



# Town of Griswold



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## GRISWOLD PLANNING & ZONING COMMISSION

### REGULAR MEETING

### APPROVED MINUTES

DECEMBER 08, 2014

GRISWOLD TOWN HALL

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

##### 1. Call to order:

M. McKinney called this regular meeting to order at 7:00 p.m.

##### 2. Roll Call

**Present:** Martin McKinney, Erik Kudlis, James Krueger, Charlotte Geer, Alternates Stewart B. Oakes, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Courtland Kinnie,, Alternate Elias Baron, Tom Palasky,

##### 3. Determination of Quorum

M. McKinney appointed S. Oakes to sit for C. Kinnie. There was a quorum for this regular meeting.

##### 4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of November 10, 2014.

M. McKinney asked for any corrections to the minutes. S. Oakes stated that on page 6 it reads "He letter" and should read "his letter". There were no other corrections. M. McKinney asked for a motion. E. Kudlis and C. Geer abstained. M. McKinney stated that we will table approval of the minutes to the next regular meeting in December.

##### 5. Correspondence and Attachments

M. McKinney asked for any correspondence. M. Tristany stated that the acoustical engineer report and the SPCC report you received will be discussed under American Industries. He stated that copies of these reports are available in the office.

##### 6. Matters Presented for Consideration

A. **ZP 01-15 FRANK J. RUBINO, PROPERTY AT 37 D MAIN STREET, JEWETT CITY.** Requesting approval of a Zoning Permit to add a concrete patio an existing sidewalk for outdoor dining to an existing restaurant. Property is zoned BC - Borough Commercial

M. McKinney asked if M. Tristany has heard anything more from Mr. Rubino. M. Tristany stated that he has not heard from Frank Rubino. M. McKinney asked if this applicant can be tabled. M. Tristany stated that this application has a December 14, 2014 deadline. M. McKinney explained that per State statutes, the commission has only a certain period of time to act on an application; and since we have not received the requested additional information, and the application is not present and stated that the commission can deny this application without prejudice and can waive any reapplication fee at a later date. There was discussion of this matter. M. McKinney asked for a motion.

**MOTION:** E. Kudlis moved to deny application ZP 01-15 Frank Rubino, 37 Main Street without prejudice and waive the reapplication fee if requested. J. Krueger seconded the motion. All were in favor. The motion was carried.

**B. ZP 04-12 BRIAN CARBERG, PROPERTY AT 14 NOWAKOWSKI ROAD, GRISWOLD.** Requesting approval for a renewal of a Home Occupation Zoning Permit providing professional counseling services for individuals, couples and families. Property is zoned R-80.

M. McKinney asked if the application was present. Brian Carberg explained that he was requesting a renewal of his home occupation for his professional counseling services. M. McKinney asked if there were any changes to his home occupation. B. Carberg stated no. M. McKinney asked staff if there were any complaints regarding this home occupation. P. Zvingilas stated no. M. Tristany stated no. M. McKinney asked for a motion from the commission.

**MOTION:** J. Kreuger moved to approve ZP 04-12 renewal of a home occupation for Brian Carberg. C. Geer seconded the motion. All were in favor. The motion was carried.

## **7. Additional Business**

### **A. Updates and discussion of new information and updates regarding American Industries**

M. Tristany stated that the Commission received copies of the notes of a conference call with Kim Czapla and a list of the DEEP Divisions involved in this matter. He stated that the Brooks Acoustical Report and the Schedule of SPCC Deficiencies were received on Thursday. He stated that Harry Heller is present tonight. M. Tristany stated that he has not had time to review all of the reports. He stated that the SPCC Schedule was an extremely poor quality and was difficult to read. He stated that John Faulise of Boundaries, LLC has submitted better copies of this schedule. M. Tristany stated that the documents have been sent to Attorney Branse for his review. He suggested that the Town hire an acoustical engineer to review these reports. He stated that an engineer should review the SPCC report and to see if all of the violations in the report have been corrected.

M. McKinney stated that an original complaint that there are violations for expanding the use. He stated that aerial documents should be reviewed to find out if the use was expanded. He stated that there is a lot of data that the Commission should not be reviewing professional documents and that an engineering review by the town engineer should be done.

Attorney Harry Heller asked to address the commission. M. McKinney asked H. Heller to speak. H. Heller, representing American Industries, explained that there is an amended SPCC compliance report that was done on December 5, 2014 to replace the SPCC schedule that was dated October 17, 2014. John Faulise, Boundaries, LLC stated that the Commission has received 11 x 17 copies you received tonight is the December 5, 2014 Schedule.

H. Heller explained that the investigations and the corrective measures that have been implemented and we have done what we have said we would do and the schedule is on task with the Commission. He stated that a lot has been done to come into compliance and there is still a lot to be done especially with the Aquifer Protection Regulations. He stated that the sound study; there are only minor "exceedances" (?), and those recommendations will be implemented. He stated that the commission should get technical assistance to evaluate this matter. M. McKinney stated that he was not convinced that it was slightly over. There was discussion of this matter.

M. McKinney stated that he strongly recommended that the Commission have to have technical reviews of the reports and that the Town should hire its own consultants for acoustical testing and engineering reviews of the site. M. McKinney asked for a motion. M. Tristany asked H. Heller if he received any feedback on the Spill Prevention Plan from the EPA. H. Heller stated that it has been reviewed by the DEEP and EPA and the SPCC schedule is based on those reviews. M. Tristany asked J. Faulise if the document is comments from the EPA and DEEP review. J. Faulise stated yes and that the spreadsheet the deficiencies are outlined with the time table, comments and that many have been completed. M. Tristany stated that the commission should formally move to request that the documents submitted be reviewed by experts. There was further discussion of this matter regarding the review of the documentation received and that the sound report has no figures to base what will be done. M. McKinney asked for a motion.

**MOTION:** J. Kreuger moved that the commission should get the additional information by another engineer to "validify"(?) what is going and as a commission to have the addition information is important to rather than go on face value. S. Oakes seconded the motion. All were in favor. The motion was carried.

**8. Old Business**

**A.** Letter dated October 30, 2014 from Paul Romano requesting to address the Commission.

Paul Romano, business owner of property at 1131 Voluntown Road, the old airport. He explained that when the developer put the main drive way in it is was not up to what is on the site plan. He submitted an independent report and core samples to the commission and he stated that he had photographs. M. McKinney stated that the commission will need time to digest the information. M. Tristany read the report for the record. M. McKinney stated that M. Tristany pull out the site plan and to review the specs. M. Tristany stated that he had the site plan and he read the approved re-subdivision plan bituminous concrete notes for the record. There was discussion of this matter including that the original detail showed two courses and 1.5 Class 2 and 2" compacted Class 1; and the independent report cites 2.5 to 2.75 with two core samples. There was discussion of this matter. M. McKinney asked if there was any bond left. M. Tristany stated no because state bonding only requires erosion and sedimentation controls. M. McKinney stated that this can be scheduled for next month.

**9. New Business**

No new business.

**10. Reports from the Enforcement Officer**

M. McKinney asked for P. Zvingilas report. P. Zvingilas stated that the Pleasant View Project is started, the hill is being cut down, the trees are gone, the road area is going in, it has been leveled off on top; there has been compaction for building locations, new material has been brought it. He explained that there was a problem with the cross culvert that will go into Francis Curran's pond across the street. The contractor broke an 8 inch water line which needed to be replaced and they have installed two 24 inch pipes; one to take out the wetlands that feeds into that area; and the other to take the water off the site after it is paved which stops short of the pond where a stone discharging area will be installed before the water goes into the pond; and there are separation devices on the project site's side of Pleasant View; the silt controls are in. He stated that the excavator had to go onto the adjacent property and there was a question of easements to do that. He stated that property owner who lives in Alaska and she was upset but that was squared aware. The contractor will probably have to dig out the pond.

M. Tristany stated that the existing cross culvert was a stone box culvert that was weaved in around the pipe and part of the pipe was chipped when the stones were removed. He stated that this will be taken care of and will be better than it was.

P. Zvingilas asked about the gates at Aspinook View. M. McKinney explained that that was taken care of where there will be a two car lengths space before the gate to stack to Mathewson Street. M. Tristany stated that they have submitted a revised plan showing a two care stack and a new emergency gate that will be coordinated with the Fire Department.

P. Zvingilas stated that the house next to Surrell's was sold to someone on Pleasant View and so that will be fixed up.

**11. Adjournment**

M. McKinney asked for a motion to adjourn. J. Kreuger moved to adjourn the meeting at 7:34 pm. E. Kudlis seconded the motion. All were in favor. The meeting adjourned at 7:34 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary