



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

PUBLIC HEARING & REGULAR MEETING MINUTES

DECEMBER 8, 2008

GRISWOLD TOWN HALL

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

1. Call to order:

Chairperson Gail Rooke-Norman called this public hearing of Griswold Planning & Zoning Commission to order at 7:40 p.m.

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, John Taylor, Alternates Andrew Drobiak, Barbara Lukens, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Secretary Courtland Kinnie, Members Daniel DeGuire

3. Determination of Quorum:

G. Rooke-Norman appointed B. Lukens to sit for C. Kinney and appointed A. Drobiak to sit for D. DeGuire. There is a quorum for this public hearing.

4. Matter Presented for Public Comment:

A. 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 anyone to represent the applicant.

Jason Jacaruso presented the application for himself and Stephen & Lisa Lamirande. J. Jacaruso submitted a copy of his site map to the Commission and explained that there were seven residential lots with the surrounding lots zoned C-1 commercial or in a commercial use. He explained that the request for a zone change from R-40 to C-1 was consistent with the future land use map. He explained that he is an electrical contractor and wants to bring his business from Norwich to Griswold.

G. Rooke-Norman asked which lot was his and if there was a residence on it. J. Jacaruso explained his lot was lot 1.1 and there are residences on both lots. J. Jacaruso explained that the Lamirandes had a large barn in which they may sell antiques or create a bake shop. J. Jacaruso explained that he has a three bay garage from which he would conduct his business.

G. Rooke-Norman asked C. Fontneau regarding the two uses. C. Fontneau explained that the residences are already present on the lots and that the two uses would be allowed as an accessory use because there is a home already there. There was discussion of this matter including the minimum lot size for commercial C-1 is 40,000 s.f.

J. Jacaruso read section 6.3.1 for the record that allowed for a home and a business on the same lot. He read section 6.3.3 for the record regarding accessory uses in that the residence of the owner or an employee of the principal use, provided any residence shall be located with the same building or a separate building from the principal use. There was discussion of this matter.

G. Rooke-Norman asked if there were any comments from the audience. She asked for questions from the commission. B. Lukens asked how many employees there are. J. Jacaruso explained that he had two office employees and two field electricians.

G. Rooke-Norman asked for a motion to close the public hearing. M. McKinney made a motion to close the public hearing. A. Drobiak seconded the motion. All were in favor. The ayes carried. The public hearing was closed at 6:50.

G. Rooke-Norman asked J. Jacaruso to submit the green cards for the record and asked if it was his representation that all the abutters who were legally required to be noticed were notified. J. Jacaruso submitted the green cards for the record and stated he notified all the abutters.

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

1. Call to order:

2. Roll Call:

Present: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie John Taylor, Alternates Andrew Drobiak, Barbara Lukens, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Members Daniel DeGuire

3. Determination of Quorum:

G. Rooke-Norman appointed B. Lukens to sit for C. Kinney and appointed A. Drobiak to sit for D. DeGuire. There is a quorum for this regular meeting.

4. Approval of Minutes:

A. Approval of Minutes of Public Hearing and Regular Meeting of November 10, 2008

G. Rooke-Norman asked for a motion to accept the minutes. B. Lukens made a motion to accept the minutes as written. M. McKinney seconded the motion. All were in favor. The ayes carried.

C. Kinnie took his seat.

5. Zoning Regulation & Subdivision Regulation Update:

6. **Correspondence and Attachments:**

- A. Letter dated November 8, 2008 from Scott L. Swanson to the Griswold Planning & Zoning Commission regarding a complaint regarding Peter & Janet Jensen, 72 Latham Drive
- B. Letter dated November 18, 2008 from Cheryl A. Sadowski, Voluntown Planning & Zoning Commission regarding a public hearing on December 10, 2008 for proposed Zoning Regulation Text Amendments
- C. Letter dated November 21, 2008 from First Selectman Philip Anthony, Jr. to the Planning and Zoning Commission regarding appointment of a planning and zoning member to the Capital Improvement Committee

C. Fontneau explained that there was a need for a representative from the Planning and Zoning Commission to be on the Capital Improvement Committee. G. Rooke-Norman asked for a volunteer. B. Lukens volunteered to sit on the Capital Improvement Committee. The Commission was unanimous in their endorsement of B. Lukens to sit on the Capital Improvement Committee.

7. **Matters Presented for Consideration:**

- A. **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 stated that this was a prior public hearing this evening regarding a zone change from R-40 to a C-1 zone. She asked for any discussion. J. Taylor made a motion to approve ZC 02-09, 863 and 867-869 Voluntown Road for lots 1.1 and 1.2. M. McKinney seconded the motion. G. Rooke-Norman asked for discussion on the motion. C. Fontneau stated that an effective date is needed. J. Taylor amended his motion to approve ZC 02-09, 863 and 867-869 Voluntown Road for lots 1.1 and 1.2 with an effective date of 12/29/08. M. McKinney amended his second. There were four aye votes and 1 abstention by C. Kinnie. 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.

G. Rooke-Norman stated that this was a prior public hearing in October and the application was tabled last month to obtain a opinion from the town attorney.

B. Lukens recused herself from this matter and left the room. G. Rooke-Norman asked the commission their opinion on this application.

M. McKinney asked for an update. C. Fontneau explained that there was a concern that this would be spot zoning and that an opinion was requested from the town attorney. He explained that Atty. Matt Willis sent an email explaining that it was not spot zoning if it was consistent with

the Plan of Conservation and Development and the comprehensive plan so that it is not likely to be spot zoning.

G. Rooke-Norman asked if there was a minimum acreage to change a zone. She read the e-mail from Atty. Matt Willis for the record and asked C. Fontneau if it was consistent with the PoCD. C. Fontneau explained that it was consistent with the PoCD future land use plan. A. Drobiak voiced his concerns for the overdevelopment in the future and how it would affect the pond. M. McKinney voiced his concerns for whether this still could be considered spot zoning because the land across the highway and the abutting land is R-80. There was lengthy discussion of this matter regarding the reservations that the Commission members had changing the zone that would make development denser for that area around the pond.

C. Fontneau recommended that each commission member state for the record their feelings were about the zone change.

G. Rooke-Norman asked about the slopes on the site. C. Kinnie explained that he had looked at the site and there is a gentle slope from the road and then it levels off where the cottage and campers are located and then becomes more steeply sloped to the pond.

G. Rooke-Norman asked for a motion to approve and there was an explanation of why a motion to deny is not the proper format.

M. McKinney made a motion to approved ZC 01-09 to change Knutsons, 268 Route 2, Preston, with land at 989 Voluntown Road from an R-80 zone to an R-60 zone with an effective date of 1/5/09. J. Taylor seconded the motion. G. Rooke-Norman asked for discussion on the motion.

A. Drobiak was concerned for the density of the area. M. McKinney voiced his concerns that the property abutted R-80 zoned property. G. Rooke-Norman stated that if this was for an R-40 the board would not likely approve this because there are issues about not having high density at the pond.

G. Rooke-Norman asked for further discussion, hearing none, she asked for a vote. There were two aye votes: M. McKinney and G. Rooke-Norman. There were two nay votes, A. Drobiak and C. Kinnie. The motion was defeated with a tie vote.

B. Lukens returned to her seat at 7:40 p.m.

C. SUB 02-09 Malek, Richard J. & Alexis J. 307 Brewster Road, Griswold, CT.
Property location: 123/129 Geer Road, Griswold. Applicants request approval of a 4-lot subdivision consisting of 15.43± acres proposed with 3 new lots; lot 1 is 1.51 ± acres; lot 2 is 3.39 ± acres; lot 3 is 5.14 ± acres; lot 4 is 5.038 ± acres. The property is in the R60 zone.

G. Rooke-Norman asked if there was anyone to represent the applicant.

Demian Sorrentino, certified planner and soil scientist, Boundaries, LLC presented the application for Richard and Alexis Malek. He read and submitted a letter for the record authorizing him to act on their behalf. He read and submitted a copy of a Declaratory Ruling from the Inland Wetlands Commission for CC 29-08. He read and submitted for the record a copy of the ZBA Variance obtained varying Section 10.2.2 to create 3 adjacent interior lots. He read and submitted for the record a letter from Sanitarian A. Gosselin requiring engineered septic systems for all lots.

D. Sorrentino explained the property existed of an existing house and two existing lots of record. He explained that the existing house is on lot one is 1.51 acres; lot 2 is 3.39 acre, 5.14 acres and 5.38 acres and that all lots comply with the R-60 zone. He explained that there would be a shared driveway for the three interior lots. G. Rooke-Norman asked if there will be a legal description for the common driveways. D. Sorrentino explained that the transfer document will reference the maps. There was discussion of this matter. G. Rooke-Norman asked that there be a legal description in the deeds. D. Sorrentino stated that he will put the legal description in the deeds.

D. Sorrentino explained the conceptual development of lots 2, 3 and 4 on sheets 2 and 3. He explained the engineered septic system for lot 2 and that the drainage was designed by Robert Schuch, P.E. D. Sorrentino explained that slopes greater than 10 percent would be paved for that portion. C. Kinnie voiced his concerns for potential drainage problems on the adjacent lot that would be caused from paving the driveway. He asked if drainage calculations had been done. D. Sorrentino stated that he did have drainage calculations to present from B. Schuch. There was discussion of this matter.

G. Rooke-Norman asked that B. Schuch be present at next month's meeting and to touch base with C. Fontneau before the meeting. D. Sorrentino stated that B. Schuch will be present to explain his drainage calculations next month.

D. Sorrentino explained Sheet 4 of the site plan concerning the grading of the driveway and the drainage. He explained the narrative and the construction sequencing to the commission. There was discussion of this matter.

G. Rooke-Norman asked for questions. M. McKinney asked about the variance for the lots. G. Rooke-Norman stated that there was a hardship demonstrated. D. Sorrentino explained that the frontage of the property for the acreage was not sufficient. There was discussion of this matter.

M. McKinney made a motion to table this application to the January 12, 2009 meeting. A. Drobiak seconded the motion. All were in favor. The ayes carried.

D. SE 01-09 Griswold, Town of, 28 Main Street, Griswold, CT. Property location: 211 Sheldon Road, Griswold. Applicant requests approval of a proposed municipal recreation complex. The property is in the R-40 zone.

G. Rooke-Norman asked if there was anyone to represent the application. C. Fontneau stated that this application requires a public hearing. G. Rooke-Norman asked for a motion. C. Kinnie made a motion to accept SE 01-09 and set a public hearing for 6:30 p.m. on January 12, 2009 in the Town Hall meeting room. M. McKinney seconded the motion. All were in favor. The ayes carried.

E. 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 asked if there was any new information from the State regarding abandoned bill board signs. P. Zvingilas stated that he did not have any other information G. Rooke-Norman explained that it is abandoned and no longer in use then the permit extinguished and does not get renewed. P. Zvingilas asked if it should be treated like the other sections for discontinued uses that we have at the end of the zoning regulations and he thought it was a three year period. G. Rooke-Norman asked if a permit is issued for bill board signs. P. Zvingilas

explained that we do not issue bill board permits. C. Fontneau stated that if it is on state property it needs a state permit and if it is on private land it is a town permit. P. Zvingilas stated that the question is that some of the pre-existing ones have not been used in a number of years are considered pre-existing or considered discontinued. A. Drobiak stated that if there is no activity after three years it should be abandoned. C. Fontneau stated that billboards are a not permitted use. There was discussion of this matter.

P. Zvingilas asked how to determine if it has been abandoned.

G. Rooke-Norman explained that the regulations prohibit billboard signs and the need for zoning to eliminate any pre-existing, nonconforming uses and overtime to evolve into a more conforming group of uses. A. Drobiak voiced his concern that if it is abandoned for a number of years that it becomes a blight issue and should be removed. There was discussion of this matter.

G. Rooke-Norman explained that if it has been abandoned means that it is not there and so after it has been deteriorated to the point that it is unreadable and there is no sign there and has been abandoned for 12 months and has not been maintained then the legal non-conforming use is gone.

B. Lukens read section 16.6 for the record regarding abandoned or discontinued non-conforming uses for a period of 12 consecutive months it shall be used in conformity with the regulations. P. Zvingilas will send the state a copy of Section 16.6.

8. **Additional Business:**

A. Discussion and action regarding request dated November 21, 2008 from First Selectman Philip Anthony, Jr. to the Planning and Zoning Commission to appoint a member of the Planning And Zoning Commission to the Capital Improvement Committee

G. Rooke-Norman stated that B. Lukens was appointed earlier tonight.

9. **Old Business**

A. **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.

C. Fontneau explained that Ken Sullivan from the JCDPU wrote a letter of withdrawal. G. Rooke-Norman read the letter of withdrawal without prejudice for the record and asked for a motion to accept the withdrawal. M. McKinney made a motion to accept the letter of withdrawal without prejudice. C. Kinnie seconded the motion. All were in favor. The ayes carried.

10. **New Business:**

A. **Section 8-24 Review Campbell Road, Release of portion of Town of Griswold Right-of-way located at N.W. side of Campbell Road at the N.W. intersection of Voluntown Road.** Request to release portion of Campbell Road right-of-way to Richard H. Campbell.

G. Rooke-Norman asked if there was anyone here to represent the applicant. Demian Sorrentino, certified planner and soil scientist, Boundaries, LLC was representing Richard Campbell. D. Sorrentino submitted a copy of the site plan to the members and explained the

portion is owned by the Town of Griswold and the State of Connecticut to be released to Mr. Campbell. D. Sorrentino explained that the history of the right of way has not been used by the town and explained the location is near the Campbell farm stand.

G. Rooke-Norman asked if it is owned by the Town or is it just a right of way over Campbell land. D. Sorrentino explained that the project surveyor says that the town does own it. C. Fontneau that there would be the sale or disposal of town property. A. Drobiak asked if there would be a public hearing. G. Rooke-Norman stated that it would be brought before a town meeting. C. Fontneau stated that a copy has been sent to the Highway Superintendent for his response that has not been received. There was discussion of this matter including that this is already exists and is in use and is in place and that no portion of the parcel shall be included in any future subdivision to meet area requirements for the zone.

M. McKinney made a motion to send a positive review with the suggestions to the BOS to get a referral from the Highway superintendent that he has no problem with it and that the land is not to be included in meeting area requirements in a future subdivision as a standard requirement. J. Taylor seconded the motion. G. Rooke-Norman asked for the vote. All were in favor. The ayes carried.

11. Reports from the Enforcement Officer:

A. Discussion and update of Four Brothers Motorsports, 1061 Voluntown Road Voluntown Road, Griswold.

P. Zvingilas stated that he has not received any complaints or call on this matter and things have slowed down for this type of season. B. Lukens stated that the complainant is on vacation and would not be at this meeting.

5. Zoning Regulation & Subdivision Regulation Update:

G. Rooke-Norman stated that we skipped over the zoning regulation and subdivision update. C. Fontneau explained that the text finished for the subdivision regulations and that it is coming. G. Rooke-Norman stated that there is a public hearing for the MS4. He stated that Liz Crutcher who is the cartogram consultant has a draft of the Jewett City parcel based digital zoning map and the Griswold map. She will edit it and send a PDF file for the commission to look at within a week. There was discussion of this matter. He stated that the regulations are not ready to present. G. Rooke-Norman stated that after the holidays, the commission will be meeting two and three times a month to finish the regulations by the March deadline. She asked C. Fontneau to give her his regulation updates for her to review during the week between Christmas and New Year. He will have the subdivision regulations before that. G. Rooke-Norman asked him to send them to everyone.

C. Fontneau stated that St. Mary came in about the school for an elderly housing project and asked if it was part of the moratorium on multifamily housing and they have a deadline of April. M. McKinney stated that he thought elderly housing was exempt because of the old town hall property. There was discussion of this matter. C. Fontneau will check on the language in the moratorium.

P. Zvingilas stated that a ZBA variance would be needed for the density requirement. C. Fontneau stated that they know they need an application in December to meet the January meeting date. There was discussion of this matter including a suggestion that St. Mary's attorney draft a new regulation to fit this project regarding the number of units.

C. Fontneau explained that the delay in having the regulation changes ready was that he was instructed by the First Selectman to write two grants for Aquatic Invasive Plant control that was due on December 8. He stated that there will be word in February when the grants are given out.

G. Rooke-Norman asked for any other business to come before the commission. J. Taylor asked about the letter from Scot Swanson.

P. Zvingilas stated that the problem was that he S. Swanson could not have that type of storage building without have a principle use which is a dwelling. He has done the necessary work to put in a septic system and a site plan submitted and a permit has been issued for a dwelling unit. P. Zvingilas state that S. Swanson still needs to get a variance from ZBA for the set back to the property line for the shed where it is or if he is denied he must move the shed. There was discussion of this matter.

Item 11 A. Discussion and update of Four Brothers Motorsports, 1061 Voluntown Road, Griswold.

G. Rooke-Norman stated that in referring back to Item 11A, B. Lukens asked f this can be dealt with today to get it off the agenda. B. Lukens that that this problem isn't going away unless we deal with it and we haven't heard from the complainant and that Four Brothers is not running equipment now. She felt that Four Brothers is pushing the envelope with activity beyond when he is closed and that it is a nuisance. There was discussion of this matter.

G. Rooke-Norman stated that there is consensus that at 6 p.m. all equipment, all motor cycles and motor bikes should be inside by then. P. Zvingilas stated that there is a shop where he does repairs and he can work on the equipment after he has closed the shop. There was discussion of this matter including when the doors open and close for customers and no test rides by customers.

G. Rooke-Norman stated that she did not see an end to this issue. J. Taylor stated that there should not be testing repaired vehicles after dark after he is closed. P. Zvingilas state that there was an issue of accumulated tires and parts and those have been removed. M. McKinney stated that this is not going away and is a he said, she said problem.

12. Adjournment:

G. Rooke-Norman asked if there were any other matters. J. Taylor made a motion to adjourn. M. McKinney seconded the motion. All were in favor. The meeting adjourned at 9: 09 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary