



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### REGULAR MEETING MINUTES

OCTOBER 15, 2013

GRISWOLD TOWN HALL

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

##### 1. Call to order:

M. McKinney called this regular meeting to order at 7:02 p.m.

##### 2. Roll Call

**Present:** Martin McKinney, Courtland Kinnie, Daniel DeGuire, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall  
Duane Button was also present.

**Absent:** Lawrence Laidley, Alternate James Krueger

**Also Present:** Duane Button

##### 3. Determination of Quorum

M. McKinney appointed B. Hull to sit for L. Laidley. There was a quorum for this regular meeting.

##### 4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of September 9, 2013

M. McKinney asked for approval of the minutes of September 9, 2013.

**MOTION:** C. Kinnie moved to approve the minutes of September 9, 2013. B. Hull seconded the motion. D. DeGuire and E. Kudlis abstained since they were not at the last meeting. There were three ayes and two abstentions. The motion was carried.

##### 5. Correspondence and Attachments

There was no discussion of correspondence and attachments.

##### 6. Matters Presented for Consideration

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

M. McKinney asked M. Tristany to review the draft regulation changes for Food Vending Operations. M. Tristany explained that last month there were questions regarding the number of venders to allow per lot. He stated that it would be up to the Commission to determine the maximum number of food vending vehicles to allow.

M. Tristany read Section 6.2.5.2 for the record for multiple vendors that a site plan should be required showing vehicle access, the parking area, the number of food vendors per lot and vehicle locations, picnic table locations away from the vendors. He explained that the Fire Marshal only reviews food vendors for like propane and the Health Department does not regulate them because they are on wheels. C. Kinnie asked how the vehicles would be addressed if you are depending on the site plan Section 6.2.5.4 for site plan capacity. M. Tristany stated that it would be site plan capacity on a case by case basis. M. McKinney stated that the site plan would be an A-2 survey. M. Tristany stated that the commission can waive A-2 survey requirements. M. McKinney stated that this use is an accessory use in Section 6.2.5.3 to the principle structure. There was discussion of intensifying a non-conforming use.

M. McKinney asked if this was one time. M. Tristany stated that it 6.2.5.11 stated that it is an annual zoning permit at \$250.00. M. McKinney asked if this was the same for all the vehicles on the site. M. Tristany stated that it was for each vending vehicle on the site. P. Zvingilas stated that each would be reviewed on its own merits. He stated that there should be language that an A-2 is required or it could be a Class D survey done by a professional and that it can be waived by the commission. M. Tristany stated that we can reference Section 13 regarding language for A-2 surveys and language for waivers by the commission.

M. McKinney stated that there should be language for portable toilets and amenities. P. Zvingilas stated that there will be a principle use on the site. M. Tristany stated that **Section 6.3.5.2** will now read: **A SITE PLAN DRAWN TO SCALE IN ACCORDANCE WITH SECTION 13 OF THE GRISWOLD ZONING REGULATIONS SHOWING THAT THE PROPOSED VENDING VEHICLE PLACEMENT MEETS THE APPLICABLE FRONT, SIDE AND REAR SETBACKS FOR ITS UNDERLYING ZONING DISTRICT.** He stated that the Commission can waive the A-2 survey requirement and several other requirements.

P. Zvingilas stated that there are several lots where there is a principle use but they are on separate lots such as the hotel property and the access is there. D. DeGuire stated that there is no principle use on the lots by the hotel. M. McKinney stated that the vendors would not be allowed. E. Kudlis asked if this was for food or was it for the lot when it is used for selling the fireworks. P. Zvingilas stated that that is separate, seasonal permit for about seven days for that trailer where they pay a fee and is a good location for it. B. Hull asked if P. Zvingilas requested these proposed regulations. M. McKinney stated that the commission requested it. There was discussion of this matter since there were no regulations to address these vending operations.

M. McKinney stated that it is important to keep this as a secondary use since there are no tax revenues being generated. M. Tristany stated that for **Section 6.2.5.4** will now read: **THE NUMBER OF VENDING VEHICLES PERMITTED SHALL BE DETERMINED BASED ON SITE PLAN PREPARED IN ACCORDANCE WITH SECTION 6.2.5.2.**

M. Tristany stated that we spoke about all weather surfaces where a gravel drive way will kick up dust especially where people are sitting at picnic tables. He stated that this was addressed in Section 6.2.5.5. E. Kudlis asked what all weather surfaces meant. M. Tristany stated that it can be stone dust or black top. M. Tristany stated that it was discussed if portable toilets were required. He explained that the Health Department does not regulate these food vending vehicles they are transient; but the commission can address this. P. Zvingilas stated that the health department regulates that and that if there is seating then you may need those facilities because they are eating on the premises according to ICC Building Codes. There was discussion of this matter including two ADA acceptable facilities were required if it is open to the general public. P. Zvingilas will check those rules.

B. Hull asked if this was a temporary thing. M. McKinney stated that every year they are required to get a permit so if there are problems, it can be dealt with. M. McKinney stated that the restrooms should be added and they can be removed at the public hearing if we have to.

M. McKinney asked for a motion to set a public hearing.

**MOTION:** D. DeGuire moved to set a public hearing for SRC 05-13 on November 12, 2013 at the Senior Center at 6:30 p.m. C. Kinnie seconded the motion. All were in favor. The motion was carried.

**B. SRC 06-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD.** Draft regulations for Section 11.11 animals in town and 10.10 in Borough

M. McKinney asked M. Tristany to explain. M. Tristany stated that the Chairman directed the commission to look at these regulations for any suggestions or changes for tonight's meeting. He stated that this is a popular issue in the state especially with respect to roosters. B. Hull stated that he felt that the current regulations were satisfactory with the current 3 acre requirement. M. McKinney read the proposed regulation for chickens. M. Tristany stated that it originated from complaints to P. Zvingilas for noisy roosters. P. Zvingilas stated that a couple times a year there are complaints from residents because of roosters. There was discussion of this matter including that this regulation does not apply to the five acre farm classification.

C. Kinnie stated that L. Laidley stated that there were people who have chickens in the borough and that you don't even know that they are there because they are contained. He stated that the chickens should be contained and that is the big difference. He stated that roosters should only be prohibited in the borough. He stated that if there is a problem with roosters, neighbors should talk to their neighbors to resolve the issue with rooster. M. McKinney suggested removing the rooster prohibition from the town regulations but to keep the rooster prohibition for the borough. E. Kudlis stated that it makes sense because of the density of the borough.

M. McKinney asked for a motion to set a public hearing.

**MOTION:** D. DeGuire moved to set a public hearing for SRC 06-13 on November 12, 2013 at 6:45 pm at the senior center. C. Kinnie seconded the motion. All were in favor. The motion was carried.

**C. SRC 01-14 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD, CT.** Draft Borough Regulation Change to Section 6 Residential/Commercial Districts to add Section 6.1.4 Food Vending Operations and Section 7 Commercial Districts to add Section 7.1.2.1 Food Vending Operations, to add Section 8.1.10.1 and to add to Section 20.1 Definitions for Food Vending Vehicle.

M. McKinney asked M. Tristany to explain this matter. M. Tristany explained that last month, the commission wanted regulations for Food Vending Vehicles for the Borough and the regulations are the same parameters for the town. He stated that his personal opinion is that they should not be allowed in the borough since there are a number of existing restaurants on Main Street in the Borough and a number of these vending vehicles can adversely affect the local businesses.

M. McKinney asked how would these be worded for the regulations M. Tristany stated that there would be a blanket statement that food vehicle are prohibited in the Borough with the exceptions that are defined in this provision. M. McKinney asked for a motion to set a public hearing. M. Tristany read the exemptions for the record.

**MOTION:** D. DeGuire moved to set a public hearing for SRC 01-14 on November 12, 2013 at 6:20 pm at the Senior Center. C. Kinnie seconded the motion. All were in favor. The motion was carried.

## **7. Additional Business**

**A.** Discussion to create draft regulation change to add **Section 10.3.1 ADA Access Ramps in the R-40, R-60 Zones Only. The front yard setback requirement does not apply to single family residential buildings provided that the ADA Ramp is not attached to the House and that the residential buildings were built prior to August 10, 2009.** This was an official ruling made at the November 8, 2010 Planning & Zoning Meeting based on 2009 zoning changes creating non-conforming lot setbacks.

M. McKinney asked M. Tristany to explain this item. M. Tristany stated that it was P. Zvingilas' item. P. Zvingilas explained that there was a request for a handicapped ramp on the smaller lots where the zoning was change; and this was done on an individual basis but that it should be in the regulation as a matter of right. M. McKinney stated that the front yard setback requirement will be waived for a single family house. M. McKinney asked about two-family residences. P. Zvingilas stated that he didn't know why the ramp would not be attached to the house. He stated that the word NOT should be taken out of the wording. There was discussion of this matter including that the VA has custom ramps that are not attached to the house. He stated that he would like ramps to be in conformance with the regulations and he had no objections for it to apply to two-family residences as well. M. McKinney stated that the word **NOT** will be taken out and **two-family residences** will be added to the wording.

M. McKinney left the room to take an emergency phone call. C. Kinnie, as vice chair, continued the meeting. C. Kinnie stated that A and B could be lumped together for the public hearing.

**B.** Discussion to create Griswold draft regulation change to add **Section 10.3.1 Corner Lots** and to create Borough draft regulation change to add **Section 9.4.2 Corner Lots**.

C. Kinnie asked to continue with additional business. P. Zvingilas explained that this was a recent official ruling that for a corner lot where the house face the road will be the front yard, the opposite will be the rear yard and a side yard that is not on the road. There was discussion of this matter.

M. McKinney returned and took the chair. He asked for a motion to set a public hearing for SRC 02-14.

**MOTION:** D. DeGuire moved to set a public hearing for 6:15 p.m. for SRC 02-14 with the changes made to the text on November 12, 2013 at the senior center. C. Kinnie seconded the motion. All were in favor. The motion was carried.

## **2. Old Business**

M. Tristany stated that there was discussion last month for the Button Farm to add a 24 x 26 foot addition to the ice cream stand. The commission asked for a legal opinion from the Town Attorney. M. Tristany summarized the letter from the town attorney and read portions for the record. There was discussion of this matter including that the zoning regulations addresses that the size of a road side stand is 200 s. f., that the sale of beef is not clear that it is the sale of produce, the existing use is that a legal non-conforming may not be enlarged, the sale of beef as retail sales is not accessory use to the farming operation, if a building more than 2000 s.f. with parking is subordinate to the farm operation and farm retail sales as a year round retails sales as being customary in Griswold, and rule of statutory construction is that specific controls over the general Section 4.2.5 for retail sales accessory to farms controls the accessory uses for farms not Section 4.2.4. The town attorney's recommendation is to revise the zoning regulations to address sales for farms that go beyond the restrictions of Section 4.2.5 and suggested agri-business regulations to address relationship of cultivated acreage and the size of the agri-business operation, as well as parking, traffic circulation, sight lines, site plan requirements, stormwater management and hours of operation and the proposed uses.

M. Tristany explained that variances cannot be obtained because a non-conforming use cannot be expanded. He suggested that the staff write agri-business regulations. M. McKinney stated that Mr. Button has submitted an application. M. Tristany stated that the commission cannot act on this application based on the town attorney's opinion. D. Button stated that he wants this to be right and to do what the Commission must do. M. McKinney stated that we are pro business and the commission will write some agri-business regulations. M. McKinney asked that D. Button obtain a Class D survey which is like an as-built site plan. There was discussion of this matter including that PA 490 applies that applies to farms.

M. McKinney stated that some farm stands sell produce from other people and that this becomes dangerously close to commercial retail. P. Zvingilas stated that that would not be a problem unless they

are selling soda and cereal and other non-farm products. There was discussion of this matter including that there are two other farm stands, one on Route 138 and one on Route 12. M. McKinney asked D. Button to withdraw his application for now. D. Button will withdraw his application. C. Kinnie asked if there will be an expanded definition of farm products. M. Tristany stated that there will be expanded definitions. D. Button thanked the commission and left the meeting.

### **3. New Business**

#### **A. Letter from Attorney Harry Heller dated October 1, 2013 regarding O'Keefe Building company Coal Pit Hill Subdivision.**

M. Tristany stated that the outstanding bill to CME has been paid. He stated that he spoke of John Faulise of Boundaries, LLC and they are in the process of drawing up the Mylars. He recommended that the commission grant the second 90 day extension. M. McKinney asked for a motion to grant the second 90 day extension.

**MOTION:** C. Kinnie moved to grant the additional 90 day extension for said application. D. DeGuire seconded the motion. All were in favor. The motion was carried

#### **B. Pleasantview Condominiums**

M. Tristany stated that the Pleasantview Condominiums are gearing up to start the first three buildings of the approved site plan. He stated that the architect is drafting plans for the building permit; the outstanding bond for engineering review will be posted; the façade were approved; the inside building plans were not done when the site plan was approved but that the plans are being done now. There was discussion of this matter.

### **4. Reports from the Enforcement Officer**

#### **A. Notice of Violation of Griswold Zoning Regulation dated Section 11.7.1 dated September 11, 2013 regarding rental of a commercial kitchen approved as a home occupation.**

P. Zvingilas explained that a letter was sent to Brie Osga for a home occupation who was renting the kitchen and the appraiser from the bank told us that it was a rental space. D. Szall stated that she call while P. Zvingilas was on vacation and that she is no longer renting the kitchen. There was discussion of this matter. He will be speaking with Brie Osga for more information.

#### **B. Cease and Desist Order dated September 11, 2013 to Emilia Gournaris in violation of Town of Griswold Zoning Regulation Section 4.2.7 for operating continuous yard sales.**

P. Zvingilas stated that this was someone who was running a continuous yard sale but that this has ceased this operation. He stated that there is also several animals in the back, donkeys, cows, horses, pigs, but that this will be animal control issue and health department.

#### **C. Slater Mill Mall**

M. Tristany stated that while P. Zvingilas was on vacation, there is an area in the back where the Slater Mill Fishing Company makes custom fishing rods. There was an issue where an employee fell through the floor. Carl Brown and the Fire Marshal did an inspection where they found powder post beetles in the floor timbers that were failing. He stated that Donna and Shannon found them a temporary location at 1 Brown Avenue and Route 12 by Ken Large on a month to month lease. He explained that it is an RC zone and it allows special permitted uses such as barber shops. We are working on an amendment to expand the uses for the RC zone in the Borough. This will be discussed at the EDC Wednesday night and it will be an application for a text amendment. There was discussion of this matter including there are 3 owners one in Florida, Texas and here in Griswold who are very community oriented and want to work with school age children; and that this business could be a niche for Griswold.

C. Kinnie asked about the wind turbine manufacturer. M. Tristany stated that they are already moving into the Wyre Wynd facility. He stated that P. Zvingilas and he saw them moving equipment into the Wyre Wynd facility.

M. Tristany stated that he received a phone call from a realtor representing a client who has an interest in the Haven Health property for an assisted living facility.

E. Kudlis asked about Triangle Plastic Wyre property. M. Tristany stated that David Kagan has found some funding and is still looking for other funding for that project. There was discussion of this matter.

M. McKinney asked about the St. Mary property. D. Szall stated that the St. Mary project didn't get their granting for that project. P. Zvingilas stated that there was a problem with the sewer lines from that property. There was discussion of this matter.

B. Hull asked how large where the wind turbines. M. Tristany stated that they were about 35 feet tall and that the blades were helical. There was discussion of this matter.

## 5. Adjournment

M. McKinney asked for a motion to adjourn. C. Kinnie moved to adjourn. D. DeGuire seconded the motion. All were in favor. The meeting adjourned at 8: 30 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary