her children.

Patrick Strain, Four Brothers Motorsports, stated that he wrote a letter to the commission defining operating hours and business hours. He submitted this letter to the commission. He stated that he googled operating hours and business hours and found nothing as a definition. He stated that he googled the definitions of test drive and test ride and he submitted a copy to the commission. He stated that he spoke to other abutters and they did not have any issues with his business. He stated that he received a letter from the Pachaug Cemetery Association commending him on pushing the vehicles when there was a funeral.

P. Zvingilas stated that there was a large accumulation of tires that should be stored in a container. P. Strain stated that he was not aware of the ordinance. He stated that he would remove the tires. There was discussion of this matter including that a small building can be used for customer storage.

G. Rooke-Norman asked P. Strain to work with P. Zvingilas the zoning officer. G. Rooke-Norman stated that many of these complaints are of a civil nature. There was discussion of this matter including violations of a permit.

T. Berry asked about the operating hours. G. Rooke-Norman suggested that P. Zvingilas speak with the town attorney on hours of operation. G. Rooke-Norman stated that P. Zvingilas will review this. P. Strain stated that he had some trespassing issues and he submitted photographs of Mrs. Berry trespassing on his property.

G. Rooke-Norman stated that they will go to the next agenda item.

## **9. Old Business**

**A.** Discussion of a request from Randy Brown, Clearwater Home Improvements of a letter of credit reduction for Danika Way in Danika Estates from \$286,365.00 to \$17,181.90.

C. Fontneau stated that this is part of a road acceptance process. He stated that he received the final review letter from David Held on Danika Way. He stated that there are no unresolved issues and the planning and zoning commission recommended releasing the balance to \$17,181.90 is the 6% maintenance level for year one to two after town acceptance. He stated that the commission recommend to the BOS for their review and to set a town meeting to accept the road. There was discussion of this matter.

M. McKinney made a motion recommend to the BOS to reduce the letter of credit reduction to the statutory 6 percent for Danika Way to \$17,181.90. D. DeGuire seconded the motion. All were in favor. The ayes carried.

**10. New Business:**

A. Discussion of a request from Attorney Harry Heller regarding release of the Maintenance Bond for Quiet Cove Lane that was accepted as a town road on September 26, 2006.

C. Fontneau stated that the letter of credit should be reduced to zero. The road had been accepted for Quiet Cove Lane and Todd Babbitt says there is no problem with the road. This will close the matter of this letter of credit and to recommend to the BOS to reduce the letter of credit to zero.

M. McKinney made a motion to reduce the letter of credit to zero and recommend that the BOS reduce the letter of credit to zero. A. Drobiak seconded the motion. All were in favor. The ayes carried.

**11. Reports from the Enforcement Officer:**

A. 51 Sunset View update

P. Zvingilas stated that he received a letter from Attorney Mark Branse regarding issuance of permits for lots on the unfinished road. G. Rooke-Norman read the letter from Attorney Branse for the record. G. Rooke-Norman asked the commission if it should follow the steps listed by the town attorney. There was discussion of this matter.

G. Rooke-Norman stated that we are getting ready to adjourn.

P. Zvingilas stated BOS instructed him to bring this to the commission how to treat the unregistered motor vehicle located in front of Eastern Bank for the past seven months. There was discussion of this matter. The commission asked P. Zvingilas to write a letter to the bank informing them of their non-compliance with town regulations and to have the vehicle removed or have the vehicle registered.

C. Fontneau stated that there is a natural resources evaluation help from the Green Valley Institute. There was discussion of this matter.

C. Fontneau stated that he had some reports from the consultant to give to the state for the draw-down. There was discussion of this matter.

G. Rooke-Norman asked for a special meeting for October 27, 2008 at 7:00 p.m. in the town hall meeting room.

**12. Adjournment:**

G. Rooke-Norman asked for a motion to adjourn. D. DeGuire made a motion to adjourn. M. McKinney seconded the motion. All were in favor. The meeting adjourned at 10:20 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary