



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

REGULAR MEETING MINUTES

NOVEMBER 14, 2011

GRISWOLD TOWN HALL

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

1. Call to order:

G. Rooke-Norman called this regular meeting to order at 7:00 p.m.

2. Roll Call

Present: Gail Rooke-Norman, Martin McKinney, Courtland Kinnie, Daniel DeGuire, Lawrence Laidley, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Erika A. Bevis, Heather Edge, ZEO Peter Zvingilas

3. Determination of Quorum

There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of October 11, 2011

B. Approval of Minutes of the Public Hearing & Special Meeting of November 1, 2011

G. Rooke-Norman asked for a motion on the minutes.

MOTION: D. DeGuire made a motion to approve the minutes. M. McKinney seconded the motion. All were in favor. The motion was carried.

5. Correspondence and Attachments

A. Letter dated October 25, 2011 to Carl Fontneau from Demian Sorrentino, Boundaries, LLC requesting a 90-day filing extension for filing for SUB 01-12 Cynthia J. Kata.

B. Letter received November 2, 2011 and dated October 28, 2011 from Mr. Robert s. Coughlin requesting to release of Letter of Credit in the amount of \$36,487.30 for SUB 05-08 for completed road and drainage improvements at 44 Quinebaug Camp Road.

C. Letter dated October 27, 2011 from Todd Babbitt, Road Superintendent recommending release of Robert Coughlin's the letter of credit in the amount of \$36,487.30 for completed road and drainage improvements.

D. Letter dated November 1, 2011 from Ellen DuPont, Town Clerk requesting Schedule of Meetings for 2012.

6. Matters Presented for Consideration

A. SE 02-04 Pleasant View Associates, LLC, 516 Vauxhall Street, New London, CT 06320. Property Location: 122 Pleasant View Street, Griswold. Modification of site plan for special exception SE-02-04 that will reduce the overall impacts to on site wetlands by removing buildings from wetland areas, drainage improvements and reducing the impervious road surface width from 28 ft. to 24 ft. The property was zoned R-20

G. Rooke-Norman asked if this item requires a public hearing C. Fontneau explained that it was a special exception. He stated that this 102 unit town house project allows the neighbors to weigh in on the project. He stated that M. Tristany asked that a public hearing be set for the December meeting. There was discussion of this matter. G. Rooke-Norman asked for a motion to set the public hearing.

MOTION: M. McKinney made a motion to set the public hearing for SE 02-04 for a 6:30 p.m. public hearing on December 12, 2011. D. DeGuire seconded the motion. All were in favor. The motion carried.

B. ZP 02-12 Wood, John & Doris, 194 Popple Bridge Road, Griswold, CT 06351. Request approval of a Zoning Permit for a residential wind turbine as specified in Section 11.15. The property is zoned R-60.

G. Rooke-Norman stated that this item was continued from the October 12, and November 1 meetings. G. Rooke-Norman asked if there was someone to represent the applicant. Mark Waldo of Waldo Renewable Electric was present to represent the applicants, John and Doris Wood who were also present.

G. Rooke-Norman asked him to get a better definition of the noise levels from the ground of the turbine noise levels itself. M. Waldo explained that he was asked the wind turbine output was at 55 dBA at a 58 foot range from the ground on a 33 ft. monopole tower. He submitted copies of the graphs to the commission. C. Fontneau stated that the 45 dBA was not a realistic standard for our wind turbine regulations. M. Waldo explained that the wind at 9 mph the ambient noise is around 45 dBA. He asked where the commission got the 45 dBA level came from. There was discussion of this matter including that C. Fontneau did research on the internet for more sources of wind turbines.

C. Fontneau stated that this unit cannot comply with the 45 dBA that is in the regulation; but in reviewing dBA scale and the inverse square law that this turbine will not make a lot of noise. He stated that the regulation standard should be changed.

M. Waldo stated that he did not want the Woods as an experiment. He stated that the turbine can be turned off at a disconnect switch next to their utility meter. He stated that the turbine has an electromagnetic break and the harder it is pushed the more it breaks itself. John Wood stated that his nearest neighbor is 300 feet away. G. Rooke-Norman asked that the stronger the wind the faster the turbine will spin. M. Waldo stated that this turbine does not work that way, with wind at 28 mph, the turbine will take the power it has generated to maintain a certain rpm and regulates itself to control the speed.

G. Rooke-Norman asked where the handout came from. C. Fontneau stated it is from his research and that his report with a summary of the dBA standard is in the file. G. Rooke-Norman asked when the 45 dBA regulation was approved and where the regulation came from. C. Fontneau stated that there is not date on the regulation and has not been modified since it was made a regulation. M. McKinney stated that at 10 mph and the wind is as loud as a noisy lawn mower at 33 feet it is 60 dBA. M. McKinney asked that the wind is 8 mph. M. Waldo stated that it is 8 meters per second so that is multiplied by 2.23 for about 20 miles per hour. G. Rooke-Norman stated that he represented that the average wind speed in this area of Connecticut was at 8 miles per hours so what does that calculate to meters per second. M. Waldo stated that it would be about 3.8 meters per second which is under 45 dBA. There was discussion of this matter including that the turbine will not run faster when the wind is faster than 28 miles per hour to save the turbine so it will break itself.

G. Rooke-Norman stated that the noise is detected from any point on the property line in the regulations. M. Waldo stated that the turbine will be on the peninsula at 41 feet to the waterline in both directions and the adjacent property line is 212 feet and to the Woods house is 100 feet.

G. Rooke-Norman stated to let the record show that L. Laidley arrived at 7:25 pm.

G. Rooke-Norman asked C. Fontneau what other towns had for wind turbine regulations. C. Fontneau stated that there are regulations for large and high wind turbines that register at 65 dBA large wind fields in such towns as North Stonington. He stated that the chart with the 55 dBA where the wind turbine is and at 30 feet in the air and it will be less at ground level and even less at the property line. G. Rooke-Norman asked if this was the information in the file and was it submitted by the applicant. C. Fontneau stated that he put the information in the file. There was discussion of this matter to remove the information from the file.

C. Fontneau stated that the Commission cannot act on this tonight since Inland Wetlands has not acted on this matter yet. D. DeGuire stated that the average speed is 8 mph. M. Waldo stated that for this area it is under what is on the chart because the data has not been collected. C. Fontneau stated that it passes the 45 dBA at the average speed but does not as the wind speed increases. M. Waldo stated that these are a very quite wind turbine

and the blade action does not cut the wind in the same way without thumping. G. Rooke-Norman asked the height of the pole. M. Waldo stated that it is 33 feet and with the turbine at tip of blade it is 40 feet 8 inches which is why it is 41 feet from the water's edge. There was discussion of this matter.

G. Rooke-Norman stated that there must be something in the record when the regulations was approved She stated that 45 decibels is normal living such as talking with a radio in the background. She stated that it must have come from some industry standard at the time. C. Kinnie stated that the higher the wind speeds, the wind becomes noisier. He stated that this regulation should be looked into and to be modified based on these charts. There was discussion of this matter including that wind turbines have changed over the years.

D. DeGuire suggested tabling this to the next meeting. C. Fontneau stated that they should discuss the site plan and there is a waiver list that the commission should review. M. Waldo stated that there is new information on the site plan and is more to scale with the locations of the well, septic, house, the abutters, and the setback from the waterline for the tower on this A-2 drawing. G. Rooke-Norman asked what waivers are being requested. M. Waldo stated that he is requesting a waiver for anything that is not pertinent to the wind turbine. There was discussion of this matter.

M. McKinney stated that he was fine with this site plan and he wanted to know how much noise it would make across the pond. M. Waldo stated that the winds come from the water to the house. C. Kinnie stated that it is towards the water is when it is stormy. C. Kinnie stated that the collapse zone and the distances are detailed. D. d was fine with the site plan. L. Laidley was fine with the site plan. L. Laidley asked on page two of the normal conversation as 60 decibels so at 33 feet in the air by the time it gets to the property line in should be loud. G. Rooke-Norman stated that the noise levels are at what point. M. Waldo stated that it is at the base of the turbine for the primary wind screen and secondary windscreen. There was discussion of this matter.

G. Rooke-Norman asked M. Waldo if he was an engineer. M. Waldo stated that he was an electrical contractor. G. Rooke-Norman asked him to have the engineers to do mathematical calculation of a right angle where one side is the height of the town at 33 feet and the other side is the distance to the boundary line, the engineer should be able to calculate the hypotenuse of the angle for the noise level which should be under the regulation decibel level. There was discussion of this matter. G. Rooke-Norman suggested that the engineer put the information in writing and submit it to the commission at the next meeting. M. Waldo will get this information for next month. C. Fontneau stated that he will help M. Waldo with the information to give to the engineer.

G. Rooke-Norman asked when Wetlands will review this. C. Kinnie stated that they are meeting this week. G. Rooke-Norman asked that we go back to Attorney Branse to review these regulations. G. Rooke-Norman asked if this application still has enough time. C. Fontneau stated that this was here for October 12 and deciding December 12, and is less than 65 days. G. Rooke-Norman asked M. Waldo to submit a request to extend this application for 30 days. M. Waldo will submit a letter of extension.

G. Rooke-Norman asked for a motion to table.

MOTION: L. Laidley made a motion to table this matter to the next regular meeting on 12/12/11. M. McKinney seconded the motion all were in favor. The motion carried.

7. Additional Business

- A.** Discussion of request from Demian Sorrentino, Boundaries, LLC requesting a 90-day filing extension for filing for SUB 01-12 Cynthia J. Kata.

G. Rooke-Norman asked if there was someone to represent the applicant. John Faulise, Boundaries LLC was representing Cynthia Kata. He explained that this subdivision was approved in September and that the legal documentation has been provided to the applicant's legal representatives and does not want to miss the filing deadlines so an extension is being requested. D. DeGuire made a motion to extend SUB 01-12 by 90 days. M. McKinney seconded the motion. All were in favor. The motion carried.

- B.** Discussion of request from Mr. Robert s. Coughlin requesting to release of Letter of Credit in the amount of \$36,487.30 for SUB 05-08 for completed road and drainage improvements at 44 Quinebaug Camp Road.

G. Rooke-Norman asked if there was someone to represent the applicant. Mr. Robert Coughlin presented his request to release his letter of credit. R. Coughlin explained that he completed road and drainage improvements at 44 Quinebaug Camp Road. He was asking to release his letter of credit in the amount of \$36,487.30 for SUB 05-

08. G. Rooke-Norman stated that there is a letter from Todd Babbitt, road superintendent who recommended releasing the full amount of the letter of credit to Mr. Coughlin. There was discussion of this matter.

G. Rooke-Norman asked for any questions from the commission. L. Laidley recused himself from this matter.

MOTION: M. McKinney made a motion release the letter of credit in its full balance to Mr. Coughlin. C. Kinnie seconded the motion. All were in favor. The motion carried.

C. Fontneau explained to Mr. Coughlin how that funds will be released to him.

- C. Discussion and approval of Schedule of Meeting for 2012 to be signed by Commission Chair and to be filed with the Town Clerk.

G. Rooke-Norman asked the commission to review the 2012 Schedule of Meetings. There was discussion of this matter.

MOTION: D. DeGuire made a motion to approve the 2012 Schedule of Meetings. L. Laidley seconded the motion. All were in favor. The motion carried.

8. Old Business

- A. Letter dated October 11, 2011 from Demian Sorrentino, Boundaries, LLC regarding GC of Taftville, LLC requesting to have the special exception site plans for SE 03-11 GC of Taftville, LLC. 2 Business Park Way, Griswold signed prior to the submittal of the performance guarantee and a request per the Connecticut General Statute Public Act No 11-79 to accept a surety Bond in lieu of a passbook originally stipulated in the Special Exception Approval SE 03-11 in Condition #1

G. Rooke-Norman asked C. Fontneau to explain this item. C. Fontneau explained that Mr. Cyr would like the Mylars are signed and to submit the passbook bond when application is made for a building permit; or he would like to substitute a surety bond. C. Fontneau explained that Attorney Branse stated that the commission is not obligated to go to a surety bond for this Special exception because it was approved long before the state statute was enacted on October 1, 2011. C. Fontneau stated that the bond of \$18,388 is for erosion and sedimentation controls and restoration and stabilization if the site is abandoned before it is complete.

G. Rooke-Norman asked if there was someone representing the application. John Faulise, Boundaries was representing Mr. Cyr of GC of Taftville, LLC. He explained that Mr. Cyr would like follow through to have the Mylars signed and have the plans on file. J. Faulise stated that Mr. Cyr is still seeking tenants for the building and is requesting that the approved plans be endorsed and when there is a tenant, the bond which is an erosion and sedimentation control bond necessary for the construction phase, will be placed at that time there is a tenant. He stated that there is nothing going on at the site presently. J. Faulise explained that the surety bond would ensure that Mr. Cyr can continue with this project to find tenants.

G. Rooke-Norman asked if the applicant needed a building permit before any excavation is done. J. Faulise stated that a building permit is needed for the foundation. M. McKinney asked if it would be a hardship to post a passbook when he gets the building permit for the foundation. J. Faulise stated that it is a hardship to tie up \$18,000 and with the new public act, that it would not be necessary. There was discussion of this matter.

G. Rooke-Norman asked the commission for their consensus regarding that if Mr. Faulise comes in with a written agreement from Mr. Cyr that he will accept the fact that the security will be the \$18,388 passbook performance guarantee that the commission will agree that he does not have to post that until he gets a building permit on the site. There was discussion of this matter. The commission was in consensus for this proposal. G. Rooke-Norman asked for a motion.

MOTION: M. McKinney made a motion that the commission will make an exception for SE 03-11 GC of Taftville, LLC for filing the passbook bond at the time of Mylar signing and the bond to be submitted at the time of application for a building permit as long as the applicant agrees to not ask for an alternate method of security. D. DeGuire seconded the motion. All were in favor. The motion carried.

- B. Discussion of updates on the status of options and draft notice of violation as outlined in letter dated July 7, 2011 from Attorney Mark Branse.

C. Fontneau stated that he has not had any further information from the attorneys for Marquardt and Caffary. G. Rooke-Norman stated that there should be a deadline for option 1 that was chosen by the parties from October. There was discussion of this matter. G. Rooke-Norman stated that there should be closure and that they should

send a letter asking them for a resolution within 60 days or we will refer this matter to our town attorney. **MOTION:** M. McKinney made a motion to send a letter to Brown Jacobson to finalize the resolution of option 1 to be resolved within 60 days. D. DeGuire seconded the motion. All were in favor. The motion carried.

C. Continue consideration of approaches to accelerate time frame for minor updating of section of the 2007 Plan of conservation and Development

C. Fontneau stated that there will be a letter to SECOG for mapping support and the zoning map with aquifer protection areas overlay zone. C. Kinnie stated that the state has a deadline for this to occur.

C. Fontneau stated that the Open Space Land Acquisition Committee has been formed by the selectmen. There was discussion of this matter.

C. Fontneau spoke with P. Anthony regarding the special meeting for choosing a new town attorney. C. Fontneau stated that Attorney Branse will remain at town attorney for 11-79A, and Coal Pit Hill Road Subdivision. There was discussion of this matter. C. Kinnie stated that attorney Branse should write the letter for the Marquardt/Caffary option 1 item. There was consensus that Attorney Branse should be attorney for Pleasant view, G. Rooke-Norman asked for a motion to continue on that matter.

MOTION: L. Laidley made a motion to have Attorney Branse for the Pleasant View matter. D. DeGuire seconded the motion. All were in favor. The motion carried.

G. Rooke-Norman asked for a motion for Mark Branse to review the wind turbine regulations.

MOTION: L. Laidley made a motion to refer the wind turbine regulations for review and modifications to M. Branse. D. DeGuire seconded the motion. All were in favor. The motion carried

C. Fontneau stated that there should be a separate budget for Planning and Community Development for land use attorney line item. D. DeGuire asked the cost. C. Fontneau stated that it was approximately \$7,000 for land use.

G. Rooke-Norman stated that Sussman & Shapiro as the new town attorneys that the law firm should be asked if they have a conflict in regard to any matter that is brought to them. There was discussion of this matter.

9. New Business

A. Discussion of changes to the Zoning Regulations and Zoning Map and Subdivision Regulations as necessary.

G. Rooke-Norman asked for this matter to be tabled. C. Fontneau stated that the regulations for the aquifer protection area and the zoning map for December at the end of his report. G. Rooke-Norman suggested that those items be sent to the new members.

10. Reports from the Enforcement Officer

11. Adjournment

G. Rooke-Norman asked for a motion to adjourn. D. DeGuire made a motion to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary