Town of Griswold

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GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING **APPROVED MINUTES**
GRISWOLD TOWN HALL **MAY 18, 2015**

I. PUBLIC HEARING (6:30 PM)

1. Call to order

M. McKinney called this public hearing to order at 6:30 p.m. at the Griswold Town Hall meeting room.

2. Roll Call

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

Also Present: Town Attorney Mark Branse

Absent: Courtland Kinnie, Tom Polasky, Alternate Elias Baron, ZEO Peter Zvingilas,

3. Determination of Quorum

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

4. Matter Presented for Public Comment

A. ZC 01-15 (Revised) BOUNDARIES, LLC, 179 PACHAUG RIVER DRIVE, GRISWOLD. Requesting a Text Amendment change in the Griswold Subdivision Regulations to Section 5.3.3 to add new language for Commercial/Industrial cul-de-sac requirements to all for parcel design flexibility.

M. McKinney asked if there was someone to represent the applicant. Attorney Harry Heller, 736 Route 32, Uncasville was present to represent the application. He explained that this public hearing was opened in February and comments received from the Town Engineer and the Town Attorney have been revised to incorporated those comments. He explained Section5.3.3a for temporary dead end streets for subdivisions done in phases which included language from Attorney Branse.

H. Heller explained that this regulatory text amendment was to allow access to properties at exist 85 and exist 86 that had limited access and held great potential for economic development. He stated that this regulation will make land relatively inaccessible to be accessible by eliminated dead end street limitations on commercially and industrially zoned lots and the regulation allows control and flexibility for the commission to insure that the public safety, health and welfare parameters are satisfied based on comments from the Town Engineer and Town Attorney from the initial public hearing.

H. Heller read from the Griswold Plan of Conservation and Development for Economic Development for the record that encourages economic development. He read the priorities Section 3.D for the record regarding the development of businesses in Griswold: Section 3.D2 regarding exit 85 and 86 on Interstate 395 where large undeveloped parcels of land are located on State Highways Routes 138, 165, 201 and access to Interstate 395.

H. Heller stated that there was a letter from the Fire Marshal for comments for fire suppression, dead end street limitation and the like. He stated that the comments were addressed to the original draft of the regulation. He stated that based on comments from the town attorney and town engineer this draft

regulation provisions have built those safeguards into this regulation to insure public safety concerns are fully addressed. He stated that this is a good regulation for the Town of Griswold to help make developers look more favorably on these parcels and encourage the potential for economic development.

M. McKinney asked for questions from the Commission. He asked Attorney Branse for any comments. Attorney Mark Branse stated that he would like to hear from the public but that there are certain things in this text that have been incorporated.

M. McKinney stated that we want to make the road ordinance stronger. H. Heller stated that the road standards are an ordinance and is within the jurisdiction of the Board of Selectman. There was discussion of this matter including that the current road standards are for residential roads.

M. McKinney asked for comments from the public.

Tom Giard, 39 Jennifer and Chairman of the Economic Development Commission stated that the EDC supports the concept of this regulation in order to reach lands that are presently beyond the developer's scope and this is a good change. He stated that any future approvals be based on changes to the road ordinances for construction be changed to support industrial and commercial standards.

Kevin Skulczyck, 28 Main Street, stated that he supports this regulation. He stated that this is an opportunity to attract business to Griswold. He stated that he appreciated the hard work of the Commission and that it is an opportunity for developers to create a business park. M. McKinney asked Fred Marzec, Fire Marshal, if he had reviewed the new plans. F. Marzec stated that he has not seen a new plan to make comments.

Ed Burdick, 764 Voluntown Road, stated that he questioned if the proposal will go forward what would be the diameter of the road and if it would be what it is now. M. McKinney stated that the road ordinance must be designed with the Road Superintendent. E. Burdick asked if it would be wider that it is now. M. McKinney stated yes, it would have to allow for two tractor trailers. H. Heller stated that the 34 foot width and increase the cul de sac width to 50 feet. E. Burdick suggested considering advocating with the town to push forward the 34 feet for public safety reasons.

James Barnie, 735 Hopeville Road, asked what discretions were given for road construction would have to be approved by an engineer. M. McKinney stated that sight lines were to be reviewed by AASHTO for sight lines distances for egress; roadways may be widened such as slow down lanes. He stated that there is only one spec on roads and that the BOS can have new road standards designed for commercial activity that would be determined. J. Barnie stated that this text amendment could have a stipulation for an approval if the commission approves it. M. Branse stated that zoning or subdivision regulation amendments cannot have conditions of approval. He explained that any road would have to comply with the subdivision regulations and the road ordinance; so if the road ordinance is not amended to be consistent that it cannot be built. He stated that an engineer can also require a traffic engineer study for a development to evaluation the number of lots, road widths, road geometry are acceptable. J. Barnie stated that he was in support the text amendment.

M. McKinney asked if there were other comments from the audience. M. McKinney asked M. Tristany for his thoughts. M. Tristany stated that he concurred with Atty. Branse that if the commission has concerns with the road design or was not adequate of an application, the commission has the authority for the applicant to provide a traffic engineering study. He stated that as part of our detailed review a consulting engineer would flag any concerns if the road does not meets the conditions for the plans shown. M. McKinney stated that regarding the lengths of the road done in phases; will the entire infrastructure for the whole length of the road goes in at one time or in segments based on drainage calculations. M. Tristany stated that it depends if it is a phased plan. He stated that the road would be designed based on the number of lots in that commercial subdivision based on the size of the

commercial subdivision. M. Branse stated that the road would also include the access to other lots and commercial subdivisions. He explained that one of those changes requires the developer to build the road pavement up to the property line in the final phase with a temporary turnaround which is deeded back to the owners which is now addressed. He stated that the definition now is in this text amendment regulation will discourage additions of an addition 600 feet after another; he stated that the length will be counted from the through street to the end for the total number of properties.

M.M asked for a motion to close the public hearing. C. Geer moved to close the public hearing for ZC 01-15 on May 18, 2015. E. Kudlis seconded the motion. All were in favor. The motion was carried.

II. PUBLIC HEARING (6:50 PM)

1. Call to order

M. McKinney called this public hearing to order at 7:10 p.m. at the Griswold Town Hall meeting room.

2. Roll Call

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

Also Present: Town Attorney Mark Branse

Absent: Courtland Kinnie, Tom Polasky, Alternate Elias Baron, ZEO Peter Zvingilas,

3. Determination of Quorum

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

4. Matter Presented for Public Comment

A. SE 02-15 H & M HOLDINGS, LLC, 2 and 4 BUSINESS PARK WAY, GRISWOLD. Requesting approval of a Special Exception to create a new development for automotive sales and service. Two lots are to be merged upon approval of this application. Property is zoned C-1.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC. He stated that the applicants, Dan Hunter and Mike Dingivin were both present. He stated that this is a continuation of a public hearing that was started in April with submissions by the Fire Marshal, the Department of Health. He stated that the landscaping and screening for vehicle storage area.

J. Faulise explained that these revised plans are based on the comments by the reviewing engineer and based on the comments by the public at the April public hearing. J. Faulise explained that that the landscaping and screening requirements on the westerly side for vehicle storage were revised based on detailed information received from the property owner across the street for two double staggered rows of evergreen privacy screen of the fence adjacent to Edmond Road, he submitted that information for the record; the addition of street trees along Business Park Way and on Voluntown Road in accordance with recommendations from the town planner. J. Faulise stated that P. Zvingilas had concerns about the well radius. J. Faulise explained that there are changes to the Building Code for public water fountains and public restrooms and the Connecticut Public Health requires that the well radius be contained within the property for transient non-community well. He explained the location of the proposed well and its radius contained fully in the lot. He stated that this is for 2 and 4 business Park Way. He stated this new requirement for the well radius to be contained within the lot will have an impact on C-1 and C-2 lots where the minimum lot size of 40,000 sq. ft. He stated that a concern was expressed by a property owner to the north in Business Park Way regarding vehicles contaminating the wells. He explained that the proposed public water supply well will be monitored by the State Health Department requires testing every 90 days forever of the ground water on the project site.

J. Faulise stated this proposed automotive sales is an existing business in town. He stated that these lots are zoned commercial and has been vacant since the subdivision approvals that have outgrown its

current location. He stated that this proposed plan along with the stormwater management plan, wells, sanitary system meet the public hearing code and landscaping requirements of the zoning regulations. He submitted photographs of three adjacent commercial properties that have very little landscaping at Valero Gas Station, the office across the street and the Multi-family house on the corner has no landscaping. He submitted these photographs for the record.

J. Faulise stated that the lighting and the hours of operation were discussed at the last public hearing. He explained that the lights at the Valero station turn off at 10 pm.

J. Faulise read into the record a letter of support for this project signed by Thomas Geer, Richard Geer and Bowman Geer of Geer Tree Farm II.

M. Tristany asked if J. Faulise had a set of architectural drawings for the file. J. Faulise stated that the overhead doors face the Valero Station and there is a portico at the front of the building to view vehicles in inclement weather and to accept deliveries.

Attorney Branse asked if the abutters, who wrote the letter read for the record, were related to Commissioner Geer. C. Geer stated yes. M. Branse asked if she had any interest in the Geer Tree Farm. C. Geer stated no. She is a relative to the owners. M. Branse asked if she was a part owner. C. Geer stated not a part owner. M. Branse asked if she lived there. C. Geer stated that she has her own acreage that abuts the Geer Tree Farm. M. Branse asked if she was on Geer Tree Farm. C. Geer stated that she was not. M. Branse asked if she could hear this objectively and without regard to her proximity to this development. C. Geer stated yes. M. Branse asked if anyone present who objects to the presence of Commission Geer's or are there objections to her involvement or voting on this application. M. Branse stated were no objections from the public and she can hear the matter objectively, they are just relatives.

J. Faulise submitted a second set of architecture drawings for the file.

M. McKinney recognized Ed Burdick. E. Burdick stated that he would like the record to reflect that C. Geer is family to those who have signed the letter read into the record. M. Branse asked if he was objecting to Commissioner Geer's participation. E. Burdick stated that he is objecting to her referring to them as relatives. C. Geer stated that the signers were her two brothers and her nephew. M. Branse that that they are relatives. M. Branse stated that Commissioner Geer did not have to recuse herself.

M. McKinney asked if there were public comments.

David Vieaux, 59 Leha Avenue, he stated that he was against this project and that it should not be here in a residential area in the C-1 zone. He stated that it is not a service station; it is a used car dealer and a used car garage. He was concerned that the neighborhood would look like a junk yard.

Attorney Thor Holth, Holth and Kollman, New London for Val and James Grills submitted a written objection to the project for the file. He stated that this was an expansion of what the C-1 zone allows and outlined the definitions of the C-1 specific uses and cited retail, business services, personal services. He stated that auto sales is not allowed in Section 6.2.3; and that if the use is not allow in a regulation than it is specifically excluded and cited Gordon vs. Board of Zoning, City of Stamford case law. T. Holth stated that in order to allow an excluded use, a variance should have been obtained as cited in Section 17.2 of Griswold regulations. He stated that this use belongs in the C-2 zone; he read Section 7.1 and Section 7.3.1. He explained that in January the order in January broadened the definition of the definition of the regulations to include an activity that was not allowed in the C-1 zone. He stated that the Section 12.3 is in violation of the seven criteria for the proximity of similar uses, such as ground water contamination, the proposed facility in a residential area. He stated that this application should be denied and should not broaden the definition of its regulation.

M. McKinney asked for other comments.

Noah Perkins, 46 Osga Lane stated that in the interest of full disclosure he stated that has a personal relationship and friends with Mr. Dingivan and Mr. Hunter for 10 years. He stated that he is a resident of this town and he sees a chance for new tax income and use for a lot that has been empty for ten years being developed to attract other business to the location. He stated that this will be a very nice facility with nice landscaping and he is all for this project. Ed Burdick, 764 Voluntown Road, stated he was in favor of the project at the last public hearing but now he was opposed to this project based on the presentation given tonight by the attorney. He stated that his opposition was to the special exception for C-2 activity in a C-1 zone will undercut the integrity of the regulations.

Frank Imperato, 88 Latham Drive, stated that there is spot zoning all up and down Route 138. There are all types of business and homes next to each other. He stated that this project is a great addition to the town. He stated that the junk in the back of the business is kept under control and is part of his requirements and the testing of ground water every 90 days is amazing.

Tom Giard, 69 Jennifer Lane, stated that the applicant had approached the Economic Development Commission and that the EDC was in favor of the project. He stated that Route 138 in its entirely is in commercial uses as well as Route 164. He stated that residential is close by to this site and in any community residential is side by side with commercial. He stated from the economic development standpoint for the whole community, this investment benefits everyone in the community. He stated that the EDC supports it.

Kevin Skulczyck, First Selectman, stated that he was in support of this project and explained that the applicants are committed businessmen and are committed to stay in Griswold. He stated that regarding economic development this is a good opportunity in Griswold; and we must change Griswold's reputation of chasing economic development away for twenty plus years to the north and south of Griswold. K. Skulczyck stated that we support this and will insure that this will be pleasing to the eye.

Valerie Grills, 6 Edmond Road, stated that she was not against development and that there is a business across the road that fits in well with our neighborhood. She stated that she did not want to see 30 cars while sitting in her front yard. She stated that the building proposed is not what will be facing her property. She stated that she if it met the zoning, then she would be okay with it. She stated that she has paid taxes for 28 years in town but not at the expense of her property where her family has live for 288 years. She stated that no one would want to look at it from your front yard. She stated that the project should go in the C-2 commercial and not in someone's front yard.

Phil Flowers, Rixtown Road, asked how long the property was zoned Commercial. M. McKinney stated since it was developed by Gail Whitney. M. Tristany stated that this subdivision was approved in June, 2005. P. Flowers stated that he was in support of their establishment and has been in their building; the cars in their back lot don't look like a junk yard, the cars are stored there from auctions. He stated that I don't want to drive businessmen in our town out of our town. He did not want to see the business go to Lisbon, or Plainfield, or somewhere else. He stated again that he was in support.

Mike Minarsky, 70 Hill Street, stated what the zoning was at the end or North Main Street where there is a facility that sells cars near the gas station. M. McKinney stated that that business is in the Borough. M. McKinney stated that the borough has its own regulations. He stated that inappropriate is hearing profanity almost every single day from the skate park next to his house that they cannot leave their windows open. He stated that he would gladly trade that off to have Mike and Dan next to us who will create jobs. He stated that in his area there are a lot of problems.

Al Geer, Jewett City, stated that we have shunted away many businesses away too long and we need to get economic development going and this is a good start. We cannot throw business out of our town anymore; we need that revenue.

Pat Camputaro, 64 Kenwood, stated that speaking from experience, other towns are courting business to their towns. He stated that we don't want to lose a business that is located on a state road that will not cost the taxpayer a single dollar since the state maintains the road; but will bring in revenues. He stated that they could put up some sort of screening to cover what she will be looking at.

Frank Imperato 68 Leha Avenue, he stated that they have been in our neighborhood and our town, worked hard, and have brought in a lot of money. He stated that for a used car lot, they keep everything organized. He stated that if we bring in tax revenue and try to bring in our own police department to help to clean up our town. He stated that pushing business out will not make things better.

Lionel LaSalle, 45 Popple Bridge, stated that he was their accountant but that he was not here in that capacity. He stated that they started their business from scratch two or three years ago and now they are in a position to buy property and increase the economic growth in town; they could have gone to another town but stayed in this town. He stated that he was a resident here and supports all the local business and he supports them.

David Vieaux stated that he was surprised that there were no other C-2 properties available in this town. He stated that it was great to keep their business in town but keep the rules and regulations in black and white and help to find a C-2 property to put it on. M. McKinney stated that this commission does not determine the location, the applicant comes to us.

M. Branse stated that the commission has heard discussion of the effects on property values, Plan of Conservation and Development, and criteria of the regulations. He wanted the applicant to specifically address, in the C-2 zone; you have an actual automotive, sales, service and repairs. He stated that that language is not in the C-1 zone. He stated that the Commission has considerable discretion in special exceptions and this one is not. He asked the applicant to explain why this use is permitted in the C-1 zone in his summary.

J. Faulise stated that the applicant came to us for this use on this particular property in the C-1 zone. We looked at the community and looked at other similar uses and what businesses are in the C-1 zone now. He stated that the current location of the applicant's business in on a property that is in the C-1 zone since it was created and that it was licensed as an auto dealership since it was approved in 1994 when it was originally constructed.

He stated that other auto sales facilities are located in the C-1 zone in Griswold; as a result they submitted a request on January 12, 2015 for an official ruling under the current regulations to determine whether this use is allowable in the C-1 zone based on past practices and policies of the commission. He stated that the commission unanimously voted that the use did fit within the C-1 zoning district; partly because service stations are not defined within the regulations. He explained that service stations and gas stations are listed separately with different uses so the assumption that a service station is a gasoline station is not supported by the zoning regulations. He stated that because of the lack of clarity and definitions in the regulations, we came to the commission for the official ruling.

J. Faulise stated that historically service stations in town have had automotive sales; and specifically, this property currently used by the applicants are in operation is in the C-1 zone and had been licensed initially as an automotive dealership since 1994 in the C-1 zone and has continued to operate that way. M. Branse stated that in 1994, it was an automotive dealership and it was at that time a C-1 zone; and the language was basically with the same wording for gasoline stations and service stations. He stated that that it is your allegation that this is a time tested interpretation of the regulation that the commission has applied over time. J. Faulise stated yes and we asked for clarity in an official ruling in January. M. Branse asked if a legal notice was published at that time. J. Faulise state that that question would be asked to staff. J. Faulise submitted a copy of the letter from the Commission. M. Branse asked if this was in the record. J. Faulise stated yes.

M. Branse stated, for the record, that Ms Szall does not recall if there was a legal notice of publication or not.

J. Faulise stated that the comments made regarding a residential neighborhood; he explained that this subdivision was created in 2005 as a commercial subdivision and identified as Business Park Way; it was a commercial subdivision designed for in anticipating of the development of businesses. J. Faulise stated that to say that it does not fit into the residential neighborhood; these are two lots within a commercial subdivision was created specifically for commercial development within our C-1 zoning district in 2005 and the lots have remained vacant since that time.

J. Faulise stated that Attorney Holth referenced the drainage criteria. J. Faulise explained that the drainage entering into the property from the southwest is a result of the prior property owner during the subdivision process granting a drainage easement from the Edmond Road area on to the property to alleviate a drainage concern that existed on Edmond Road that previously impacted Attorney Holth's client's property. This was put in place to the benefit of the intersection of Edmond Road and Route 138 to alleviate drainage problems and the previous property owner accepted that drainage water. J. Faulise stated that as a result of this development, the applicants are now tasked with dealing with that stormwater; and we have dealt with that stormwater through a series of swales and infiltration trenches and outlet structures that reviewed and approved by the town's engineers. He stated that it is not our water but we are dealing with it anyway.

J. Faulise explained that the building orientation and where things are placed; the building is placed so the activity is away from the residences on Edmond Road and on the corner of Rte 138. He stated that the building front faces east and south facing the gasoline station and Route 138; the back of building is facing north and west for the least amount of activity adjacent to those residential properties or in view of those residential properties. He stated that a 6,000 sq. ft. building is not out of the ordinary for this area and cited DiRoma Home & Garden, Advance Automotive, and Dollar General

J. Faulise explained that we have added the additional screening that was requested along the westerly portion of the storage area that was specifically requested by Attorney Holth's client regarding additional screening and fencing. He explained that the proposed screening and fencing was provided initially during the last public hearing and that has been enhanced based on the request and discussions during the last public hearing to include a much denser version of that landscaping and buffer.

J. Faulise explained that a comment was made regarding the current location that they currently occupy that there are some of the vehicles and storage in the back of the building. He explained the applicants have outgrown that space and they are investing in the development of a property that will suit their needs and to allow them to operate in an orderly defined fashion. J. Faulise explained that we have created vehicle storage space that is identified on the plan and identified to be fenced and screened; storage of vehicles or display of those vehicles outside of those areas is not part of this application and is not permitted; there are identified locations for vehicle sales and display; identified locations for vehicle customer parking; and identified locations for vehicle storage that are not ready for sale or are in need of repair which are all identified on the site plan.

J. Faulise explained that about a year ago in a prior application to increase display space at their current location, the commission restricted them to the areas that had been permitted on those spaces in the past and restricted them to those spaces.

J. Faulise explained that the comment regarding water contamination and the mandatory testing is required every 90 days by the Public Health Code is based on the water consumption and use public restrooms and water fountains; it is not to control or identify water contamination; it is a by-product that this water will be tested to satisfy other criteria. He stated that this operation is proposing to operate cleaning as part of DMV licensing requirements.

J. Faulise addressed the comments presented by Attorney Holths, for Section 12 criteria. He explained that there is not an undue concentration of licensed automotive sales locations in the area; namely, Advance Auto and East Coast Sales and are adjacent to each other; the proposed location will reduce the concentration and will no longer be adjacent to each other. He addressed Section 12.3.2 regarding proximity to schools, churches and residences. He explained that there are no schools, or churches adjacent to the site; a church is 1/2 mile further east on Route 138 separated by two other commercial sites, Valero gas station and Geer Sand and Gravel and Geer's Gift Shop; he stated that emergency facilities Griswold Volunteer Fire Department is 1/2 mile away. He addressed Section 12.3.3 for sewer disposal and water supply, drainage and erosion controls were reviewed by the Town engineer, sewer disposal and water supply was reviewed by the Public Health Department and those are in the file. He addressed Section 12.3.4 regarding the proposed use's affect on public water supplies and aquifers stating that the site is not with in a public water supply or aquifer protection area. He addressed Section 12.3.5 regarding consistency with the Plan of Conservation and Development that promotes commercial development goals and specifically to develop commercial corridors which includes Route 138 and its adjacent Business Park Way was developed off Rte 138 for development. Section 12.3.6 was addressed for size and intensity of the uses and based on the adjacent properties, the adjacent uses and the availability of space this development is appropriately sized for the space and because of the required well radii on new lots, this project cannot be on a single lot and two lots were utilized for the 6,000 sq. ft. building which is appropriately sized and cited, Dollar General, DiRoma Landscaping, Spectrum Powder Coating and Dollar General as being in the 4,000 to 6,000 sq. ft. range on Route 138. Section 12.3.7 was addressed regarding location, height, arrangement, design and nature of existing or proposed building as was already discussed that the orientation of the building, the screening proposed and used of lighting to be consistent with other businesses, specifically Valero gas station, oriented the building with the least direct impact for the spaces of operations and activities are to the east and south and the north and west are back of house operations and do not directly front the residences.

J. Faulise stated that he has addressed the issues raised in Attorney Holths' letter for Section 12 and that this plan meets the requirements of the regulations and should be permitted in the zone based on past practices of the Commission; and the official ruling unanimously approved by the Commission in January 12. He asked for other questions.

M. Branse asked about the Special Exception site plan criteria and refers to the design requirements of Section 11.8. He asked if this complied with Section 11.8. J. Faulise stated is correct. M. Branse asked whether the landscaping is 25 feet in width for the buffer. J. Faulise stated that originally the proposed width was 30 foot spacing to allow for visibility to the site; but during review by M. Tristany and the town consulting engineer, the spacing was reduced to 25 feet and have added additional landscaping to comply with Section 11.8.

M. Branse stated that there is a sign on the building and asked if it complied with the sign regulation. J. Faulise stated yes. M. Branse stated that he did not see any dimensions. J. Faulise explained that the sign was shown for location and that during the building permit process the Building Office would make the determination that the proposed sign, dimensionally fits within the regulation when construction drawings are required. He stated that it is a conceptual elevation drawing provided as a requirement of the regulations.

M. Branse stated that the regulation requires the Commission review proposed signs as a mandatory piece of the special exception requirement; and that the dimensions should be submitted for review. J. Faulise stated that signage is depicted on Page 6 of 6 showing a free standing sign with dimensions. He stated that the sign on the building is based on the final architectural on the building at the building permit. J. Faulise stated that it is not uncommon for a commission to a last review of the architectural

of the building prior to a building permit and we would stipulate to that. M. Branse stated that the client would accept as a condition of approval. J. Faulise stated yes.

M. Branse asked whether architectural plans depicted the exterior materials, color, and so on. J. Faulise stated that it addressed it in general, yes; and the Commission can review the full architectural plans as a condition. M. Branse stated to M. McKinney that the Commission can close the public hearing tonight if it wished; but recommend that it not make a decision tonight; he would like to draft a motion for this matter since some legal issues have been raised and some conditions offered.

Ed Burdick, 766 Voluntown Road, stated that it was mentioned that there was a critical ruling in January; and if this is the case, then the public notice was dispositive; and it gives a perception that this is being favored going forward. He stated that the ruling was inconsistent with the regulations. There was discussion of this matter. E. Burdick stated that this was a good proposal and would like to see it in town emphasizing the positives; but he had concerns about the January 12 ruling and it eviscerates the integrity of the zoning regulations.

M. Branse requested a recess. M. McKinney asked for a motion for a five minute recess. E. Kudlis moved to recess. J. Kreuger seconded the motion. All were in favor. The motion was carried.

M. McKinney asked for a motion to reopen the public hearing for SE 02-15. E. Kudlis so moved at 8:20 pm. C. Geer seconded the motion. All were in favor. The motion was carried.

M. McKinney asked for any other public comment on the matter. He asked for questions from the commission and from M. Tristany. There were no further questions. He asked for a motion to close the public hearing.
MOTION: C. Geer moved to close public hearing for SE 02-15 H & M Holdings. S. Oakes seconded the motion. All were in favor. The motion was carried.

III. PUBLIC HEARING (6: 55 PM)

1. Call to order

M. McKinney called this public hearing to order at 8:20 p.m. at the Griswold Town Hall meeting room.

2. Roll Call

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

Also Present: Town Attorney Mark Branse

Absent: Courtland Kinnie, Tom Polasky, Alternate Elias Baron, ZEO Peter Zvingilas,

3. Determination of Quorum

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

4. Matter Presented for Public Comment

A. SE 03-15 TILCON CONNECTICUT, INC., 43 SIBICKY ROAD & 176 RIXTOWN ROAD, GRISWOLD. Requesting approval of a Special Exception for an earth products excavation and removal operation with all material taken from the site to be hauled to the processing plant of Tilcon Connecticut, Inc. located on adjacent real property at 176 Rixtown Road. Property is zoned R-80 and Industrial.

M. McKinney asked if there was someone to represent the applicant. Attorney Harry Heller, 736 Route 32, Uncasville was representing Tilcon, Inc. and Frank Lane, Director of Environmental Compliance for Tilcon was also present. H. Heller read the call out for the Special Exception for the record.

H. Heller explained that this special exception application for the removal of earth products in an R-80 and Industrial Zone. He showed the boundary survey of the property showing the 11.4 acre parcel on of 43 Sibicky Road which is on the southeasterly side of Sibicky Road which rises prominently from the Sibicky Road to the

southeast with an elevation of 298 feet high point in south central portion of the property. He explained that the operation will utilize a portion the adjacent property of Tilcon Inc to match grades in the final grading plan. He explained that the property at 176 Rixtown is zoned industrial and contains the processing plant for washing and crushing and screening. He stated that 43 Sibicky Road is unimproved and wooded.

H. Heller stated that the property to the east is bound by Billings Brook where there is a 150 foot upland review area and no activity is proposed at the 150 foot upland review area. He explained that this operation was approved by the Griswold Inland Wetland Commission at their last meeting

H. Heller explained the proposed excavation is for the excavation 480,000 yards of material in three phases; and testing has been done to determine the nature and depth of the material consisting of Hinckley soils suitable for all types of construction activities. He explained the phasing plan shown in color. He stated that this project will not introduce truck traffic on to town roads, internal haul roads will be used to take raw materials to the processing plant.

H. Heller explained Phase I in purple is in the middle of the property; he stated that Phase III in green is the area adjacent to Sibicky Road to leave the embankment in place while the excavation occurs in Phase I and Phase II. So it is not visible to Sibicky Road. There was discussion of this matter including that the phases will overlap.

H. Heller stated that on Sheet 10 in the final phasing plan, showing that the property will slope up at starting 180 elevation with a two percent slope adjacent to Sibicky Road and a gradual grade to 194 elevation and graded back down to the rear; this is an R-80 zoning district so the closure plan will leave the area suitable for two residential lots at the conclusion of the excavation operation.

H. Heller explained the cross section views of Sheet 11 where Section one is up near Sibicky Road, Section two is through the center of the site, and Section three is to the rear of the site that demonstrates the amount of material to be removed with significant cuts in Sections two and three and less so near Sibicky Road

H. Heller explained how the proposed excavation special exception complies with the general evaluation criteria cited Section 12.3 and specific evaluation criteria for excavations of Section 12.4. He cited how it complies to this criteria in Sections 12.3.1 the activity is adjacent to process plant and has appropriate soils; 12.3.2 this area is a sparsely populated area of the town with Tilcon having three properties, this activity will have no adverse impact on neighboring residential uses; 12.3.3 drainage and erosion controls were reviewed by Schuch Engineering and the plans were revised and all the engineering concerns have been addressed; no buildings are proposed for the application so there will be no water or sewer facilities; the final grading will be kept six feet above ground water so the site will be suitable residential onsite septic systems; 12.3.4 the excavation will not change predevelopment drainage patterns or excavation into the ground water so there should be no adverse impacts from the excavation; 12.3.5 the comprehensive plan a portion of the property is zoned Industrial at 176 Rixtown Road, and the 11.4 acres are in the R-80 zoning district and the comprehensive plan authorizes excavation operations by special exception in the R-80 zoning district and is consistent with the comprehensive plan; 12.3.6 this 480,000 cubic yards of excavated materials which is significant explaining that Tilcon has been before the commission every two years for its other excavation across the street for renewals and has been conducted in accordance with the plans and within the parameters and had had not adverse impacts; 12.3.7 is not applicable.

H. Heller explained how the application complies to Section 12.4 the evaluation criteria requires a A-2 survey site showing the contours in two foot intervals, showing the phases and grading plans and the final phases, showing the internal haul roads on the plan; stock pile locations for the topsoil on the site for each phase completion. He stated that the narrative was submitted for 12.4.2 and estimated amount of materials to be removed; 12. 4.5 hours of operation: 7 am to 7 pm; proposed vehicle access internal to the two properties; the lot size is 11.4 acres, the exterior limits will not exceed eight acres at any one time; 12.4.6 there was an adjustment to be in compliance because of the residence across the street. H. Heller explained the benching for the phases of excavation and haul road relocated and re-graded during each phase; 12.4.9 that the excavation will be kept 6 feet above groundwater; 12.4.10 there will be no blasting; the haul roads will be watered to keep dust down; 12.4.11 all materials to be screened, washed and crushed at 176 Rixtown Road in the Industrial zone. 12.4.12 the restoration plan will be sloped 1:2; graded and with 4 inches of top soil and the final grading plan are described in the restoration plan; 12.4.12 has been submitted in the bond estimate for the amount listed for Phase I.

H. Heller stated that this application complies with 12.3 and 12.4 and request that the commission approve this special exception. M. McKinney asked how long this excavation will last. H. Heller stated that it would be approximately 7 to 10 years. M. McKinney asked if the project across the street will be closed before this is opened. H. Heller stated that the two projects will run concurrently.

M. McKinney asked for any questions from the Commission. M. McKinney asked for comment from the public.

Ransom Young, he has property across the street, stated that it complies with the like uses; he had excavations himself on the west side of his property that is across the street.

Charles Sibicky 76 Sibicky Road stated that he abuts the property to the east and has no objection to the project, they have been good neighbors and have been compliant with everything and have been in town for a long time.

M. Tristany stated that he received a letter from Schuch Engineer for SE 03-215 that he read for the record that the plans, drainage calculations and that all comments have been addressed. He stated that the bond estimate for is acceptable for the three phases.

M. McKinney asked for other questions from the public. He asked for questions from the commission members. Hearing none, he asked for a motion to close the public hearing.
MOTION: C. Geer moved to close the public hearing for SE 03-15 Tilcon Connecticut, Inc. J. Kreuger seconded the motion. All were in favor. The motion was carried.

IV. SPECIAL MEETING (7:00 P.M.)

1. Call to order:

M. McKinney called this special meeting to order at 8:50 p.m.

2. Roll Call

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

Also Present: Town Attorney Mark Branse.

Absent: Courtland Kinnie, Tom Polasky, Alternate Elias Baron, ZEO Peter Zvingilas,

3. Determination of Quorum

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

4. Matters Presented for Consideration

A. ZC 01-15 (Revised) BOUNDARIES, LLC, 179 PACHAUG RIVER DRIVE, GRISWOLD. Requesting a Text Amendment change in the Griswold Subdivision Regulations to Section 5.3.3 to add new language for Commercial/Industrial cul-de-sac requirements to all for parcel design flexibility.

M. McKinney asked if there was enough information to decide today. He asked M. Tristany about this text change. M. Tristany stated that it has been scrutinized well and that the concerns for potential length, width, design and construction of the road will be decided by this commission when the site plan is reviewed M. McKinney asked if the lot sizes would have to be addressed for well . M. Tristany stated that that is dependent upon the number of public are served by the operation like an automotive operation with a motor vehicle inspection station during hours of operation and the number of employees and car customers. M. Branse stated that if the subdivision regulations for a subdivision application, the lots sizes could be revised to amend the regulations for larger lots.

M. McKinney asked it should be tabled to the next meeting. M. Tristany stated that he did not have a problem with what he read. McKinney asked if M. Tristany was comfortable with the May 18, 2015 amended text amendment. M. Tristany stated that the commission has a lot of latitude to determine any conditions of approval. He stated that Attorney Branse has reviewed this and was comfortable with it. M. Tristany stated that when a site plan comes in, then the commission has more teeth.

E. Kudlis stated that a lot of time, resources and effort went into the Plan of Conservation and Development, this text amendment is in compliance with the recommendations of the Plan of Conservation and Development and it is not antagonistic. He had some issues for public safety and if we have latitude with the width of roads then

blockages may not be an issue; and lengths of roads for fire trucks to travel 3600 in only a few seconds difference is not an issue. He stated that we have to look at the highest and best uses in the town and is an open door to inviting industrial and commercial development to this town especially when there are communities are going to out of their way to provide incentives to come to their towns. He stated that providing space and a reasonable tax base and reasonably priced assets and resources makes our town attractive the industrial and commercial development to parcels where two means of egress is not easily facilitated; and that these parcels are in our community and it is a good amendment to work with; and that he was not against it at this point.

J. Kreuger stated that he concurred with E. Kudlis and we have the ability to go laterally to review applications gives us a good ability to make determinations. C. Geer and S. Oakes were good with the amendment. M. McKinney asked for a motion:

MOTION: C. Geer moved to approve ZC 01-15 for Boundaries, LLC as revised to May 18, 2015 with an effective date of June 1, 2015. S. Oakes seconded the motion. All were in favor. The motion was carried.

B. SE 02-15 H & M HOLDINGS, LLC, 2 and 4 BUSINESS PARK WAY, GRISWOLD. Requesting approval of a Special Exception to create a new development for automotive sales and service. Two lots are to be merged upon approval of this application. Property is zoned C-1.

M. McKinney stated that he wanted time for the attorney to review the application and for M. Tristany to review the application and asked for a motion to table this application.
MOTION: C. Geer moved to table SE 02-15 H & M Holdings for review by town attorney and planner to the next regular meeting of June 8, 2015. J. Kreuger seconded the motion. All were in favor the motion was carried.

C. SE 03-15 TILCON CONNECTICUT, INC., 43 SIBICKY ROAD & 176 RIXTOWN ROAD, GRISWOLD. Requesting approval of a Special Exception for an earth products excavation and removal operation with all material taken from the site to be hauled to the processing plan of Tilcon Connecticut, Inc. located on adjacent real property at 176 Rixtown Road. Property is zoned R-80 and Industrial.

M. McKinney stated that Tilcon has done a decent job and has to be reviewed every two years. M. McKinney asked if the two applications would be merged. M. Tristany stated that they would be two separate applications. He asked for comments from the commission. E. Kudlis stated that he heard no comments against it; and the plan is in compliance with the POCD and the requirements and saw no reason to vote against. J. Kreuger stated that they have demonstrated a good track record for the town and abutting residents approve of their operation and it should go forward. S. Oakes stated that he had been by there that that it looked good to him. C. Geer stated that it looked good.
MOTION: C. Geer moved to approve SE 03-15 Tilcon Connecticut as written. J. Kreuger seconded the motion. All were in favor. The motion was carried.

M. McKinney asked for a motion to adjourn. C. Geer asked if the June 8th meeting will have a public hearing. M. McKinney stated no we closed the public hearing so there will be discussion by the commission.

5. Adjournment

M. McKinney asked for a motion to adjourn. C. Geer moved to adjourn. J. Kreuger seconded the motion. All were in favor. The meeting adjourned at 9:07 pm.

Respectfully Submitted,

Donna M. Szall

Recording Secretary