



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

NOVEMBER 08, 2010

GRISWOLD TOWN HALL

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

1. Call to order:

G. Rooke-Norman called this regular meeting to order at 7:05 p.m.

2. Roll Call:

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

Absent: Member John Taylor, Alternates Erica Bevis, Heather Edge,

3. Determination of Quorum:

G. Rooke-Norman appointed L. Laidley to sit for J. Taylor. There was a quorum for this meeting.

4. Approval of Minutes:

A. Approval of Minutes of the Public Hearings and regular meeting of October 12, 2010

D. DeGuire made a motion to approve the minutes of October 12, 2010. M. McKinney seconded the motion. All were in favor. The ayes carried.

5. Correspondence and Attachments:

6. Matters Presented for Consideration:

A. **ZP 02-11 Lambert, Peter, 16 Spicer Road, Preston, CT 06365. Property location: 1061 Voluntown Road, Griswold.** Request approval for a Zoning Permit to add four 600 sq. ft. storage buildings for storage of landscaping supplies, equipment, trucks and trailers.

G. Rooke-Norman asked if there was anyone to represent the applicant. Peter Lambert presented is zoning permit application. He explained that he wanted to put up four storage units to sort motorcycles and ATVs, storage for the aquarium, storage for the renter and for his landscaping equipment for his three tenants and his landscaping equipment. He explained that he wanted to store landscaping supplies such as mulch and stone near the edge of the pavement.

G. Rooke-Norman asked if this application required a public hearing if it varies the site plan. C. Fontneau stated no but that it was more than an administrative amendment and it appears as a minor site plan amendment for the three uses of the aquarium, four brothers and the residence.

P. Lambert stated that there is a residence, the motorcycle repair shop and an aquarium and reptile store and he wanted to add storage for his landscaping business. G. Rooke-Norman stated that this was a contentious site with the multiple uses and multiple lessees and the applicant wants to have additional landscaping equipment storage suggests a different use. M. McKinney asked how he is going to handle the storage trailers. P. Zvingilas stated that they are not storage trailers, these are buildings. M. McKinney asked if there would be foundations. P. Zvingilas stated that there are no foundations because they are under the size for frost protection. P. Lambert showed the commission a photograph of the storage building. G. Rooke-Norman asked how they would be anchored. P. Lambert stated that they will be anchored according to the engineering specifications with "mobile home anchors. There was discussion of this matter.

M. McKinney asked if the mulch will be sold. P. Lambert stated that the mulch will be for his use and the equipment will be for his business use that he owns. G. Rooke-Norman asked if the business is somewhere else. P. Lambert stated that it is somewhere else. G. Rooke-Norman asked how far back the property goes. P. Lambert showed her the lot dimensions. P. Lambert explained that he has installed white pines as a buffer as well as arborvitae. He explained that he wants to install a gate and privacy fencing coming up to the building because there has been some trouble with people trespassing. M. McKinney asked if there was parking behind the building. P. Lambert showed where the parking was located and that he had added additional parking that what Patrick Strain had provided. P. Lambert stated that there will be limited access for the tenants of his building. There was discussion of this matter.

C. Kinnie asked the distance between the storage buildings. P. Lambert stated that it would be seven feet between buildings. C. Kinnie stated that there should be space for fire apparatus to get back there. G. Rooke-Norman asked about what the storage would be for the trucks and trailers. P. Lambert stated that there are 8 trucks, 4 trailers, a mulch blower, 4 skid steerers, an excavator, and a wood chipper. C. Fontneau stated that there is a letter in the file describing the equipment. He stated that there will be no landscaping customers coming to this site. P. Lambert stated that this was an official ruling for use as a landscaping site in the C-2 zone and the commission ruled that this was a permitted use in the C-2 zone. C. Kinnie asked if his employees would be coming, taking a truck to another site. P. Lambert stated that there would be parking for the employee when he took the truck. G. Rooke-Norman asked if the trailers were the back of a tractor trailer. P. Lambert explained that they were small flatbed trailers for his landscaping equipment.

G. Rooke-Norman asked about the access to the back of this parcel. She stated that the landscaping equipment will be stored here and asked how they would be driven off. P. Lambert stated that they would be driven through the access driveway. P. Lambert stated that there would be a gate and only authorized people would have a key to the gate to the back. He stated that there will be a walkthrough pass as well. M. McKinney stated that there was supposed to be parking for customers in the back. P. Lambert stated that the parking in back is for employees and Patrick Strain's customers park in the front. There was discussion of this matter.

G. Rooke-Norman read the official ruling that a landscaping business less than 5,000 s. ft. is a permitted use by a zoning permit in the C-2 zone. G. Rooke-Norman stated that you were not establishing a landscaping business here. P. Lambert stated that his business is located in Preston and he would like to store some of his supplies here. G. Rooke-Norman asked if the hydrangea trellis was built. P. Lambert

stated no since he could not build it at a height higher than 6 ft. P. Zvingilas stated that the residence next door has changed where the owners are selling the property and splitting it up.

G. Rooke-Norman stated that she felt that this should be a public hearing so that the adjacent businesses can participate. P. Lambert asked if a public hearing was usual for a permitted use if it is done in accordance to the zoning regulations. G. Rooke-Norman stated that if you are bringing another business to the site and you are storing equipment in the parking lot for a business in another location this is the issue. M. McKinney asked about the fire trucks getting back there. P. Zvingilas stated that they would have a lock box for the gate. P. Lambert asked how you would protect equipment in the back lot. G. Rooke-Norman stated that it would be put in a gated enclosure. P. Lambert stated that was what he wanted to do.

P. Zvingilas asked if this could be looked for doing the storage buildings for those tenants who are already there. G. Rooke-Norman asked if they are permanent building because if they are storage containers there is a time limit. P. Zvingilas stated that these are permanent buildings. M. McKinney stated that he was concerned with the intensification of the site by putting the four buildings in back and he was concerned with the additional parking spaces in that narrow area. M. McKinney stated that we made the other guy not have any outside storage and he had to build building. P. Zvingilas stated that landscaping business has a lot of equipment that is kept outside. C. Kinnie stated that we didn't know what size building we are dealing with.

M. McKinney asked where he was going to run his business out of and where the employees would go; will there be a break room. P. Lambert stated that employees will not be staying at the site; they will just get equipment and leave. M. McKinney stated then there is no square footage. P. Zvingilas stated that he would have to show parking and storage areas on the site plan. P. Lambert stated that he would have silt fence around the mulch, loam and stone. There was discussion of this matter.

L. Laidley voiced his concerns for the repairs of motor cycles and ATVs being repaired in the buildings. P. Lambert stated that it would be storage for new vehicles and not for vehicles that are being repaired. There was discussion of this matter.

P. Lambert stated that he would be putting the storage buildings up for the tenants to use. G. Rooke-Norman stated that this would be like a self-storage. P. Lambert stated no, it would be for the tenants on the site. G. Rooke-Norman stated they are trying to determine if this should be brought to public hearing as a special exception and take the whole thing together as a site plan modification. There was discussion of this matter that only one 600 s. f. building falls under the special exception for Patrick Strain.

G. Rooke-Norman stated that we need a legal opinion from our town attorney and the attorney tells us that it is an allowable use. M. McKinney stated that there was not to be any outside storage on this site for the Patrick Strain special exception. C. Kinnie stated that he did not have an issue with the storage buildings but that they should be reviewed by the fire marshal. He was concerned with the amount of traffic through the narrow access and that we need more information. P. Lambert stated that there would be minimal traffic; he just wants to store his equipment there. M. McKinney stated that he was concerned that it was a shared driveway. P. Lambert stated that he owns the driveway, and that the Berrys have a right-of-way.

G. Rooke-Norman stated that there was a problem because Patrick Strains special exception stated that there would be no outside storage. P. Lambert stated that that it would not be outside storage it would

be inside storage. L. Laidley stated that the storage building would have to be for new equipment only. There was discussion of this matter including that there be a 6 inch lipped cement pad as a foundation.

G. Rooke-Norman asked about the parking shown is different from the original approval. P. Lambert stated that he added more spaces. She asked about the storage of the mulch and stone and was it for his personal use or the business's use. P. Lambert stated that it was for the landscaping business; he explained the amounts of materials that would be stored. He stated that they would be out of sight of the road.

G. Rooke-Norman stated that you are adding uses to the one site and the original plan was approved for only certain number of uses. She stated that the materials being stored there, it becomes a satellite for your landscaping business. She stated that this should be reviewed by the town attorney. There was discussion of this matter.

G. Rooke-Norman stated that the commission would require a new site plan and be certified by an engineer and notes for the type of items being stored in the building. P. Lambert stated that he would need to get specs. G. Rooke-Norman stated that the town attorney should review this application because this parcel has been contentious issue especially relating to noise. There was discussion of this matter.

M. McKinney stated that we should check with the attorney on this application. C. Fontneau stated that he wanted to go over the list for the review. He stated that he will ask the fire marshal was he would require. He stated that questions to the attorney would be for the four storage units and outside storage for the landscaping vehicles and notes for what will be stored in the units and a business without any square footage. L. Laidley stated that the wells should be located on the site plan. P. Zvingilas stated that this has been reviewed and approved by Uncas Health District. There was discussion of this matter including that there be a detailed site plan.

G. Rooke-Norman stated that the question is if this is a modification of the prior special exception so that pieces of the prior special exception do not get rescinded. G. Rooke-Norman asked C. Fontneau if this can get to the attorney so that a public hearing can be set if needed. There was discussion of this matter including copies of this file, the official ruling and the Strain special exception file will be sent to the town attorney for review.

G. Rooke-Norman asked C. Fontneau to email the attorneys findings to them when they are received. G. Rooke-Norman explained to P. Lambert what they will ask of the town attorney. There was discussion of this matter.

G. Rooke-Norman asked for a motion to table this matter. M. McKinney made a motion to table this application to the December meeting. C. Kinnie seconded the motion. All were in favor. The ayes carried.

- B. OR 02-11 Zvingilas, Peter ZEO, 24 Leha Avenue, Griswold, CT 06351.** Request for an Official Ruling whether an ADA accessible ramp which is not attached to the house can be built according to the old setback of 30 ft. for an R-40 Zone instead of the new set back of 50 ft.

Peter Zvingilas stated that when the 50 foot set back set for the R-40 zones, it was not the intent of the commission to make these existing houses with a 30 ft set back have become non-conforming. He asked the commission to decide if ADA accessible ramps can be in the old 30 ft. set back of the old R-40 zone. P. Zvingilas stated that it could also include porches. M. McKinney asked if he was adding porches

too. G. Rooke-Norman stated that this becomes a slippery slope so porches should not be added to this request. P. Zvingilas stated that only the front setback is affected. There was discussion of this matter to apply to the older developments in the R-40 zone.

P. Zvingilas stated that the people who live at 24 Leha Avenue are here and asked if they could speak. Tim Nugent stated that all the houses are staggered; some have 50 feet and some are less; and I'm lucky that I have 30 feet. He stated that his wife has MS and he has bad knees and that the MS Society is providing the ADA approved ramp that is 6 ft. by 6 ft. landing and 1 inch per foot and the ramp is 30 feet. He stated that he is hoping it is a presentable ramp.

G. Rooke-Norman made a motion for an Official Ruling that the 50 foot front yard setback requirement that is now required in the R-60 zone does not apply to one-family residential buildings that were built prior to August 10, 2009 in regard to the addition of ADA access ramps only. M. McKinney seconded the motion. All were in favor. The ayes carried.

7. Additional Business:

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

G. Rooke-Norman stated that she wrote something to add to 15.1 for general requirements for signs. She read the existing paragraph for the record. She stated that this might have to go to the town attorney. G. Rooke-Norman suggested adding "with the provision that any site plan which does not provide specific details regarding the type of sign, size of sign, maximum brightness, type of technology used for the lighting of the sign proposed, inclusions of graphics in the sign, hours of operation of the sign, and other specifics regarding the static nature or non-static nature of the sign message shall not be approved as part of a site plan approval regardless of whether that exclusion is stated at the time of the approval. There was discussion of this matter including that it can be added to the next set of zoning changes.

M. McKinney asked how the sign will be handled. P. Zvingilas stated that there will be a letter from the owner that the sign will be fixed and the message will be changed only once per day. c. F stated that it should be in the land records. P. Zvingilas stated that the Town attorney should draft the letter for the property owner to sign. P. Zvingilas stated that the owner has agreed to the letter. G. Rooke-Norman stated that the town attorney will draft the letter.

P. Zvingilas stated that there is no regulation for the brightness of the sign for the gas station. G. Rooke-Norman stated that it should be in conformance and be able to be used in a combination residential and commercial area and should be offense because of the brightness. There was discussion of this matter.

G. Rooke-Norman asked what other towns do. C. Fontneau stated that he has not seen any language on it but the issue is light going off the site. And we do not require a photo illumination plan in our regulations. There was discussion of this matter including that it was required for that site.

L. Laidley stated that Mr. Valentine on Williams street that the sign is cycling and that he saw it today. P. Zvingilas will go out and look at the sign and make sure that it is not cycling. G. Rooke-Norman stated that we should get a response from the town attorney; and if they are in violation, that there should be a cease and desist. There was discussion of this matter.

8. Old Business

9. **New Business:**

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

M. McKinney asked about the soda warehouse. P. Zvingilas stated that the owner of the property is emptying out the two-bay garage for the soda guy to use. The soda guy came in to get an application and we have not seen an application yet. P. Zvingilas stated that the lawyers are involved and the owner does not want to end up in court; and if we don't see any activity in a positive way, then we can authorize the lawyers can pursuit it in court.

P. Zvingilas stated that there is a registered storage trailer and that it comes in every two weeks and goes back and that these trailers were not to be used for storage. He asked what he was to do. G. Rooke-Norman stated that it was never the intent to be used for on-site storage. There was discussion of this matter including that this is a preexisting site. G. Rooke-Norman stated that you should wait a month to see if it gets straightened out

G. Rooke-Norman stated that there was an interesting article in the newsletter on page 3 regarding zoning boards not required to follow past erroneous decisions. There was discussion of this matter.

11. **Adjournment:**

D. DeGuire made a motion to adjourn. M. McKinney seconded the motion. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary