



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

NOVEMBER 10, 2008

GRISWOLD TOWN HALL

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

1. Call to order:

Vice Chairman Martin McKinney called this public hearing of Griswold Planning & Zoning Commission to order at 6: 40 p.m.

2. Roll Call:

Present: Vice Chair Martin McKinney, Members Daniel DeGuire, Alternate Barbara Lukens, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Chairperson Gail Rooke-Norman, Secretary Courtland Kinnie, John Taylor, Alternate Andrew Drobiak,

3. Determination of Quorum:

M. McKinney appointed B. Lukens to sit for J. Taylor. There is a quorum for this public hearing. There is a quorum for this public hearing.

4. Matter Presented for Public Comment:

A. SE 07-06 Tilcon of Connecticut, Inc. 1 Forest Road, North Branford, CT 06471-1023
Property Location: 22 Sibicky Road/ 183 Rixtown Road, Griswold. Applicant requests approval for continuation of an existing earth products excavation operation. A portion of Phase I currently stabilized and reclaimed with 8.4 acres remaining in Phase I. The property is in the R-60 and R-80 zones.

M. McKinney asked if there was someone to represent the applicant. Attorney Harry Heller, 736 Route 32, Uncasville was there to represent the applicant, Tilcon of Connecticut, Inc. He stated that Richard Strauss, design engineer from CME and Frank Lane, Director of Real Estate and Environmental compliance of Tilcon. H. Heller explained that this is an extension of an existing special granted by this commission for Section 12.4 of the Griswold Zoning Regulations.

He explained that there are 8.4 acres of the site in active excavation operation and that a significant portion of the pre-phase I area has been reclaimed and a portion of phase I has been reclaimed, approximately 6 acres; and the remainder of phase 1 is in active excavation.

H. Heller explained that the application is a six phase application designed to remove the whole knoll and leave the site at topography amenable for residential or industrial development. He stated that the plans submitted included a closure plan showing a theoretical subdivision of the property for residential or commercial development.

H. Heller explained that the erosion control is in place in accordance with the Town of Griswold regulations. He stated the operation is being conducted within the conditions of the permit. He explained that the special findings have been met for Section 12.3. H. Heller explained the quantities have been delineated that remain to be excavated in the phases and CME has an updated erosion and sedimentation control plan that is part of the record.

M. McKinney asked if all the abutting property owners had been legally notices. H. Heller stated yes according to the regulations. There was discussion of this matter.

C. Fontneau explained that he reviewed the written materials submitted and agreed that it appears that the excavation is being done according to the approved plan. He stated that all the conditions have been complied with regarding plans and measurements requested. There was discussion of this matter.

H. Heller asked the commission to renew this application for the full two years.

D. DeGuire asked if C. Fontneau inspected the site. C. Fontneau stated no.

M. McKinney asked for any comments from the public.

Ransom Young, 209 Rixtown Road, stated that he supported this application. He stated that he would like to proceed, under equal interpretation of the law to excavate on his property on Red Barn Road. There was discussion of this matter.

M. McKinney asked for any other comments from the public. He asked for comments from the commission.

Lukens asked what was done on the plan in phase 1. H. Heller explained the phase 1 plan and the active area and the pre-phase 1 that was owned by Paul Brycki before Tilcon's ownership had all been reclaimed. B. Lukens asked if phase 1 would be completed over the next two years. H. Heller stated probably not. There was discussion of this matter based on the market.

M. McKinney asked if there would be any anticipated increased traffic at the site. H. Heller stated that the traffic would be the same level and that materials are brought directly across Sibicky Road to the processing site. M. McKinney asked if this needed to go before wetlands. C. Fontneau stated that they have an existing wetlands permit. H. Heller stated that all the regulated activities have been completed within the wetlands and upland review areas.

M. McKinney stated that this can come back to the commission so the site can be inspected. C. Fontneau stated that it would be up to the commission but there are engineer-stamped diagrams of the conditions; and whether the commission had any additional questions.

D. DeGuire made a motion to close the public hearing. B. Lukens seconded the motion. M. McKinney asked for the vote. All were in favor. The ayes carried. The public hearing closed at 6:55.

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

1. Call to order:

Vice Chairman Martin McKinney called this regular meeting of Griswold Planning & Zoning Commission to order at 7:00 p.m.

2. Roll Call:

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

Absent: Secretary Courtland Kinnie, Member John Taylor, Alternate Andrew Drobiak

3. Determination of Quorum:

M. McKinney appointed B. Lukens to sit for J. Taylor. There is a quorum for this regular meeting.

4. Approval of Minutes:

- A. Approval of Minutes of the Regular Meeting of October 14, 2008
- B. Approval of Special Meeting of October 16, 2008
- C. Approval of Special Meeting of October 27, 2008

D. DeGuire made a motion to approve the minutes of October 14, 2008, regular meeting, October 16, 2008 special meeting and the October 27, 2008 special meeting. B. Lukens seconded the motion. All were in favor. The ayes carried.

5. Zoning Regulation & Subdivision Regulation Update

C. Fontneau explained that he was working on changes to the zoning map to run concurrently with the changes to the zoning regulations. He explained that G. Rooke-Norman asked him to start with industrial, then commercial and that he has done a history of the industrial zones in the borough and the town. He explained that the industrial districts in the town have limited uses by right or by special exception and that the draft MDP analysis found that the market feasibility of heavy industries is unlikely so that these uses are not likely to happen.

C. Fontneau explained the zoning map from 1973 through 1987 showing some industrial sites in the borough and in the town. He explained the future land use map of the 1993 plan of development showing industrial land. C. Fontneau explained the present zoning map of the borough covering four major areas. C. Fontneau explained the changes for the dimensional measurement; a digital map would place a lot in one zone or another. There was discussion of this matter including a brochure and a tax parcel based zoning map.

C. Fontneau explained the changes to the Town Zoning map. He identified residential and industrial zones that can be changed to commercial or mixed use zones including the Triangle Wire site. There was discussion of this matter including rail sidings.

C. Fontneau explained the extensions of commercial zones on Routes 164 and 138 as well as on exit 86 on Route 201 for the future land use map. There was discussion of this matter.

G. Rooke-Norman arrived at 7:20 p.m.

G. Rooke-Norman stated that this is a large project and should be broken down into smaller pieces such as little lots of industrial zoned property and are not used as industrial zones. She stated that they should be looked at to be returned to a residential zone. She recommended looking at the most intensive uses first for the zoning maps. There was discussion of this matter including the assessor's data does not always jive with the paper zoning map.

6. Correspondence and Attachments:

- A. Letter dated September 26, 2008 from State of Connecticut Office of Policy and Management regarding Section 3(b) of Public Act No. 07-239

- B. Letter dated October 15, 2008 from Ellen Dupont, Town Clerk regarding 2009 Schedule of Meetings

There was discussion of this matter.

- C. Letter dated October 20, 2008 from Louis Soja, Jr., Town Planner, Plainfield regarding a public hearing set for a text amendment application.
- D. Letter dated August 6, 2008 to First Selectman Philip Anthony, Jr. regarding outdoor advertising and non-conforming sign structures.

G. Rooke-Norman asked if any items needed to be placed on agenda as a separate item.

7. **Matters Presented for Consideration:**

- A. **SE 07-06 Tilcon of Connecticut, Inc. 1 Forest Road, North Branford, CT 06471-1023**
Property Location: 22 Sibicky Road/ 183 Rixtown Road, Griswold. Applicant requests approval for continuation of an existing earth products excavation operation. A portion of Phase I currently stabilized and reclaimed with 8.4 acres remaining in Phase I. The property is in the R-60 and R-80 zones.

G. Rooke-Norman stated that SE 07-06 was a prior public hearing. She recused herself from this matter. M. McKinney asked for a motion. D. DeGuire made a motion to approve SE 07-06 at 22 Sibicky Road and 183 Rixtown Road for an additional two years to October, 2010. B. Lukens seconded the motion. M. McKinney asked for a vote. All were in favor. The ayes carried.

- B. **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 from this matter. G. Rooke-Norman stated there are three voting members in this matter. G. Rooke-Norman stated that this was a public hearing in October. C. Fontneau stated that it was closed in October but there was an issue for consultation by the Town Attorney Matt Willis in an email stating that the issue does not constitute spot zoning because of the size of the parcel and is consistent with the POCD. G. Rooke-Norman read the e-mail for the record. There was discussion of this matter.

C. Fontneau explained that because B. Lukens recused herself from this matter, the commission cannot act because it is a zone change. G. Rooke-Norman stated that she would like the whole voting panel to be present for this discussion. C. Fontneau stated that there is still time for this discussion at the December meeting. G. Rooke-Norman asked C. Fontneau to let the other members who were present for this matter to be present at the December meeting for discussion and action of this matter.

M. McKinney made a motion to table this matter and move it to the last agenda item. D. DeGuire seconded the motion. All were in favor. The ayes carried.

- C. **ZC 02-09 Jacaruso, Jason & Darlene & Lamirande, Stephen & Lisa, 863 and 867-869 Voluntown Road, Griswold, CT.** Applicants request approval of a zone change from an R-40 zone to a C-1 zone for Map 57, Block 121, Lot 1.2 and Lot 1.1 to allow the use of property for business as allowed in C-1 regulations as consistent with the Town's Plan of Conservation and Development. Property is in the R-40 zone.

G. Rooke-Norman asked if there was someone to represent the application. C. Fontneau stated that the commission needs to set a public hearing and that these lots are identified in the future

land use map as commercial lots. G. Rooke-Norman asked for a motion to set a public hearing. There was discussion of this matter. D. DeGuire made a motion to set a public hearing for 6:30 on December 8, 2008. M. McKinney seconded the motion. All were in favor. The ayes carried.

- D. 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.

G. Rooke-Norman stated that this was on the agenda last month. P. Zvingilas explained that the letter from the state was requesting town input for pre-existing billboards and how the Commission interprets pre-existing nonconforming signs on state land and when do the signs lose their status. G. Rooke-Norman stated that the commission takes the position that abandonment counts for pre-existing, non-conforming billboards. G. Rooke-Norman suggested sending the state a copy of the regulations that prohibit any new signs and abandonment. P. Zvingilas will send a copy of the regulations and will asked the state for additional information. There was discussion of this matter. G. Rooke-Norman asked C. Fontneau to review the regulations on abandonment and make the language more precise.

8. Additional Business:

C. Fontneau stated that there is a zoning permit ZP 03-09 that can be added to the agenda and a potential 8-24 Review for the Jewett City DPU use of a strip of land at Veterans Park.

G. Rooke-Norman turned the chair over to M. McKinney. G. Rooke-Norman recused herself from Item 8 A. D. DeGuire asked if the commission had to accept an application that comes in later than 15 days before the meeting. C. Fontneau stated that the application can be accepted by the Commission; but that the Commission does not have to discuss the application or add it to the agenda. There was discussion of this matter.

M. McKinney called for a 5 minute recess.

M. McKinney stated that a motion was needed. D. DeGuire made a motion to add ZP 03-09 to the agenda, George Barr and to put the 8-24 Review of the Jewett City DPU on the agenda. B. Lukens seconded the motion. All were in favor. The ayes carried.

- B. ZP 03-09 Barr, George I. Estate, P.O. Box 333, Jewett City, CT Property location: 30-32 Garand Drive, Griswold.** Applicant requests approval in accordance with Section 10.2.2 of the Griswold Zoning Regulations to create by free split an interior lot with a 50 ft. frontage. The property is in the R-80/R-40 zone.

M. McKinney asked if there was someone to represent the application. John Faulise, Boundaries, LLC presented the application. He explained that this application is a formality in accordance with Section 10.2.2 of the Griswold zoning regulations that identifies rear lots as being permitted by vote of the Commission. He explained that this is not a subdivision or a site plan application but that it is a free split that creates a rear lot and so it requires a commission vote. He submitted a letter authorizing boundaries, LLC to act as agent signed by the executors and counselor of the estate; and a letter 11/10/08 from the Griswold Department of Health of A. Gosselin's approval of the revision B plan; and a letter dated 11/5/08 from John Faulise identify the parcel history.

J. Faulise explained that a rear lot will be created that contains the existing house, barn, a couple small sheds and the driveway area on a 4 acre parcel with a fifty foot access that abuts the Yurechko property to the east and the remaining acreage to the west identified as parcel B with 28.8 acres. He explained that there is a right of way over that access strip to a small parcel of property in the back that was created in 1969 from the larger parcel leaving this acreage behind. He explained that test pits have been done on both properties, identified code

compliant septic systems that were approved by the sanitarian; it meets the bulk requirements for the R-80 zone.

J. Faulise asked the commission to act on this application as a free split; there is no proposed construction. D. DeGuire asked if it would be used for both properties. J. Faulise explained that it would be used for both properties. B. Lukens asked if the parcel in 1969 would be considered a free split. J. Faulise explained that the parcel was created before subdivision regulations went into effect in 1971. D. DeGuire asked the zoning that surrounded the property. J. Faulise explained that it was R-80 to the east and R-40 to the west and north. There was discussion of this matter.

C. Fontneau stated that it appears to be compliant with public health code and zoning regulations and is entitled to the free split and permission is needed from the commission for the 50 ft. access for a rear lot based on Section 10.2.2. There was discussion of this matter including any further development would require a common driveway.

B. Lukens made a motion to approve ZP 03-09 to create a rear lot with a 50 ft. access. D. DeGuire seconded the motion. All were in favor. The ayes carried.

A. Section 8-24 Review Jewett City Dept. of Public Utilities. Easement request between Veterans Park & Griswold Athletic Field.

G. Rooke-Norman asked for a motion to move item 8B, Section 8-24 Review Jewett City Dept. Public Utilities to Item 10. B. Lukens so moved. M. McKinney seconded the motion. All were in favor. The ayes carried.

9. Old Business

There was no old business.

10. New Business:

A. Discussion and action on letter dated October 15, 2008 from Ellen Dupont, Town Clerk regarding 2009 Schedule of Meetings.

This item was discussed under correspondence.

11. Reports from the Enforcement Officer:

G. Rooke-Norman asked P. Zvingilas for his report concerning Four Brothers Motorsports. P. Zvingilas explained that there were tires and pallets stored behind the property. He stated that they have been removed. P. Zvingilas was in contact with Town Attorney Mark Branse about what constituted office hours, hours of operation and M. Branse stated that it was up to the Commission to call what the hours of operation are and that normally hours of operation is when the front doors open to begin business and that moving machines outside, the business would be considered open. G. Rooke-Norman asked if that meant when the owner would start moving things around. P. Zvingilas stated that the door for customers was open at that time. P. Zvingilas explained that Atty. Branse stated that work after hours inside the building didn't think applied and at the close of business would be the door would be locked to customers and the equipment should be back in and put away. There was discussion of this matter including that something in writing will be sent from Atty. Branse.

G. Rooke-Norman asked the consensus of the commission to wait to get a written opinion from Atty. Branse before we go any further in this matter. The commission was in agreement to wait for the written opinion.

G. Rooke-Norman stated that the abutter is present and asked if she had any new information to present. Terry Berry stated no and that she appreciated the clarification and that she or a representative will be here next month. There was discussion of this matter including that T. Berry submit any new information to present to the file. G. Rooke-Norman stated that T. Berry can request in writing to have this matter postponed to the January Meeting since this matter is at T. Berry's complaint.

- A. Update on Violation Letter dated October 20, 2008 to Eastern Federal Bank regarding display of unregistered motor vehicle located on bank property in violation of Sections 10.5 and 12.7.9 of the Borough of Jewett City Regulations.

P. Zvingilas explained that the motor vehicle has been removed from the premises. There was discussion of this matter.

G. Rooke-Norman asked C. Fontneau for an update on the draw down.

Fontneau explained that the mapping to support a request for a draw down was submitted and that there will be a 5+ ft. draw down for maintenance. He stated that it will not be done until there is some cold weather. There was discussion of this matter including that another survey by a consultant that will be done to determine if the draw down worked to kill the plants and there will be a grant request for the Hopeville pond and the Pachaug pond for next season.

G. Rooke-Norman stated that a consultant was not needed and there are organizations that provide this service at no charge to explain the chemical treatment of the pond. C. Fontneau stated that was an alternative to a paid consultant and he will discuss this matter with the Selectmen. G. Rooke-Norman will speak with the selectmen to manage the money in a better way for next year.

- B. **Item 8B Section 8-24 Review Jewett City Dept. of Public Utilities.** Easement request between Veterans Park & Griswold Athletic Field to build two diesel power generators and an agreement is need between the BOS and the DPU for the use of the land.

She asked if there was someone to represent the Public Utilities. Ken Sullivan, Director of Utilizes of the JCDPU. K. Sullivan passed handouts to the Commission describing the overview showing the parcel in question. K. Sullivan explained the dimensions of the specific area which he passed to the commission. He presented a schematic of the generator to be used. C. Fontneau stated that if the use of the land is granted to the DPU, they will then come before the Commission with a site plan review.

M. McKinney asked if this section of land is a new right-of-way that was part of the park. K. Sullivan stated yes and that CL & P has a right-of-way for the area and DEP may also have a right-of-way in that area. K. Sullivan explained where the parcel was located adjacent to the right-of-way where JCDPU now have telephone poles. K. Sullivan explained what peak shaving generators that provide power during peak usage to shave the peak load to 1) take the supply and demand equation into equilibrium, 2) the units provide additional service to the residents of Jewett City as a back up to JCDPU system during outages. K. Sullivan explained that the generators are boxed in, DEP approved for sound and pollutions. He submitted a photograph of the generator unit.

G. Rooke-Norman asked if there would be a fence around it. K. Sullivan stated yes. P. Zvingilas asked when this would operation. K. Sullivan explained it would operate during two times per month for a period of two hours each time. G. Rooke-Norman asked the distance to the nearest house. K. Sullivan stated that it would be approximately 40 yards. There was discussion of this matter including the amount of decibels that would be approved by the DEP, and the possible annoyance to residents.

G. Rooke-Norman asked why the units would be at this proposed location. K. Sullivan explained that the substation is located near there. G. Rooke-Norman asked if the JCDPU owned the land for the substation. K. Sullivan stated yes.

M. McKinney was concerned that land would be taken away from the recreational parks. K. Sullivan explained that there was a permanent easement area and it is not Ashland park land. There was discussion of this matter including that a survey could be needed as well as the state placed conditions of use on the park property.

G. Rooke-Norman asked K. Sullivan to explain how this generator will be shared with five other municipalities. He explained that the other municipalities will put in their own units and these will be shared. There was discussion of this matter. K. Sullivan explained that peak shaving needs to be done and that the rates will be going up.

G. Rooke-Norman stated that the commission would like more information and that more information is needed on the land in question because of the conditional use of the park. G. Rooke-Norman raised the issue that this piece of land will, in essence be given to the JCDPU to be used more or less for ever and is valuable to the them; she raised the issue of the town being credited on some sort of ledger towards other JCDPU facilities such as buy-in/tie-in sewer fees. There was discussion of this matter.

M. McKinney asked about the peak usage during the summertime. K. Sullivan explained that the usage would be more or less constant such as one time per month for two hours. K. Sullivan explained that there would be two double-walled diesel fuel tanks. D. DeGuire asked how this would be wired. K. Sullivan explained that it would be wired to the substation and would be run underground. There was discussion of this matter.

G. Rooke-Norman asked for a survey to be performed to determine if the parcel would be impacted by the state's restrictions. G. Rooke-Norman would like to see the parcel. K. Sullivan offered show the commission the location. There was discussion of this matter including the possibility of locating it at School Street.

K. Sullivan will obtain the additional information requested by the Commission for the next regular meeting in December. D. DeGuire made a motion to table the Request for a Section 8-24 Review of JCDPU to December 8, 2008. M. McKinney seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman stated that the Item 7B Zone change should be tabled to the next regular meeting. D. DeGuire made a motion to table ZC 01-09 to the next regular meeting on December 8, 2008. M. McKinney seconded the motion. All were in favor. The ayes carried.

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 9:00 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary