



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION

REGULAR MEETING MINUTES

DECEMBER 13, 2010

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: Chairperson Gail Rooke-Norman, Vice Chair Martin McKinney, Secretary Courtland Kinnie, Members Daniel DeGuire, Alternate Erica Bevis, ZEO Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Member John Taylor, Alternates Heather Edge, Lawrence Laidley

3. Determination of Quorum:

G. Rooke-Norman appointed E. Bevis to sit for J. Taylor. There was a quorum for this regular meeting.

4. Approval of Minutes:

A. Approval of Minutes of the Regular Meeting of November 8, 2010

G. Rooke-Norman asked for any changes to the minutes. D. DeGuire made a motion to approve the minutes as presented. E. Bevis seconded the motion. All were in favor. The ayes carried.

5. Correspondence and Attachments:

A. Copy of Connecticut Public Act 1996, Page 6 regarding Section 15: Section 14-67g of the general statutes repealed and substituted in lieu thereof. Submitted by the First Selectman's office.

G. Rooke-Norman stated that this was the sent to us by the town of Griswold of those acts that the state has repealed. She asked that members review this and make certain that the regulations are consistent with the new statutes regarding junk vehicles. There was discussion of this matter.

G. Rooke-Norman asked if there were other correspondence. C. Fontneau stated that there was a letter requesting release of a bond that should be placed on the agenda and a letter from Mr. Mooney why the stormwater trenches have not been done. P. Zvingilas stated that it can be brought up under is report. G. Rooke-Norman stated there was a letter from Provost and Rovero.

6. **Matters Presented for Consideration:**

- A. **ZP 02-11 Lambert, Peter, 16 Spicer Road, Preston, CT 06365. Property location: 1061 Voluntown Road, Griswold.** Request approval for a Zoning Permit to add four 600 sq. ft. storage buildings for storage of landscaping supplies, equipment, trucks and trailers. Property is zone C-2.

G. Rooke-Norman stated that D. DeGuire has recused himself from this matter. There is a quorum.

G. Rooke-Norman stated that there is a letter from Uncas Health District that there is no objection. She read the letter for the record. G. Rooke-Norman asked if sanitarian approves the sheds. P. Zvingilas stated that he reviews to determine that the site has enough area for a reserve septic system. G. Rooke-Norman stated that there is a letter for Section 13.9 for a minor site plan amendment which was read for the record regarding Absolute Landscaping, Inc.

Peter Lambert, owner of SAR Enterprises and Absolute Landscaping explained to the commission that there is a letter from the fire marshal that he was okay with the location of the gate. He explained that he wanted to build four 20 ft. x 30 ft. storage sheds, two initially, one for Patrick Strain, and one for Absolute Landscaping. He would add two more if there is interest from the aquarium and the tenant. He stated that the fence and gateway would be to restrict access to the back of the building to authorized personnel. He stated that the driveway is shared with the residence next door and the gateway would be at the end of the shared driveway. P. Lambert explained that he installed white pines along the side boundary as a buffer. G. Rooke-Norman asked the height of the white pines. P. Lambert stated that they are about six feet high. He stated that there is designated parking for trucks and trailers and equipment and some storage for landscaping materials, piping and building blocks in the rear. He increased the number of parking spaces along the side for employees where he planted 6 ft. arborvitae. G. Rooke-Norman stated that there are no notes on the site plan and needs to be added to the site plan.

G. Rooke-Norman asked for other comments. P. Lambert stated that the landscaping materials will be surrounded by silt fence to prevent leaching. M. McKinney stated that he was concerning that the silt fence would not be enough and should be a more stable material. P. Lambert stated that he could create a berm of shredded bark to surround the piles of mulch, crushed stone, loam, stone dust. P. Zvingilas stated that jersey barriers are usually used for those materials. There was discussion of this matter.

M. McKinney asked if the 20 ft. by 30 ft. buildings would only be used by the people renting in the building. P. Lambert stated yes; they would be used by 4 Brothers, the aquarium and the tenant and Absolute Landscaping. G. Rooke-Norman stated that Absolute Landscaping is not a business here. P. Lambert stated not yet.

G. Rooke-Norman asked C. Fontneau if the town attorney was asked about whether the equipment could be located here if the business was not. C. Fontneau explained that he did not receive any input or approval to ask the attorney. C. Fontneau stated that P. Anthony gave permission for the sign and not the other. There was discussion of this matter.

G. Rooke-Norman stated that this was C-2 and she asked what the section was for accessory uses on a C-2 lot. C. Fontneau stated that it was Section 7.3.12 accessory uses and buildings. G. Rooke-Norman read the section for the record for permitted uses. P. Zvingilas asked if this was a special exception. C. Fontneau stated that the official ruling of a less than 5,000 sq. ft. building would require a zoning permit as a personal service or a business service. G. Rooke-Norman read Section 13 site plan requirements for the record. There was discussion of this matter.

G. Rooke-Norman asked about the erosion and sedimentation control plan. P. Lambert stated that he wrote a letter to waive this requirement. G. Rooke-Norman asked where in the regulations we can accept a hand written site plan by a non-engineer, non-surveying person. P. Zvingilas stated that it was Section 13.5. G. Rooke-Norman read this section for the record. She stated that the plan should conform to class A-2 site plan. She explained that this should be done by an engineer. P. Lambert asked if this could be waived. G.

Rooke-Norman stated that there is no request in the file for a waiver for Section 13.5. G. Rooke-Norman stated that an engineer needs to certify the site plan for it to be in conformance. There was discussion of this matter including that there are no dimensions described on the site plan.

P. Lambert stated that this is a A-2 survey. G. Rooke-Norman asked if there ever was a site plan for this site. C. Fontneau stated that this is the Patrick Strain plan that Patrick Strain asked for a waiver of his special exception; and Mr. Lambert has modified it for his request. There was discussion of this matter.

G. Rooke-Norman asked the dimensions of the stone/loam/mulch piles. P. Lambert stated that they were 20 yard circles. M. McKinney asked if there would be a cement pad. G. Rooke-Norman asked the maximum amount of materials to be stored there and asked what stone dust was. P. Lambert explained what stone dust was used for and crust stone was used for. He stated that the loam 20 yards, stone dust 20 yards and the mulch 40 yards. G. Rooke-Norman stated that those amounts are needed on the site plan.

G. Rooke-Norman asked C. Fontneau if he looked through the Section 13 and Section 11.8. C. Fontneau stated that 11.8 was the landscaping plan and that P. Lambert was going to waiver some of that. G. Rooke-Norman stated that Mr. Lambert conform to Section 13 and Section 11.8

M. McKinney was concerned with having this storage there without the business there. P. Lambert asked what was necessary to have the business there. M. McKinney stated that he could take space in the building that is there. P. Lambert stated that he could use the 20 ft. x 30 ft. shed. M. McKinney asked if it would be an office. P. Lambert stated that it would be for storage. G. Rooke-Norman asked where the office was located. P. Lambert stated that the office was in Preston. P. Lambert asked if he needed a building to have a business. There was discussion of this matter including the required separation between buildings needing review by the fire marshal.

M. McKinney stated that he had trouble with the fact that the business will not be on the site; just storage of the equipment for a landscaping business that is not here. P. Lambert asked if there could be a partial approval for those things with which they don't have a problem. G. Rooke-Norman stated that she was concerned that there is no A-2 certified site plan that was reviewed by an engineer. There was discussion of this matter including have an accessory use without a principle use.

G. Rooke-Norman asked the other members if they had any questions. E. Bevis stated that the site plan needed to be more specific regarding the building separations. G. Rooke-Norman apologized that there was a miscommunication between the commission and the planner that the information from the attorney was not received; and that this information will be received from the town attorney. G. Rooke-Norman asked if the application has run out of time. C. Fontneau explained that the commission received the application on November 8 so there can be up to 65 days for the commission to act and another 65 days with the applicant's permission. G. Rooke-Norman asked C. Fontneau if he had the questions with him. C. Fontneau stated that they are attached to the read-along. There was discussion of this matter including if there can be accessory uses on a lot without a primary use as the main question to the town attorney.

P. Lambert asked if the question is he can have a building on the site without a building and if he has a zoning permit for Absolute Landscaping on the premises and does he needs a building. G. Rooke-Norman stated that she didn't think he could put the business in a shed. P. Lambert asked does he need a building to locate his business there. There was discussion of this matter.

M. McKinney stated that this application is for 4 buildings, parking, loam piles, stone dust piles, a new drive through fence, landscaping; and it isn't for a shed for one existing building on the site. P. Lambert asked if it would be easier to change the application for the next meeting for one shed for 4 Brothers and then a zoning permit for a landscape business on the property. G. Rooke-Norman stated that if you withdraw this application and resubmit it; there are still some fundamental questions that we need answer from the town attorney. She suggested that he retain a firm to assist him in his site design for a plan that is clean enough so that we can waive the A-2 plan; and has he asked an engineer or surveyor if they could do this for him. P. Lambert stated no. There was discussion of this matter.

P. Lambert stated that his business is located on property of a 92 year old man, and he is in the process of moving his business to Griswold. C. Fontneau stated that he will get the approval to send it up to the town of attorney. G. Rooke-Norman asked if there would be concrete slabs under each shed. P. Lambert stated that there will be a concrete slab under sheds that would be storing gasoline in it; and all the storage sheds will meet the building codes. G. Rooke-Norman asked if he told this to the fire marshal. P. Lambert stated no; he spoke to the fire marshal about emergency vehicle access. There was discussion of this matter.

G. Rooke-Norman stated that everything that is on the site should be on the site plan with notations. M. M stated that the parking should be put on the site plan. P. Lambert explained where the customers park, and where the employees park as well as additional parking.

G. Rooke-Norman asked for a motion to table this application. M. McKinney made a motion to table this application to the January regular meeting. E. Bevis seconded the motion. All were in favor. The ayes carried.

Courtland Kinnie arrived at 8:08 p.m. and D. DeGuire returned to the meeting.

B. ZP 03-11 Miller, Robert W., 169 North Main Street, Jewett City, CT 06351. Property location: 169 North Main Street Jewett City. Request approval of a Zoning Permit to use an existing garage on the site for inside storage of bottles and cans. Property is zoned B-C.

G. Rooke-Norman asked if there was someone representing the applicant. Robert W. Miller, 62 Depot Road, Canterbury stated that they want to use the storage buildings until March 1. M. McKinney asked if he wasted to use the garage to store the bottles and can. R. Miller stated that they want to use the trailer by March 1st. P. Zvingilas stated that this is located at Mikitin's old package store and use the bottom floor and two storage buildings. Melissa Cummings explained that they use a storage unit and the distributor leaves a trailer for us to use and they pick it up when it is full. M. McKinney asked if it was a registered motor vehicle. M. Cummings stated yes. G. Rooke-Norman asked for questions from the commission.

P. Zvingilas explained that we are working out a solution to a violation of not having a permit for the bottle and can storage. The owner of the property has indicated that the garage on the site will be available for rent for storage of bottles and cans and the storage unit and the trailer will be removed. M. McKinney asked if this will be done within six months. M. Cummings stated that they have time for the distributor to pick up the trailer. C. Fontneau stated that they are asking until March 1, 2011. P. Zvingilas stated that the owner is present. G. Rooke-Norman asked if there were other employees coming on the site. M. Cummings stated that there is one other employee. There was discussion of this matter.

D. DeGuire stated that there should be longer than three months. G. Rooke-Norman stated that the owner and the business owner have reached an agreement. P. Zvingilas stated that this violation is in court and Mr. Bergeron is here. Mr. Bergeron stated it is March 1st. G. Rooke-Norman asked which attorney was the case. P. Zvingilas stated that Eric Knapp. G. Rooke-Norman asked if it is acceptable to the attorney. P. Zvingilas stated that if we agree to it and they have reviewed it; it is a fair solution to a service that a lot of people use.

G. Rooke-Norman stated that this is a resolution of matter that is in ligation and the town attorney finds this solution acceptable; and the zoning enforcement officer recommends it to the commission. She asked or for a motion. M. McKinney made a motion to approve the resolution as it has been presented to the commission to March 1, 2011. D. DeGuire seconded the motion. All were in favor. The ayes carried.

C. ZP 04-11 Griswold Volunteer Fire Company, 883 Voluntown Road, Griswold, CT 06351. Request for approval of a site plan modification for an out building. Property is zoned R-60.

G. Rooke-Norman asked if there was anyone representing the applicant. John Faulise was here to represent the Griswold Volunteer Fire Department. He explained that the commission cannot act on the application this evening since there is an application pending approval from the Wetlands Commission at their meeting later this month.

J. Faulise explained that the fire department requires additional storage for additional equipment for emergency services. They propose to build a 30 ft. by 40 ft. storage building that will be located to the south of the barbecue pit and east of Old Bethel Road. He stated that it will be a cold storage building with a truss-type sloped roof and vinyl siding with two to three overhead doors to access equipment storage. It meets the front yard setback requirement of 55 ft. from Old Bethel Road. It is a level area and has an existing 10 to 12 foot berm on Old Bethel Road that limits visibility from Old Bethel Road. There is an SNET easement for a utility cabinet surrounded by arborvitae. M. McKinney asked if it will be paved. J. Faulise stated that it will remain a gravel surface. G. Rooke-Norman asked where the doors are located. J. Faulise stated that they will be on the north face. P. Zvingilas asked who owns the property. J. Faulise stated that it is owned by the Griswold Volunteer Fire Company conveyed to them by Edgar Fontaine. G. Rooke-Norman stated that the topo detail shows that it is almost flat. J. Faulise stated that the area is almost flat. C. Kinnie asked if there was only a single access from the parking area. J. Faulise stated yes, there is only one access from the parking area. G. Rooke-Norman asked if it was on a slab, and no storage of oil or gas. J. Faulise stated yes, other than what is in the vehicles; the fire department has a liquid storage container in the existing building. G. Rooke-Norman asked if it was only for fire equipment storage. J. Faulise stated yes.

D. DeGuire stated that he was not voting in this matter.

G. Rooke-Norman asked for a motion to table. M. McKinney made a motion to table this application ZP 04-11 to the February meeting. C. Kinnie seconded the motion. All were in favor. The ayes carried.

D. ZC 01-11 Coleman, Robert S. & Jeanne, 1458 Hopeville Road, Griswold, CT 06351. Property location: 1182 Voluntown Road, Griswold. Request approval of zone change from current C-1 Village Commercial back to R-60 Residential zone. Property is zoned C-1.

G. Rooke-Norman stated that this application requires a public hearing. D. DeGuire made a motion to set a public hearing on January 10, 2010 at 6:30 p.m. at the town hall first floor meeting room. C. Kinnie seconded the motion. All were in favor. The ayes carried.

7. Additional Business:

A. Discussion of changes to subdivision and zoning regulations.

G. Rooke-Norman asked for a motion to move this item to the end of the agenda. M. McKinney made a motion to move Item 7A to the end of the agenda. D. DeGuire seconded the motion. All were in favor. The ayes carried.

8. Old Business

There was no old business.

9. New Business:

C. Fontneau asked that the Nelson Rodriguez letter be added to the agenda under new business.

A. Election of Officers

M. McKinney nominated G. Rooke-Norman as chair. C. Kinnie seconded the nomination. All were in favor. The ayes carried. G. Rooke-Norman nominated M. McKinney as vice chair. D. DeGuire seconded the nomination. All were in favor. The ayes carried. G. Rooke-Norman nominated C. Kinnie as secretary. M. McKinney seconded the nomination. All were in favor. The ayes carried.

G. Rooke-Norman asked when is the deputy ZEO named when Peter is absent. P. Zvingilas stated that it is an appointment a couple years ago. C. Fontneau stated that it doesn't have to be renewed; I am deputy ZEO when he is gone a week or there is a conflict of interest.

P. Lambert asked if he could speak again before the meeting is over to ask a question. G. Rooke-Norman stated yes after we take care of this business.

B. Approval of 2011 Schedule of Meetings

G. Rooke-Norman asked if everyone was happy with the 7:00 p.m. start time; it has s been working very well. M. McKinney made a motion to approve the schedule of meetings for 2011 as presented. D. DeGuire seconded the motion. All were in favor. The ayes carried.

G. Rooke-Norman asked for a motion to add 9C to the agenda. M. McKinney made a motion to add 9C the request by Nelson Rodriguez to release the \$1000 bond to the agenda. C. Kinnie seconded the motion. All were in favor. The ayes carried.

C. Fontneau explained that the pass book bond to be released to Nelson Rodriguez since the property was foreclosed and there is a new owner who will put the additional landscaping that will be completed in the spring. M. McKinney stated that the new owner has not posted a bond. P. Zvingilas stated that he has done most of the landscaping already. G. Rooke-Norman read the list of landscaping that has been completed. There was discussion of this matter. She asked if it is the recommendation of the town planner and zoning enforcement officer that there is no remaining site work that needs to be completed so the bond can be released. P. Zvingilas stated yes. C. Fontneau stated yes. G. Rooke-Norman asked P. Zvingilas to add this to his report for June. M. McKinney made a motion to release Nelson Rodriguez' pass book bond of \$1000. C. Kinnie seconded the motion. All were in favor. The ayes carried.

10. Reports from the Enforcement Officer:

P. Zvingilas gave his report on the status of the Petro Max gas station on Preston Road. He explained that there is an agreement to resolve the sign issue that was drafted by the attorney. C. Fontneau submitted copies of the as-built to the commission. P. Zvingilas stated that we are waiting for a letter from the CTDOT approving a temporary use of the access road. M. McKinney asked if the pole was gone. P. Zvingilas stated that the pole was still there. G. Rooke-Norman asked this matter needs to be put on the agenda if any motions are needed in this matter. P. Zvingilas stated that this is informational and if any action is needed it can be put on the agenda. He stated he intends to issue the certificate of occupancy once we have the signed agreement and the approval letter from CTDOT for using the access road. He stated that there is the report from Provost and Rovero. C. Fontneau stated he received an e-mail and the engineer inspected the site and that the striping is done and the stormwater pipes are functional. P. Zvingilas stated that G. Rooke-Norman and M. McKinney spent time at the site last week and their concerns have been address.

John Faulise, boundaries, LLC stated and Mr. Abrahamson from Petro Max was here. He stated that the outstanding items were for the berm and its effectiveness in shielding headlight glare; 12 ft. of decorative fencing on either side of the sign will be installed and the berm will be carried to the fence; and an additional 6 evergreen plantings of boxwood or arborvitae will be added for shielding. J. Faulise stated that the striping has been installed and directional signs recommended by P. Zvingilas will be added at the north for locations of the exits and a directional sign indicating the exit is to the rear of the facility. J. Faulise stated that there are notes referencing the signed resolution agreement which will be signed and notarized and added to the land records tomorrow at the town hall. J. Faulise stated that the pole is scheduled to be removed on Thursday.

C. Fontneau stated that he spoke to Mr. DeCastro of the CTDOT to send a letter of approval to use the access road. G. Rooke-Norman asked if there will be striping at the exit where the in and out is located. J. Faulise stated that the striping is done and the stop bar is in place and no directional striping was proposed. There was discussion of this matter.

G. Rooke-Norman asked J. Faulise to explain how CTDOT reconfigured the entrance and egress to resolve the headlight glare. J. Faulise stated that the entrances are from 164 direct cars in the direction of the building and not the residences and the cars will exit through the rear of the site. J. Faulise stated that early

in the morning photographs were taken of the berm showing that it was doing an adequate job of shielding the headlight glare from the residences across the street.

G. Rooke-Norman asked if there were any other business matters to discuss. P. Zvingilas thanked G. Rooke-Norman and M. McKinney for their help in resolving the problems with the gas station. G. Rooke-Norman thanked the applicant for his diligent in trying to help resolve the issues and welcomed his business to town.

G. Rooke-Norman asked Peter Lambert to ask his question of the commission. P. Lambert asked if the lawyer's input can be gotten before the next meeting so that zoning changes can be affected before the next meeting. G. Rooke-Norman stated that that was a good point because if the town attorney determines that it won't work together then you would have to get a surveyor and submit an application and site plan before the next meeting. P. Lambert asked if the fee that he as paid can be applied to the new application. G. Rooke-Norman stated that the fee can be applied to your new application; but can only be applied to one application. There was discussion of this matter including that a commission does not have to duplicate errors that were committed in the past.

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

C. Fontneau stated that there are changes to the regulations and to look at those changes for the next meeting.

7B. Discussion of changes to subdivision and zoning regulations.

G. Rooke-Norman stated that we will look at this now and she stated that the language was fine. She read the language for the record of the general sign requirement for message boards, and to add hours of operation day and night time. She asked for a motion to set a public hearing. C. Fontneau stated that we should have a few more changes for the January meeting. M. McKinney stated that the longer we wait the chance that there is a problem with the sign. G. Rooke-Norman stated that we will have a public hearing. M. McKinney made a motion to set a public hearing on January 10, 2011 at 6:45 pm for Section 15.1 sign regulations and similar language for the borough regulations. C. Kinnie seconded the motion. All were in favor. The ayes carried.

11. Adjournment:

D. DeGuire made a motion to adjourn. C. Kinnie seconded the motion all were in favor. The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary