



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### PUBLIC HEARINGS & REGULAR MEETING MINUTES

NOVEMBER 12, 2013

GRISWOLD SENIOR CENTER

#### I. PUBLIC HEARING (6:15 PM)

##### 1. Call to order:

M. McKinney called this public hearing to order at 6:15 p.m.

##### 2. Roll Call

**Present:** Martin McKinney, Courtland Kinnie, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, Town Planner Mario Tristany, Recording Secretary Donna Szall

**Absent:** Daniel DeGuire, Lawrence Laidley, Alternate James Krueger, ZEO Peter Zvingilas,

##### 3. Determination of Quorum

M. McKinney appointed B. Hull to sit for L. Laidley and C. Geer to sit for C. Kinnie. There was a quorum for this public hearing.

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

**A. SRC 02-14 TOWN OF GRISWOLD, 28 MAIN STREET, JEWETT CITY.** Text Amendment to Griswold Regulations Section 10 Dimensional Requirements to add **Section 10.3.1 ADA Access Ramps** for Single Family and Two-Family Residential Buildings in the R-40 and R-60 Zoning Districts and add new **Section 10.4.3 Corner Lots** in all Residential Zoning Districts; and a Text Amendment to Borough Regulations Section 9 Dimensional Requirements to add new **Section 9.4.2 Corner Lots in R-Residential Zoning Districts.**

M. McKinney asked M. Tristany to explain the text amendment. . M. Tristany stated that Section 10.3.1 ADA Access Ramps was originally an official ruling made by the Commission and this amendment is to add this language to the Town of Griswold Regulations. He stated that this amendment was discussed at length at the October Planning and Zoning Meeting He read Section 10.3.1 ADA Access Ramps for Single Family and Two-Family Residential Buildings in the R-40 and R-60 Zoning districts built prior to 2009 for the record.

M. McKinney asked for comments from the public. M. McKinney asked for any comments from the public. M. McKinney asked for any public comment. There were no comments from the public. M. McKinney asked for comments from the Board. B. Hull stated that if there was an issue with the sight lines. M. McKinney stated the Building Official would insure that there were proper sight lines. M. McKinney asked for a motion to close the public hearing.

**MOTION:** E. Kudlis moved to close the public hearing at 6:20 p.m. C. Geer seconded the motion. All were in favor the motion as carried.

L. Laidley arrived at 6:20 p.m.

## II. PUBLIC HEARING (6:20 PM)

### 1. Call to Order

M. McKinney called this public hearing to order at 6:20 p.m.

### 2. Roll Call

**Present:** Martin McKinney, Courtland Kinnie, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, Town Planner Mario Tristany, Recording Secretary Donna Szall

**Absent:** Daniel DeGuire, Alternate James Krueger, ZEO Peter Zvingilas,

### 3. Determination of Quorum

M. McKinney appointed C. Geer to sit for D. DeGuire and B. Hull for C. Kinnie. There was a quorum for this public hearing.

### 4. Matter Presented for Public Comment

**A. SRC 01-14 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD, CT.** Text Amendment to Borough Regulations to Section 6 Residential/Commercial Districts to add new **Section 6.1.4 Food Vending Operations** and to **Section 20.1 Definitions for Food Vending Vehicle.**

M. McKinney asked M. Tristany to explain this text amendment. M. Tristany stated that following a lengthy discussion at the October meeting, the food vending should be prohibited except for special events. He read the Text amendment Section 6.1.4 for the record and Section 20.1 Definitions for Food Vehicles.

M. McKinney asked for comments from the public. M. McKinney asked for any comments from the public. M. McKinney asked for any public comment. There were no comments from the public. Hearing none, he asked for comments from the board. L. Laidley asked if the Recreation Commission fell under the exceptions since they put on many events. M. Tristany stated that they are function of the town and they are part of the exceptions. C. Geer asked about the fees for vendors. L. Laidley stated that the Borough has their own set of fees for vendors that were developed by the Board of Burgesses.

Robert Currier, Rolling Tomato Vendor, asked if the Town and the Borough were different. M. McKinney stated that because of the density of the Borough and a number of restaurants located there, He stated that a food vending vehicle would be competition for those businesses that paid taxes to the town and the borough. R. Currier stated that he understood that because he also had a brick and mortar restaurant in Norwich. M. McKinney asked for any other comments from the public. There were no other comments and asked for a motion to close the public hearing.

**MOTION:** E. Kudlis moved to close the public hearing at 6:28 p.m. L. Laidley seconded the motion. All were in favor. The motion was carried.

## III. PUBLIC HEARING (6:30 PM)

### 1. Call to Order

M. McKinney called this public hearing to order at 6:30 p.m. M. McKinney stated that C. Geer has recused herself from this matter and will take a seat in the audience

### 2. Roll Call

**Present:** Martin McKinney, Courtland Kinnie, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, Town Planner Mario Tristany, Recording Secretary Donna Szall

**Absent:** Daniel DeGuire, Alternate James Krueger, ZEO Peter Zvingilas

### 3. Determination of Quorum

M. McKinney appointed B. Hull to sit for D. DeGuire. There was a quorum for this public hearing.

4. **Matter Presented for Public Comment**

- A. **SRC 05-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD.** Test Amendment to Griswold Regulations 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 explain this amendment. M. Tristany stated that this amendment will add Section 6.2.5 Food Vending Operations to the regulations. He explained that at the October 13, 2013 meeting two sections were added to the amendment 6.2.5.4 requiring a site plan for vending vehicles based as an assessor structure of a business in the C-1 zones. He read Section 6.2.5 regarding 5 parking spaces plus the required spaces for the commercial business. He read Section 21.1 Food Vending Vehicle Definition for the record.

M. McKinney asked for comments from the public for SRC 05-13. Thomas Geer stated that he had questions about the exemptions and he had some concerns. M. Tristany stated that the exceptions are for the town and the borough. He stated that the commercial business would be subject to the regulations. There was discussion of this matter.

L. Laidley stated that if the farm had a special event you would need a site plan for the number of mobile units at the event. T. Geer stated that there would be vendors every weekend during the 3 weeks before Christmas at the tree farm. M. McKinney stated that the permit would be issued from the Zoning Enforcement Officer or the Town Planner. M. Tristany suggested that a January 1, 2014 effective date for this regulation so that it would not interfere with the upcoming holidays.

P. Zvingilas arrived at 7:00 p.m.

Richard Geer asked if each vendor would pay a fee when they came to Pachaug and asked if it would be \$250 each time they had an event. He stated that this would be too expensive. He stated that a one day fee of \$250 was expensive. T. Geer stated that in the minutes of the October meeting, P. Zvingilas stated that it should be \$250 a month. He stated that it should be a simpler fee for a special day.

Robert Currier explained that in some of the surrounding towns, there is a \$75 fee for 16 weeks and \$250 for the year. He stated that some have a fee for a resident vendor as well as a non-resident vendor fee; and that for special events there is a \$25 to \$50 fee per event. There was discussion of this matter including that the fees are set by the Selectmen.

C. Kinnie stated that the fees are recommended by the Planning and Zoning Commission to be added to an ordinance that is accepted by the town. E. Kudlis suggested that we should create a tier system. M. McKinney stated that there could be a resident vendor fee and a non-resident vendor fee. M. Tristany stated that the \$250 fee is seasonal for a year. He read section 6.2.5.12 and stated that there can be a fee for each event with one for resident and one for nonresident vendors. E. Kudlis suggested that it could be \$25 for 1 day or one weekend, \$75 for seasonal events for a maximum of 6 weeks and \$250 for an annual permit and renewals. There was discussion of this matter.

R. Currier asked based on this tiered system if a vendor wanted to have an annual permit of \$250, would the initial fee for a single event or a seasonal event be applied to an annual permit. M. McKinney stated that the vendor would pay for the permit received and if the vendor wanted to have a longer permit, there would be a new permit fee for a new permit.

T. Geer had questions about portable toilets when P. Zvingilas had suggested one toilet for men, one toilet for women and one handicapped toilet. M. Tristany read Section 6.2.5.19 for the record when vending operations provide outdoor seating for the general public. He stated that having picnic tables encouraged people to stay rather than take out. M. Tristany stated that one portable unisex handicapped toilet could be rented for an event. There was discussion of this matter.

R. Geer asked about the site plan and if it was an A-2 survey. M. McKinney stated that it would not have to be an A-2 Survey but that it should be to scale and show the lot for the parking area. R. Geer asked what type of paving was required. M. Tristany stated that it could be gravel, stone dust and that if it was particularly windy and dusty the lot could be watered to control the dust. C. Kinnie asked about the portable toilets and asked if it was specific to the building code. L. Laidley stated that portable toilets were approved by the Board of Health inspector.

B. Currier asked if there would be a resident fee and a non-resident fee. M. McKinney stated that there would be just one fee for every vendor.

T. Geer asked about section 6.2.5.4 for one vendor per parcel based on the size of the parcel. M. Tristany state that you would prepare a site plan showing the locations of the vendor or vendors locations. R. Geer asked if the site plan would come before the commission which would be a long process. M. McKinney stated that the site plan would be reviewed by the by the zoning enforcement officer or the town planner. There as discussion of this matter. E. Kudlis asked what if the principle use was a farm field. M. McKinney stated that there cannot be a vacant lot when there is not a principle use such as a farm or a business.

M. McKinney asked if there were other comments from the public. Hearing none, he asked for a motion to close the public hearing.

**MOTION:** E. Kudlis moved to close the public hearing at 7:12 p.m. L. Laidley seconded the motion. All were in favor. The motion was carried.

#### **IV. PUBLIC HEARING (6:45 PM)**

##### **1. Call to Order**

M. McKinney called this public hearing to order at 7:12 p.m. M. McKinney stated that C. Geer has recused herself from this matter and will take a seat in the audience

##### **2. Roll Call**

**Present:** Martin McKinney, Courtland Kinnie, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, ZEO Peter Zvingilas, Town Planner Mario Tristany, Recording Secretary Donna Szall

**Absent:** Daniel DeGuire, Alternate James Krueger,

##### **3. Determination of Quorum**

M. McKinney appointed B. Hull to sit for D. DeGuire. There was a quorum for this public hearing.

**A. SRC 06-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD.** Text Amendment to Griswold Regulations, Section 11 Supplementary Regulations, to add new language to **Section 11.11 Animals** regarding poultry in the R-40, R-60 and R-80 zones; and a Text Amendment to Borough Regulations Section 10 Supplementary Regulations to add new **Section 10.10 Animals**

L. Laidley asked if a section of the Norman farm that is in the borough will be grandfathered. M. Tristany stated that it would be grandfathered. M. McKinney asked M. Tristany to go over the new language regarding chickens for Section 11.11 Animals. M. Tristany read Section 11.11 for the record.

M. McKinney asked for comments from the public. Bob Shirley stated that he likes having his chicken free range in his yard and he asked to clarify the up to five acres classification. M. Tristany explained that large animals required 3 1/2 acres in the R-40, R-60 and R-80 zones up to five acres and that five or more acres is a farm classification. B. Shirley stated that regarding the coops and the fences, he liked that his chickens pecked at the ground and that they have their own personalities and he felt that the coops with the fenced enclosure was too restrictive. He explained that he fenced in his yard and his chickens roam around his yard. E. Kudlis stated that the chickens are fenced in so they don't go to the neighbors' properties. B. Shirley asked about the large animals in the town. M. McKinney stated that this regulation for large animals has been long time.

M. McKinney asked M. Tristany explained that Section 10.10 Animals in the Borough Regulations addresses large animals and chickens. He read Section 10.10 Animals for the record. He stated that this is new language for the borough for animals. He stated that all references to chickens should be changed to read Poultry. C. Kinnie asked if changing chickens to poultry makes the regulation more restrictive. M. Tristany read the definition of poultry for the record and state that poultry makes the regulation less restrictive. B. Hull stated that he went to his neighbors in the borough and that no one wanted to have chickens in the borough stating that the chickens would smell. There was discussion of this matter including that adding ducks, geese, turkey and guinea fowl allowed more than just chickens so it was less restrictive.

M. McKinney asked for comments from the public. There were no comments from the public. He asked for other comments from the commission. He asked for a motion to close the public hearing.

**MOTION:** E. Kudlis moved to close the public hearing at 7:31 p.m. L. Laidley seconded the motion. There were five aye votes and 1 nay vote from B. Hull. The ayes carried.

## **V. REGULAR MEETING (7:00 P.M.)**

### **1. Call to order:**

M. McKinney called this regular meeting to order at 7:31 p.m.

### **2. Roll Call**

**Present:** Martin McKinney, Courtland Kinnie, Erik Kudlis, Lawrence Laidley, Alternates Charlotte Geer, Benjamin E. Hull, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Daniel DeGuire, Alternate James Krueger,

### **3. Determination of Quorum**

M. McKinney appointed C. Geer to sit for D. DeGuire.

There was a quorum for this regular meeting.

### **4. Approval of Minutes**

#### **A. Approval of Minutes of the Regular Meeting of October 15, 2013**

M. McKinney asked for approval of the minutes of October 15, 2013.

**MOTION:** E. Kudlis moved to approve the minutes of October 15, 2013. C. Kinnie seconded the motion. C. Kinnie and L. Laidley abstained since they were not at the last meeting. There were four ayes and one abstention. The motion was carried.

### **5. Correspondence and Attachments**

**A.** Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Fall 2013, Volume XVII, Issue 4.

### **6. Matters Presented for Consideration**

C. Kinnie stated that he will not vote on items A & B because he was not present for the earlier public hearings.

**A. SRC 02-14 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD, CT.** Text Amendment to Griswold Regulations Section 10 Dimensional Requirements to add **Section 10.3.1 ADA Access Ramps For Single Family and Two-Family Residential Buildings in the R-40 and R-60 Zoning Districts** and add new **Section 10.4.3 Corner Lots in all Residential Zoning Districts;** and a Text Amendment to Borough Regulations Section 9 Dimensional Requirements to add new **Section 9.4.2 Corner Lots in R-Residential Zoning Districts.**

M. Tristany stated that there were no comments from the public for any changes to the proposed text amendment. M. McKinney asked for a motion.

**MOTION:** E. Kudlis moved to approve SRC 02-14 as written. C. Geer seconded the motion. There were 4 aye votes and 1 abstention. The ayes carried.

**B. SRC 01-14 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD, CT.** Text Amendment to Borough Regulations to Section 6 Residential/Commercial Districts to add new **Section 6.1.4 Food Vending Operations** and to **Section 20.1 Definitions for Food Vending Vehicle**.

M. Tristany stated that there were not comments from the public for any changes to the proposed text amendment. M. McKinney asked for a motion.

**MOTION:** L. Laidley moved to approve SRC 01-14 as written. E. Kudlis seconded the motion. All were in favor. The motion was carried.

**C. SRC 05-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD, CT.** Test Amendment to Griswold Regulations 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 stated that there were some changes made to this text amendment based on comments from the public. M. Tristany read Section 6.2.5.12 to change the text to read Issuance of a food vehicle vending permit shall be on a temporary basis and the fees are as follows: \$25 for a weekend up to a maximum of 3 days, \$75 for a season up to a maximum of 6 week, and \$250 for an annual fee.

He read Section 6.2.5.19 to change the text to remove the last sentence "Portable facilities shall be in accordance with the IC Building Codes". P. Zvingilas stated that portable toilets fall under the public health code. M. McKinney asked for a motion.

**MOTION:** E. Kudlis moved to approve SRC 05-13 as amended to remove the language portable facilities shall be in accordance with the ICC Building Codes. L. Laidley seconded the motion all were in favor. All were in favor. The motion as carried

M. McKinney stated that we can set an effective date for January 1, 2014 for all of the text amendments at the end.

**D. SRC 06-13 TOWN OF GRISWOLD, 28 MAIN STREET, GRISWOLD.** Text Amendment to Griswold Regulations, Section 11 Supplementary Regulations, to add new language to **Section 11.11 Animals** regarding poultry in the R-40, R-60 and R-80 zones; and a Text Amendment to Borough Regulations Section 10 Supplementary Regulations to add new **Section 10.10 Animals**.

M. Tristany explained that Section 11.11 Animals there was discussion to change the text to delete the sentence "Free-ranging of all poultry is prohibited in all zoning districts", and the text for property coops with fenced enclosures to change the text "with" to read "and" and the sentence will read "proper coops and fenced enclosures must be provided at all times".

M. Tristany explained that the changes made to Borough Regulation proposed added language for Section 10.10 was to change "chickens" to read "poultry" M. McKinney asked for a motion.

**MOTION:** E. Kudlis moved to approve SRC 06-13 as amended. L. Laidley seconded the motion. There were five aye votes and 1 nay vote. The ayes carried.

**E. SRC 03-14 GRISWOLD ECONOMIC DEVELOPMENT COMMISSION, 28 MAIN STREET, GRISWOLD, CT.** Requesting a text amendment to Borough Regulations Section 6 RC-Residential/Commercial Districts to add new language to add **Section 6.1.5** to allow light custom crafting of specialty items such as fishing rods and related products, dental labs, optical labs, computer repair and retail sales of products assembled on site and storefront retail businesses at street level. Discuss and set a public hearing.

M. Tristany stated that this was proposed by the Economic Development Commission. He explained that the Slater Mill Fishing Company had to vacate their location at the Slater Mill Mall because of powder post beetles. He stated that they wanted to keep their business in Griswold and they are currently at a property at 1 Brown Avenue and Route 12. He read the proposed new language to Borough Regulations Section 6.1.5 to allow custom crafting of specialty items, dental labs, optical labs, computer labs and retail sales of products assembled on site, and storefront retail businesses at street level. He stated that this application requires a public hearing. M. McKinney asked for a motion to set a public hearing.

**MOTION:** L. Laidley moved to set a public hearing for SRC 03-14 at 6:45 p.m. in the Town Hall Meeting Room. C. Kinnie seconded the motion. All were in favor. The motion was carried.

**F. ZP 02-14 JAMES PENDERGAST, 6 QUIET COVE LANE, GRISWOLD, CT.** Request approval of a Zoning Permit for a Home Occupation in order to operate a home beauty salon. Property is zoned R-60.

M. McKinney asked if there was someone to represent the applicant. James Pendergast explained that he is requesting to install a salon in the rear of his home at 6 Quiet Cove Lane. He stated that it will be 336 sq. ft. for his wife. He stated that there will be parking for four spaces. He stated that the salon will be handicapped accessible. M. McKinney asked what the home's square footage was. J. Pendergast stated that it was 2240 sq. ft. M. Tristany stated that the maximum size is 20 percent of the home square footage. He stated that this salon is about 16 percent. He stated that the plan shows two stations and he asked if there will be two operators. J. Pendergast stated that A. Gosselin, of the health department, told him that there can only be one operator because it is in the home. M. Tristany stated that he should modify the site plan to show four parking spaces for the customers that does not include parking in front of the garage. There was discussion of this matter including the size of the parking spaces and turnaround. J. Pendergast will submit a modified site plan.

M. Tristany stated that this application be tabled to the next regular meeting. M. McKinney asked for a motion to table.

**MOTION:** E. Kudlis moved to table ZP 02-14 to the next regular meeting on December 9, 2013.

**G. SUB 01-14 GARY CZECZOTKA, 5 COLONEL BROWN ROAD, GRISWOLD, CT.** Request approval for a 1-lot re-subdivision consisting of 8.74 acres with lot #1 having 2.10 acres and lot #2 having 6.64 acres. The property is zoned R-80.

M. Tristany stated that this is a re-subdivision and requires a public hearing.

**MOTION:** C. Kinnie moved to table SUB 01-14 and to set a public hearing on December 9, 2013 at 6:30 pm. in the town hall meeting room. L. Laidley seconded the motion. All were in favor. The motion was carried.

M. McKinney asked for a motion to set the effective date for the four approved text amendments.

**MOTION:** L. Laidley moved to set the effective date for Items A, B, C, D to January 1, 2014. E. Kudlis seconded the motion. All were in favor. The motion was carried.

## **7. Additional Business**

**A.** Approval of the Town Clerk 2014 Schedule of Meetings.

M. McKinney asked if there were any questions regarding this Schedule of Meetings.

**MOTION:** E. Kudlis moved to accept the 2014 Schedule of Meetings. L. Laidley seconded the motion. All were in favor. The motion was carried.

**B.** M. Tristany stated that the agri-business regulations are not finished because of his 18 1/2 hour schedule. He stated that they will be ready for the December meeting.

**C.** M. Tristany stated that Ransom Young wanted to speak to the commission regarding gravel excavations.

Ransom Young spoke to the commission that he would like to see the amount of gravel that can be excavated be changed to 5,000 yards. He stated that it is now currently 500 yards. He explained that he was grandfathered. He stated that a contractor could not purchase excavated material if a permit has not been issued.

Ransom Young stated that A. Gosselin did a "perc" test to run a sewer line down the road where he resides. He stated that the pipe failure required an engineer system. M. Tristany stated that this is a public health requirement and has nothing to do with Planning and Zoning.

M. McKinney asked what R. Young was asked of the commission. R. Young stated that he wanted the amount of material that can be excavated without a permit to be 5,000 yards. P. Zvingilas stated that a plan was needed. M. McKinney stated that there is a lot to be considered since it needs more stringent regulations not more relaxed regulations because we are dealing with slopes, dealing with ground water, screening, and hauling. There was discussion of this matter.

M. Tristany stated that the State DEEP has new stormwater regulations because of the size of the property triggers a State DEEP permit requirement and that a third party must do the review of the site. M. McKinney asked R. Young to get an A-2 Survey for the areas where he proposes to have a gravel excavation. M. McKinney stated that he would need the A-2 Survey and an application for a permit from the commission.

**8. Old Business**

There was no old business

**9. New Business**

There was no new business.

**10. Reports from the Enforcement Officer**

P. Zvingilas stated that he and Mario went to look at the property at 4 Brothers that is owned by Peter Lambert. M. Tristany stated that P. Lambert will be coming in with a site plan for the landscaping.

**11. Adjournment**

M. McKinney asked for a motion to adjourn he asked that L. Laidley make the motion since this meeting was his last meeting on Planning and Zoning.

**MOTION:** L. Laidley moved to adjourn. E. Kudlis seconded the motion. All were in favor. The meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary