



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### PUBLIC HEARING & REGULAR MEETING MINUTES

NOVEMBER 9, 2009

GRISWOLD TOWN HALL

#### I. SPECIAL MEETING (6:30 P.M.)

##### 1. Call to order:

Chairperson Gail Rooke-Norman called this Special Meeting of Griswold Planning & Zoning Commission to order at 6:35 p.m.

##### 2. Roll Call:

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

**Absent:** Member John Taylor, Alternate Andrew Drobiak

##### 3. Determination of Quorum:

G. Rooke-Norman appointed B. Lukens to sit for J. Taylor. There was a quorum for this special meeting.

##### 4. Matter for Consideration:

A. Discussion with Attorney Harry Heller and Attorney Mark Branse

G. Rooke-Norman stated that this discussion regarding the Coal Pit Hill Farms issues in litigation and there is an appeal in superior court. She stated that this discussion is in regard to that litigation and possible resolution of that litigation.

B. An executive session to discuss litigation.

G. Rooke-Norman entertained a motion to go into executive session. M. Branse stated that in executive session the commission can be joined by any parties the commission wishes. M. McKinney made a motion that the commission go into executive to discussion litigation. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked for a motion to come out of executive session to the special meeting at 7:55. D. DeGuire made a motion to come back to the special meeting. C. Kinnie seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that there is a pending appeal in Superior Court and no decisions were made in executive session. She asked if there were any motions or decisions that the board wishes to make at this time.

G. Rooke-Norman asked for a motion to close the special meeting. M. McKinney made a motion to close the special meeting. D. DeGuire seconded the motion. All were in favor. The meeting adjourned at 7:10 p.m.

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

### 1. Call to order:

Chairperson Gail Rooke-Norman called this Regular Meeting of Griswold Planning & Zoning Commission to order at 7:15 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, Alternate Andrew Drobiak

### 3. Determination of Quorum:

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

G. Rooke-Norman asked members if there were any other matters to discuss with the town attorney. M. Branse stated that he sent a memo regarding e-filing. He stated that subdivision, zoning regulations and wetlands regulations must be amended to require that all applications and submissions be filed electronically and in hard copy. He stated that all returns of record must be filed digitally. G. Rooke-Norman stated that there is a memo dated October 20th from Branse Willis and Knapp, LLC in the correspondence file.

P. Zvingilas stated that he would like a clarification of frontage on a rear lot. C. Fontneau stated that it is OR 03-10. G. Rooke-Norman asked for a motion to move OR 03-10 to the next item on the agenda. CK so moved. D. DeGuire seconded. All were in favor. The Ayes carried.

**A. OR 03-10 Griswold, Town of, 28 Main Street, Griswold, CT 06351.** Zoning Enforcement Officer requests an official ruling on Section 21 the definition of front yard for accessory building, and Section 10.4.1 Side and rear yards. Town-wide zones.

P. Zvingilas explained that he was before the Zoning Board of Appeals in this matter regarding the placement of a solar array in the 50 ft. set back in a rear lot. He stated that his interpretation of the regulations is that the front yard of a lot begins at the 50 ft. building line not in the 50 foot access strip containing the driveway. He would like to a ruling of what is considered to be the front yard is at the building line where the lot widens out or is it at the 50 foot set back from the road in the access strip for an accessory structure. There was discussion of this matter including reading the definitions of rear lot, frontage, yard, front yard, and a building.

M. Branse stated that the Zoning Board of Appeals cannot render decisions. G. Rooke-Norman asked for consensus that a variance is required. G. Rooke-Norman asked for a motion for an official ruling that any structure which may be placed in the front yard of a lot or in the access strip of the lot will require a ZBA variance. D. DeGuire so moved. M. McKinney seconded the motion. G. Rooke-Norman asked Atty. Branse if that was phrased correction. M. Branse stated that it sounds fine to him. All were in favor. The ayes carried. Attorney Branse left the meeting.

G. Rooke-Norman stated that we are back to the agenda.

**4. Approval of Minutes:**

A. Approval of Minutes of the Public Hearing & Regular Meeting of October 13, 2009

D. DeGuire made a motion to approve the minutes of the Public Hearing and Regular Meeting of October 13, 2009. M. McKinney seconded the motion. All were in favor. The ayes carried.

**5. Correspondence and Attachments:**

A. Letter to Philip E. Anthony dated October 1, 2009 from FEMA regarding Flood Insurance Study report and Digital Flood Insurance Rate Map.

C. Fontneau explained that there was not a substantial change to the flood map and that only a small number of residents will need to be notified that they must get insurance while it is open to them.

B. CLEARscapes Newsletter of the Center for Land Use Education and Research at the University of Connecticut, Fall 2009

C. Journal College of Agriculture and Natural Resources of the University of Connecticut, Volume 17. No. Summer/Fall 2009

D. Letter dated October 20, 2009 from Mark K. Branse, Branse, Willis & Knap, LLC regarding changes to administrative procedure for administrative appeals. This matter was discussed earlier with Attorney Branse.

**6. Matters Presented for Consideration:**

A. **ZP 03-07 Boule, Jr., Theodore A., 11 Mary Street, Griswold, CT 06351.** Applicant requests a **renewal** of a Zoning Permit for a home occupation permit to continue a barber shop. The property is zoned R-40.

G. Rooke-Norman asked if there was anyone representing the application. Ted Boule stated that he would like to renew his home occupation for another three years. G. Rooke-Norman asked T. Boule if there were any changes to the layout of his property and the 10 x 12 barber shop and asked if the usage was the same. T. Boule stated that there were no changes, everything was the same. G. Rooke-Norman asked for any questions from the Commission. Hearing none, she asked for a vote. M. McKinney made a motion to approve the renewal of application ZP 03-07, 11 Mary Street. D. DeGuire seconded the motion. All were in favor. The ayes carried.

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. Tabled from 10/13/09.

G. Rooke-Norman stated that this was tabled from the October 13, 2009 meeting. She asked if there was anyone to represent the application. Donald B. Eldridge, Jr. presented his request for an official ruling. He submitted maps of the property to the commission as well as photographs of the electrically-generated FunKart.

G. Rooke-Norman asked if this requires a public hearing. C. Fontneau explained that the applicant is requesting an official ruling whether section 4.3.7 that describes uses for a commercial recreation facility includes a FunKart. He stated that yes it does require a special exception. There was discussion of this matter. G. Rooke-Norman stated that Sections 12 and 11.8 would also require a ruling.

G. Rooke-Norman asked the size of the lot and the adjacent uses. D. Eldridge stated that it was 1.57 acres. He explained the location of the lot and the abutting properties that included the Lombardi Oil property and the Jeanne Fischer property on Bordeleau Court. There was discussion of this matter including that there is already a residential use on the proposed property and how it would blend with the adjacent uses.

P. Zvingilas stated that the applicant is asking whether the use he proposes is similar to the other recreational uses not for any approvals on the site. G. Rooke-Norman read Section 4.3.7 for the record. G. Rooke-Norman stated that there is the issue of a mixed use for a residential use as well as a commercial use and if it conforms to Section 12 and 11.8. D. Eldridge stated that he wanted to know if what he proposed conforms before he spent money for an engineer.

M. McKinney stated that the driving range was the primary and the residents was the secondary use; and that there is a square footage requirement for a residential use. D. Eldridge stated that the garage was his personal garage. M. McKinney asked if it was one property or a lot of little properties. D. Eldridge stated that it was only one lot. B. Lukens asked where the FunKarts would be housed. D. Eldridge stated that they are small and would fit in one bay of his garage and that this would be a seasonal use. M. McKinney asked if there would be a ticket booth. D. Eldridge stated that he has seen those booths with a window and a door. D. DeGuire asked about restroom facilities and lighting. D. Eldridge stated that they wouldn't go into nighttime.

G. Rooke-Norman stated that we are only looking only whether the FunKarts would be included under section 4.3.7. She stated that anything else would be discussed under a special exception application. There was discussion of this matter. G. Rooke-Norman asked for consensus. M. McKinney stated with the oil company next to it he wasn't that concerned but that he was concerned with the mixed use. B. Lukens didn't have any major objections since they are electric carts. C. Kinnie stated that the definition is very narrow and there is nothing about go-carts. He stated that it doesn't fit 4.3.7. D. Eldridge stated that the words "such as" for how many other things. D. DeGuire stated that it could fall under section 4.3.7 but he was up in the air. There was discussion of this matter.

G. Rooke-Norman asked for a vote. M. McKinney made a motion for an official ruling that the proposed FunKart usage concept does fall within the allowed uses of Section 4.3.7. D. DeGuire seconded the motion. There was discussion of this matter.

M. McKinney modified his motion for an official ruling that the allowed uses of Section 4.3.7 recreation facilities listed could include the proposed electric FunKart. D. DeGuire seconded the motion. There were 3 aye votes and 1 nay vote by G. Rooke-Norman. The ayes carried.

G. Rooke-Norman told D. Eldridge that he must speak with the town planner regarding the procedure for applying for a special exception.

**C. ZP 03-10 Bowles, Adam, 126 East Main Street, Jewett City, CT 06351** Applicant request approval of a zoning permit in order to convert a garage into an office for an on-line, multi-media business. Property is Zone BR-C

G. Rooke-Norman asked if there was anyone to represent the applicant. Adam Bowles explained that he had an existing garage to put a desk computer to start up an on-line media business. He stated that he has not settled on the type of content. He explained that it is a website featuring various news articles what he would generate. M. McKinney asked if there would be many visitors. A. Bowles explained that he may get an occasional visitor, but most of the articles are worked by phone, or he would go out to meet the people.

G. Rooke-Norman asked the square footage of the garage. A. Bowles stated that the garage was 365 square feet. G. Rooke-Norman asked if this met the home occupation requirements. C. Fontneau stated that it is not a home occupation; it is a zoning permit for a business permitted in Section 6.1.2 in the residential/commercial district. M. McKinney asked if there would be signage. A. Bowles stated no.

G. Rooke-Norman asked the number of parking spaces. A. Bowles stated that there is room for five parking spaces. She asked if this was a single family home. A. Bowles stated yes. He explained that there are two spaces for his family and there was room for three extra spaces. There was discussion of this matter.

G. Rooke-Norman asked the commission for a motion. M. McKinney made a motion to approve application ZP 03-10 as presented. D. DeGuire seconded the motion. All were in favor. The ayes carried.

**D. OR 04-10 SAR Enterprises, 1061 Voluntown Road, Griswold, CT 06351.** Applicant requests an official ruling on Section 11.5 regarding the installation of a trellis over 6 ft. tall and approximately 30 feet long for creeping hydrangea as a landscape feature approximately 25 feet from the property line in order to create a sight and noise buffer between this commercial use and an abutting residential use in a C-2 zone and an official ruling on Section 7.2 whether a landscaping business under 5,000 sq. ft. is a permitted use in a C-2 zone.

G. Rooke-Norman asked if there was anyone to representing SAR Enterprises. Peter Lambert, SAR Enterprises, explained that this is the Four Brothers location and an aquarium shop on the site; and that he is the new owner of this property. He stated that there is some strife between the residential use and the commercial use. P. Lambert explained that he plans to put arbor vitae along the property line beyond the shared driveway area. He stated that the neighbor is permitted to use driveway so he cannot put up a buffer. He proposes to put a trellis with creeping hydrangea would be higher than six feet tall; and he explained the definitions of a trellis and arbor to buffer the two sites.

G. Rooke-Norman stated that when the application was approved, there was to be a walkway and asked if the trellis would block the walkway. P. Lambert stated that the walkway would go around the trellis. He stated that the walkway can be close to the building but it would make the buffering request less. G. Rooke-Norman asked C. Fontneau to get the Strain file. G. Rooke-Norman stated that the walkway was to be lined on the driveway. P. Lambert stated that if there was to be a line, he could paint one.

P. Zvingilas stated that he was looking for guidance from the commission that there is a 6 ft limit on fences and if a trellis acting as a fence can be higher than six feet. P. Lambert stated that it will be a straight line like a grape arbor about eight or nine feet. He stated that the trellis will support creeping hydrangea. There was discussion of the landscaping structure.

G. Rooke-Norman read for the record from the application stating the customer access safe walkway delineation and employee access so it was approved as presented and not itemized in the approval. P. Lambert stated that the walkway will be added to the rear side door of the garage which is before the trellis.

P. Zvingilas asked if the trellis starts at the end of the building. P. Lambert stated that it would start at the end of the building. P. Zvingilas asked if the area proposed was paved. P. Lambert

explained that he will remove a section of pavement outside the 25 foot right of way to put a trellis 8 feet tall with creeping hydrangea and the asphalt will be removed in a strip about four feet wide. There was discussion of this matter including whether it was a landscaping feature, a fence or a structure as well as the length of the trellis.

P. Lambert stated that the landscaping business he would like to build there is permitted in the C-2 zone since the regulations do not identify a landscaping business in the permitted uses. D. DeGuire read the regulation for the record. There was discussion of this matter including that both properties are zoned C-2.

P. Zvingilas stated that someone would need a variance from the ZBA and the height of a fence should be engineered; but if it is agricultural such as a tree there is no limit to the height. He stated that an agricultural structure such as a grape arbor would be looked at differently than a fence and that you set a specific height for that agricultural structure.

G. Rooke-Norman asked the commission for the official ruling. M. McKinney stated that he was concerned for the length of a trellis being 30 feet long and having them crop up all over town. There was discussion of this matter.

G. Rooke-Norman asked if someone wanted to put a fence higher than 6 feet would they go to ZBA. G. Rooke-Norman stated that a variance should be obtained from Zoning Board of Appeals. There was discussion of this matter.

M. McKinney made a motion for an official ruling that the 30 foot long trellis is a structure versus a garden feature. B. Lukens seconded the motion. There were 4 aye votes and 1 nay vote by D. DeGuire. The ayes carried.

G. Rooke-Norman stated that there is a request for an official ruling on Section 7.2 whether a landscaping business less than 5,000 sq. ft. is a permitted use in a C-2 zone. P. Lambert stated that he has four acres and would like to build a business to house his landscaping business. G. Rooke-Norman read section 7.2 for the record. There was discussion of this matter including the difference between a landscaping business and a greenhouse and garden center.

G. Rooke-Norman asked what would be housed in this business as an example of his work. P. Lambert explained that he would have only his equipment and his supplies used on the job and there would be no customers to the site. He stated that this would be built in the back of the existing building.

There was consensus that it falls under the permitted uses in a C-2 zone. G. Rooke-Norman asked for an official ruling. D. DeGuire made a motion for an official ruling that a landscaping business less than 5000 square feet in a C-2 zone is a permitted use by zoning permit. C. Kinnie seconded the motion. All were in Favor. The ayes carried.

## **7. Additional Business:**

**A.** Discussion of private airport glide slope regulations tabled from October 13, 2009 meeting.

G. Rooke-Norman asked if the commission wanted to address this or table it. M. McKinney asked if we needed to address this. G. Rooke-Norman stated that she was not interested in addressing this. M. McKinney made a motion to remove this item from addition business consideration at this time. D. DeGuire seconded the motion. All were in favor. The ayes carried.

- B. Update of Town Attorney review of on zoning regulations for digital sign regulations in Borough and Town regarding the limitation of content.

C. Fontneau explained he received communications from the town attorney and that M. Branse stated that content cannot be regulated on public information signs on town owned property. C. Fontneau stated that on a message board of a business cannot be regulated for content. He explained that there is suggested language for a town public information sign and also address advertising signs on town structures and fences at recreational fields. There was discussion of this matter. G. Rooke-Norman asked the members to look at the package for next month's meeting.

**8. Old Business**

**9. New Business:**

C. Fontneau stated that the subdivision regulations need to be modified regarding the Buttermilk Farms. G. Rooke-Norman stated that these items, the sign regulations and the Buttermilk farms decision to schedule a workshop sometime at the end of January. There was consensus that there is a workshop on January 25, 2009 to discuss regulations. G. Rooke-Norman stated that an agenda be worked up for the January meeting in December. There was discussion of this matter including that the regulations regarding advertising signs on municipal signs.

G. Rooke-Norman asked for an agenda for the January 25, 2009 special meeting work shop that the item added to schedule a public hearing to adopt zoning and subdivision regulations changes.

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

P. Zvingilas stated that there were not many cars left on the Patryllo property. There was discussion of this matter.

There were no other reports.

**11. Adjournment:**

G. Rooke-Norman stated that it was with deep regret and great sadness that B. Lukens will not be on the commission and that B. Lukens was a diligent and committed member of the commission. The commission thanked B. Lukens for her participation.

D. DeGuire made a motion to adjourn.

G. Rooke-Norman asked if we had to adopt the meeting schedule. D. Szall stated that the soon the better to return it to the clerk. D. DeGuire rescinded his motion.

M. McKinney made a motion to adopt the 2010 Schedule of meetings as outlined by the Town Clerk. B. Lukens seconded the motion. All were in favor. The ayes carried.

B. Lukens made a motion to adjourn. M. McKinney seconded the motion. All were in favor. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary