Town of Griswold

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GRISWOLD PLANNING & ZONING COMMISSION

REGULAR MEETING
MINUTES **MARCH 12, 2012** **GRISWOLD TOWN HALL**

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

1. Call to Order

M. McKinney called this public hearing to order at 6:30 P.M.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Daniel DeGuire

3. Determination of Quorum

M. McKinney appointed C. Geer to sit for D. DeGuire and B. Hull to sit for L. Laidley. There was a quorum for this public hearing.

4. Matters Presented for Public Comment

A. SE 04-12 Camputaro, Pasquale, Jr. 630 Plainfield Road, Griswold, CT 06351. Property Location: 522 & 630 Plainfield Road, Griswold. Request approval of a Special Exception of a proposed addition to existing automotive repair facility with new parking lot and associated site plane improvements with a lot line modification to transfer 10,110 sq. ft. from 630 Plainfield Road to 522 Plainfield Road. Property is zoned C-1 and C-2.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was present to represent the applicant Pasquale Camputaro. J. Faulise stated that this public hearing was opened last month and there were outstanding items that we were waiting for. He submitted a letter dated 2/27/12 from John DeCastro of CTDOT having reviewed and approved the plan. He submitted a letter dated 3/12/12 from Bob Deluca, town engineer who commented that erosion control measures should be on slopes greater than 2:1 without riprap treatment. J. Faulise explained that in the erosion control notes on the plan on Sheet 2, in the location of the level spreading from the water quality basin structure. He will add this not to Sheet 1 as well. He stated that a handicapped space was enlarged on the N.E. side of the building to accommodate vans. He state that there was am additional; note sediment fence and tree protection and the installation of a baffled drainage structure to collects contaminates of surface run off from the parking area and discharges into infiltration swale and over the level spreader and surface flow across the ground. J. Faulise explained that this will double the size of the building with 3 additional service bays and the addition of the parking area and site grading. He stated that the space between the parking space and the existing building is for the building addition that will match the existing architecture.

P. Zvingilas asked if it met the setback requirements for the zone. J. Faulise stated that we are not going closer to the property line and it does meet the setbacks for the zone.

L. Laidley arrived at 6:40 p.m.

J. Faulise explained that it is not going any closer than the existing that was permitted by variance. P. Zvingilas asked if the exiting setback meet the regulations. J. Faulise stated that the existing setback was granted by variance. M. McKinney asked if it met the zoning requirements now. J. Faulise stated that we are not making it less conforming. E. Kudlis asked if the addition impact whether it meets current zoning regulation. P. Zvingilas stated that it does if you are expanding the existing building so a variance would be needed from the Zoning Board of appeals. J. Kreuger asked if the initial variance was for something to be done in the future. J. Faulise explained that the variance was for a division of the property for a 7 foot setback from the rear property line but it did not specify the existing building. He stated that the variance was granted in 1995. There was discussion of this matter including that it is permissible to intensify the existing non-conformity but the rear setback cannot be closer to the rear property line.

C. Fontneau stated that the variance is specific to the lot and does not address the building. J. Faulise stated that the building is conforming. J. Faulise stated that the lot has been increased in size by a free split to the N.W. owned by Mr. Camputaro. E. Kudlis stated that the lot was created by a variance, and is not a pre-existing non-conforming lot. J. Faulise stated that the lot was created in 1995 and the variance was for the existing building to be 7 feet from the property line. C. Fontneau left the meeting to search for the variance in question. M. McKinney asked for any other questions from the board members.

L. Laidley asked that if the lot line was changed does it change the pre-existing variance since the lot is doubled. J. Faulise stated that the new addition can meet the set back because the building is on an angle. He stated that the addition that extends across the original line, it is Camputaro property. J. Faulise explained the change on the site plan of the original lot line that ran north to south. C. Fontneau returned with a file that was not the correct one. C. Fontneau left to look further. M. McKinney stated that we will wait until C. Fontneau returns.

C. Kinnie stated that this boils down to interpretation. Joel Francour 473 Plainfield Road explained that the road slopes to the clayville pond where the drainage sheet flows across the road that makes it a dangerous corner when it rains or is icy. He stated that there have been many accidents on that corner. J. Faulise stated that the drainage was approved by the CTDOT and it will drain to the northeast to State property rather than across the road. C. Geer stated this will be a nice improvement to that area and that there will be less cars parked near the road. C. Fontneau returned to the meeting and could not file the variance in question.

M. McKinney asked for any further comments from the commission or the public. P. Zvingilas asked if there was a reduction of setbacks for two commercial lots. J. Faulise stated that those regulations were created for the hotel project on Route 138. There was discussion of this matter. M. McKinney asked if there were any landscaping requirements for this project. C. Fontneau stated no when it became Stilly's, it needed a special exception and at the time no landscaping was required at the time. J. Faulise stated that the wood retaining wall will be replaced with a stone modular block wall. C. Fontneau stated that you can condition this special exception with some landscaping but because it is commercial properties it was not necessary to create a screening. J. Faulise stated that the residential property behind Stilly's is about 20 feet above Stilly's.

J. Kreuger asked if we were going to speculate on what the variance was for. M. McKinney stated that he would like to see the variance. There was discussion of this matter.

J. Faulise asked that this public hearing be continued so that any additional information can be added. M. McKinney asked for a motion
MOTION: E. Kudlis made a motion to continue the public hearing open. C. Kinnie pointed out that the date and place was needed. E. Kudlis amended his motion to continue this public hearing to April 9 2012 at 6:45 pm. in this room in the Town Hall. C. Geer amended her seconded. All were in favor. The motion was carried.

II. PUBLIC HEARING (6:45 P.M.)

1. Call to Order

M. McKinney called this public hearing to order at 7:05 P.M.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Daniel DeGuire

3. Determination of Quorum

M. McKinney appointed J. Kreuger to sit for D. DeGuire There was a quorum for this public hearing.

4. Matters Presented for Public Comment

A. SE 05-12 Wood, John H. III, 257 Stone Hill Road, Griswold, CT 06351. Property Location: 39 Wedgwood Drive, Griswold. Request approval of a Special Exception for a proposed liquor store retail sales in accordance with Section 8.1.9 of the Borough of Jewett City Zoning Regulations. The facility will be located in a prior retail sale in Unit B of the Slater Mill Mall. Property is zoned B-Industrial.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC was present. He submitted a letter for the record from 2.9.12 letter of authorization from Slater Mill Associates. He submitted notices last month and there was a defect in the notice and the planning department re-noticed the public hearing. M. McKinney asked if everyone entitled to be noticed have been notified. J. Faulise stated yes.

J. Faulise stated that we are seeing waiver of Section 13 of the Borough Regulations, he submitted the waiver letter for the record. He explained that the waiver was based on an existing developed commercial retail site for the past 30 years or more and stated that there is adequate paved parking. He cited the types of uses on this site past and present.

J. Faulise went through Section 13 of the Borough Regulations citing those items of regulations that are currently on the site plan. He submitted a site plan by Chandler & Palmer in 1933 that was recorded on the land records and obtained from the town clerk's office. He stated that dimensions of yards was not included because there is no impact of yards, no proposed improvements, no exterior building modifications to the site; water supply and sewer disposal facilities are already connected; existing and proposed drainage structures, there are no proposed improvements, the site exists as it is. J. Faulise stated that demonstration of loading requirements and estimate of residents, occupants and employees will be discussed later in detail. He stated that the criteria regarding setbacks are not applicable because it is an existing building site. He explained the space to be utilized as retail liquor sales is in the building and is accessed through an interior corridor within the building.

J. Faulise submitted copies of Sections 8.1.9 and 2.2.3 of the Borough Regulations. He explained that Section 2.2.3 states that other than one and two family residential uses, it requires all other uses applications are reviewed by the Planning and Zoning Commission. J. Faulise explained Section 8.1.9 identifies retail sales of liquor stores requires a special exception. He stated that the special exception section is inconsistent. He read section 8.1.9 for the record and Section 8.2 for the record.

J. Faulise explained the proposed use of the liquor store and that the area to be used has been utilized as retail sales in the past so is not a change of use. He submitted a site plan of the building structure that contains the locations of the uses currently in the building in yellow and in orange is the proposed liquor store location and the plan came from the assessor's records and has the assessors seal. He submitted a sheet indicting use and square footed acquired through the assessor's office and is stamped with the assessor's seal. J. Faulise stated that each use in this building according to Section 2.2.3 requires approval by the commission. He stated that after approval records in the planning department, there have been no approvals by P & Z for uses in the building during the past thirty years.

J. Faulise stated that there is a church group in the lower level that did not receive special exception approval and no zoning permit issued for that use. J. Faulise stated that based on the square footage of each use, and field examination of the site, and site inspection to determine the parting requirements for this site. He stated that there are 304 total parking spaces for all the uses. 327 parking spaces currently exist. He stated that the liquor store requires 7 parking spaces and are include in the 304 spaces. He stated that the yellow parking spaces are directly accessible to the proposed liquor store location. He stated that there is parking in the lower level along Slater Avenue and is paved; there is paved parking and handicapped spaces to the west north of Wedgewood Drive. He stated that the yellow area has 53 available parking spaces close to the entrance near to where the liquor store will be.

J. Faulise explained the uses and the locations that are at the entrance; and based on the square footage, those uses require 33 spaces and there are 53 spaces in the yellow parking location. J. Faulise stated that there is more than enough parking in that area; he stated that there is an additional 23 spaces at the entrance to the mall. He explained that the parking for the Flea Market on Sundays is located in the gravel areas at the west, northwest and south end of the building where the flea market entrances are located. J. Faulise explained the location of the loading area and is identified on the

site plan. He stated that the parking calculations are based on Section 11 of the Borough Zoning regulations. He submitted a copy of Section 11 to the commission.

J. Faulise explained Section 8.1.9 that addresses the separation distances of 500 feet to lots containing schools, churches, libraries and other retail liquor sales lots. He explained the distances to the library property and to the school property. J. Faulise gave a history the restaurant uses that sold liquor at the Slater Mill Mall. He stated that the church on the site does not have approvals to exist at this site. He stated that 8.1.9 uses the term lots to identify the separating distances that are external to the property boundaries. He stated that 8.1.9 does not address the internal boundaries and does not limit the types of uses within the property boundaries. He stated because the church does not have a special exception permit and should not be there so the separating distances of Section 8.1.9 does not apply to this application.

J. Faulise explained Section 8.1.9 as it would apply to the 500 foot separation distance to the school property. He explained that the separation distance is about 270 feet but that the intent of the regulation is to prohibit convenient access between a school and a liquor store. He stated that the Quinebaug River separates the two lots and the building is west of the Jewett City sewage plant which is fenced. He stated that the intent of the regulation is satisfied that there is no convenient access between the school campus and the retail liquor sales. He stated that the school campus property to the Slater Mill Mall is in excess of 1100 feet. He stated that the area is not traversable, is flowed by the Quinebaug River and is fenced by the Jewett City Sewage Plant so it does not provide convenient access with the 500 feet separating boundary distance. He submitted Google photographs of the area and explained the area on the map to the commission showing the river, sewage plant and the CL & P easement. He stated that the lot line can be adjusted where the Slater Mill Mall can transfer the water under the river to the sewerage plant.

J. Faulise explained the six requirements of the special exception approval. He read these requirements for the record and how the proposed site meets these requirements for not hindering the development of adjacent property, adequate access for fire protection, and streets are safe to carry traffic generated by the activity and not create traffic hazard or congestion and adequate parking be provided for the proposed 7 spaces. He stated that the proposed lot is adequate in size and is an existing commercial site for retail sales; J. Faulise explained that this site has existed since the 1930's; there will be no changes to the building so Section 12.4.4 and Section 12.4.5 and Section 12.4.6 are not affected by the addition of the proposed activity. J. Faulise read for the record Section 1.2 Title, Authority and purpose of the Borough regulations. He stated that the proposed does not contradict this section of the Borough Regulations.

L. Laidley asked about the rear parking showing three spaces and the drive through around the building. J. Faulise stated that the underpass of that building is not conducive to traffic flow and that removing those 3 spaces does not jeopardize the parking requirements for the site.

L. Laidley stated that on the sheet there are buildings that are shown as vacant but that actually have tenants. L. Laidley stated that there are other tenants that have other areas within the mall. J. Faulise stated that some of tenants not listed are not on the assessor's records list. He explained those other uses that piggy back each other can be counted within the parking requirements. J. Faulise stated that many of those uses don't have zoning permits. J. Faulise stated that some of those tenants are secondary to another tenant or have a different business name from the retail sales name. There was discussion of this matter including that there are 25 spaces in excess of the required spaces for the site will satisfy the other uses.

M. McKinney asked for other questions from the commission. C. Kinnie asked if the fence at the sewage plant run to the water. J. Faulise showed the fence going to the back and not into the water. C. Kinnie stated that there is still land within 500 feet of the school and some of it is under the water. J. Faulise explained that there is some water that still goes into the area near the railroad trestle that was once part of the channel that was for the mill. There was discussion of this matter.

C. Kinnie asked if there was a zoning permit for the church. J. Faulise stated that he went through the indexes in the Planning office and there is not a zoning permit for any of the uses except for the connex boxes used by the school project. P. Zvingilas asked if he went through the Jewett City zoning records prior to 1996. J. Faulise stated that he spoke to Leona Sharkey of the Borough Office and she told him that the only records they have were this commission's because they handled zoning for the Borough. He stated that he tried to find a zoning board for the borough but had no luck. P. Zvingilas stated that there was a zoning board for the borough. There was discussion of this matter including that if there is an existing zoning violation in the building according to the town attorney, no new permits can be issued at all.

J. Faulise stated that the zoning regulation creates a separating distant that is exterior to the property boundaries and is not from use to use within the property boundaries. C. Fontneau stated that the commission did not look ahead to uses on the same lot, but that by correlation a church and a liquor store cannot be on the same lot. J. Faulise stated that there are no

definitions for package store or liquor store. He stated that the intent of the regulation is to prohibit convenient access. P. Zvingilas asked where the Youth Center is location. L. Laidley stated that it is located in the lot below it.

M. McKinney asked J. Faulise to complete his presentation. J. Faulise stated that the application is that this is an existing retail site, there was already a permit for alcohol for a restaurant on the site and there is no convenient access to the site from the school property. He stated that regulation identifies the separation distance is defined as lot to lot. There was discussion of this matter.

L. Laidley asked about the Ambot/Mackin property is a short cut for the children to walk home and is within 500 feet of the site at back of Oak Street. J. Faulise stated that kids will go where they go, and kids walk along Slater Avenue and along Main Street where there are package stores. L. Laidley asked if it was further than 500 feet to the Ambot/Mackin property. J. Faulise stated that that property is not a school. There was discussion of this matter including that he has been to that sewage plant and it is basically inaccessible.

L. Laidley asked when the tenant before Happy's. P. Zvingilas stated that Frenchie's was there before Happy's. C. Fontneau stated the commission must find it zoning compliant and the regulation states that it should be 500 feet and would need to be varied by the Zoning Board of Appeals. There was discussion of this matter including the p & z has authority to grant official rulings on their regulations.

M. McKinney asked for comments from the public.

Mario Tristany, 23 Harry Hall Drive, stated that the intent of Section 8.1.9 is clear and that the commission does not have the right to vary the regulation or the commission can seek legal interpretation of the Town Attorney. He explained that the commission acted on an application that was to exist in an older building and that updates were required by the Fire Marshal and that this should apply to this proposed application. He stated that the restaurant was in house consumption of alcohol and the current regulation for a liquor store would not apply.

C. Kinnie stated that he would like to see an interpretation from the town attorney for the unpermitted church. He would like the public hearing continued. J. Kreuger stated that there is youth right in the building and that is an issue. B. Hull stated that on Main Street across from the church is a package store. He stated that the use is important and the distance should not be the main issue. C. Kinnie asked if it was from building to building. P. Zvingilas stated that it was from the high school to Big Gary and the distance was measured along the street. There was discussion of this matter.

M. McKinney asked for a motion.
MOTION: C. Kinnie made a motion to continue this public hearing SE 05-12 to next regularly scheduled meeting April 9, 2012 at 6:30 pm. in the meeting room of the Griswold Town Hall. L. Laidley seconded the motion. All were in favor. The motion was carried.

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

1. Call to order:

M. McKinney called this regular meeting to order at 8:05 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Lawrence Laidley, Erik Kudlis, Alternates Charlotte Geer, Benjamin E. Hull, James Krueger, Town Planner Carl Fontneau, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Daniel DeGuire

3. Determination of Quorum

M. McKinney appointed C. Geer to sit for D. DeGuire.. There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Public Hearing & Regular Meeting of February 13, 2011

M. McKinney asked for a motion on the minutes.
MOTION: C. Geer made a motion to approve the minutes. C. Kinnie seconded the motion. All were in favor. The motion was carried.

5. Correspondence and Attachments

M. McKinney asked if there was any correspondence. C. Fontneau stated that there was no correspondence that required discussion. C. Kinnie stated that the class that Mark Branse was hosting is in Stamford.

6. Matters Presented for Consideration

A. ZP 06-12 Drew, Ronda, 8 Bow Lane, Griswold, CT 06351. Request approval of a Zoning Permit for a home occupation for a licensed massage therapy practice. The property is zoned R-40.

M. McKinney asked if the applicant was present. Ronda Drew presented her application for a home occupation for a massage therapy practice. She explained that it will be in her home. C. Fontneau stated that she meets the conditions for a home occupation; it has the required parking for one person there and one person waiting. M. McKinney asked the square footage of the house. She stated that the space is 23 ft. x 11 ft. and that there won't be a person waiting, she does not want someone waiting in her home. M. McKinney asked for a motion.
MOTION: E. Kudlis made a motion to approve ZP 06-12 for a home occupation for a licensed massage therapist. C. Geer seconded the motion. All were in favor. The motion was carried.

B. SE 02-04 Pleasant View Associates, LLC, 516 Vauxhall Street, New London, CT 06320. Property Location: 122 Pleasant View Street, Griswold. Modification of site plan for Special Exception SE-02-04 that will reduce the overall impacts to on site wetlands by removing buildings from wetland areas, drainage improvements and reducing the impervious road surface width from 28 ft. to 24 ft. The property is zoned R-60.

C. Fontneau explained that there is a staff report on the three issues at the last meeting regarding questions about the overall density of units and the phasing and parking availability and the amounts and types of performance guarantees and opinions were obtained by the town attorney that received on 2/23/12 recommending additional engineering reviews since the last meeting. He summarized the three questions and a draft approval motion with several conditions. C. Fontneau explained that the density of 102 units was not asked to be changed in this application though the buildings were changed to address the environmental issued. He stated that there is no non-compliance to zoning, and it would be difficult to reduce the number of units since it was not asked for in the application. He stated that the parking count consists of two parking spaces for each unit as well as a garage and there are 28 spaces in the turn outs in the reduced width area of the road and 12 spaces in the club house for a total of 356 spaces in total which is adequate from the zoning aspect. C. Fontneau explained that the analysis by the Fire Marshal that the turning radii was done with the Jewett City ladder truck and a pick-up up truck with a boat trailer and even with an illegally parked car on one side of the road, those vehicles can still make the turn.

C. Fontneau explained the amounts and types of Performance Guarantee. He explained that there is a letter 3/1/12 from Provost and Rovero and a letter from Attorney Branse and he stated that he has numbers that reduce the letter of credit of $1.2 million is in effect. M. McKinney stated that there could be a hold up of a certificate of occupancy on the project and we have be sure that the infrastructure is in place before a certificate of occupancy is issued and asked how we can incorporate this. C. Fontneau stated that he has written a draft motion and pointed out the section starting out with "Rather than hold…. for public safety and public benefit amenities. C. Fontneau explained the passbook of $53,760 is for the inspections of the town engineer to be paid. C. Fontneau stated that the next passbook of $35,000 is for emergency installation or maintenance of temporary erosion and sedimentation controls such as hay bales and silt fence. He explained that the balance would be reduced with the completion of each phase for a total of $88,760. He explained that the other amounts are in a letter of credit like the irrevocable letter of credit already in force. He explained that $48,000 was for site restoration and stabilization for each of the three phases and will not be released until Phase 3 is completed.

C. Fontneau explained that an irrevocable letter of credit of $292,150 will cover all three phases of public amenities of landscaping, playgrounds/recreation areas, internal walkways and the community building and will be reduced when each of the phases is completed when asked for and granted by the commission as suggested by the Town engineer on 3/1/12. He explained that the $1,560,000 in the Held letter of 3/1/12 for the site plan and phasing modification on completion of the public health, safety and welfare infrastructure items through the first binder course of bituminous concrete to the town engineer/town's satisfaction for each successive phase before the certificate of zoning compliance for the occupancy of any dwelling unit in any phase for a certificate of occupancy of a unit within a building. He read the infrastructure items to be completed for each phase. M. McKinney asked why only a binder course is installed rather than a top course is

installed. C. Fontneau stated it was because of the heavy trunks and equipment using the road. E. Kudlis stated that the drainage structures would not work if only the binder course was installed and that there should be a time limit to add the top course. There was discussion of this matter including that each phase would take a few years to complete.

M. McKinney asked about the irrevocable letter of credit for the top bearing course. C. Fontneau stated that this is another component to protect the top course being done. C. Fontneau read the condition of a payment of $3097.50 to Provost and Rovero for the multiple reviews and comments of the site plan amendment and phasing application. He read the condition regarding an As-built site plan showing drainage, roadways and other comment elements for each phase to be reviewed by the town engineer. He read the condition of maintaining the two parking spaces in each unit driveway and garage, the 12 spaces at the community spaced and 28 spaces in the roadway turnouts. He read the condition added by Attorney Branse regarding Public Act 11-79 for Surety Bonds that should it be ordered by the courts and read the amounts of the bonding for a total of $1,823.160. C. Fontneau stated that Attorney Branse does not think that it applies to this earlier approval. E. Kudlis stated that the attorney feels that it does not apply. C. Fontneau stated that is correct; and that this draft motion was reviewed by the town attorney. There was discussion of this matter including that the letter of credit amounts were considered excessive by the town attorney.

M. McKinney stated that he would like to see an As-Built for each phase before the partial release of the letter of credit added to the condition. There was discussion of this matter. C. Geer asked if there should be time lines for each phase so that it will continue to go forward. C. Fontneau stated that in 2014 the special exception disappears so the developer would want to have substantial work done. He stated that the commission should consider what would need to be done in 2014.

E. Kudlis stated that because each phase is so large he felt that the completion of a phase could take a significant amount of time and was concerned that the drainage should function properly. He felt that a finished course should be installed after a specific period of time. M. McKinney stated that the water would run down the road. P. Zvingilas stated that at Aspinook View there is curbing installed even though it is only has the binder course which is holding up well. E. Kudlis stated that the drainage does work there. P. Zvingilas stated that the curbing helps the drainage work when the water gets high enough. E. Kudlis stated that the raised catch basins are a problem with snow removal and plowing. He felt that there should be a time limit before the finish course is installed. C. Fontneau stated that in 2014 the permit ends, but realistically the commission will be faced a request for an extension. P. Zvingilas suggested that there be a time limit on the first phase and the heavy construction should be done by then. C. Fontneau stated that the condition could have a top bearing course be added when the last CO of the unit in that phase. P. Zvingilas stated that the first phase deals with the slopes on the site. M. McKinney stated that the drainage should be functioning in this first phase. There was discussion of this matter including that phase one has 40 units. C. Fontneau stated that the bearing course can be changed to read the top bearing course of bituminous concrete that will complete the road and drainage for that first phase. There was further discussion of this matter including that it is 1500 linear feet of road in phase one.

M. McKinney asked C. Fontneau about the changes. C. Fontneau stated that it give the town and the future owners/renters enough protection it can be viable project and reduces the capital tied up for the developer. M. McKinney asked for a motion:

MOTION: C. Kinnie made a motion to approve Site Plan Amendments to SE 02-04 shown on site plans revised to December 15, 2011 improving drainage planning, substantially reducing wetlands impact by moving buildings/adjusting units, with a phasing plan for development in three phases, and reducing impervious surface by partial reduction of road width to 24 feet with the following conditions:

1. A passbook with a balance of $53,760 negotiable by the Town alone for inspections by the consulting Town Engineer of common infrastructure features for compliance to the site plan and sound engineering practice and this passbook be retained until the completion of Phase 3;

2. A passbook account with a balance of $35,000 negotiable by the Town alone for emergency installation or maintenance of temporary erosion and sedimentation controls (silt fence and/or hay bales) during construction with this balance to be reduced after completion of each phase by the amounts shown in Held letter of 3/1/2012;

3. The adequacy of the balance of the passbook for inspections by the consulting Town Engineer shall be reviewed along with the status of the overall project in May 2014 and amended as appropriate then;

4. An irrevocable letter of credit for $48,000 to cover site restoration and stabilization for all of the three Phases with no releases until the completion of phase 3 and in May 2014 the Town Engineer would review the adequacy of this letter of credit along with project status;

5. An irrevocable letter of credit for $292,150 to cover all three phases of public amenities consisting of landscaping, playgrounds/recreational areas, internal walking paths, and the community building; reductions of letter of credit could be asked for and granted at the conclusion of each phase as shown in March 1, 2012 consulting town engineer letter as long as an as-built site plan accompanies any request for reduction in letter of credit balance;

6. Rather than hold a letter of credit or other bonding for the public health, safety, and welfare (estimated at $1,560,000 in Held letter of March 1, 2012), condition the approval of the requested site plan and phasing modification on completion of the public health, safety and welfare infrastructure items through the top bearing course of bituminous concrete to the satisfaction of the Town/consulting Town Engineer for each successive phase before the Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance for the occupancy of any dwelling unit in said phase of development until the public health, safety, and welfare infrastructure items are completed for that phase of development, zoning compliance for a CO Certificate of Occupancy for a unit within a building For the purposes of this condition, the following shall be considered as public health, safety, and welfare infrastructure items:

Roadways	Detention and Water Quality Basins
Parking Lots	Stormceptor Units
Water, Sewer, and Electric Utilities	Concrete Sidewalks along access roadways
Fire Hydrants	Emergency access roadway
Site Lighting	Guard Rails
Storm Drainage System	Protective Fences at the tops of retaining walls

C. Fontneau stated that the condition for a letter of credit of $121, 500 to guarantee the installation of the top bearing course of bituminous concrete was not needed since the applicant must add the top bearing course to a phase before continuing to the next phase before any CO is issued so it can be reduced by $121.500. There was discussion of this matter. C. Kinnie continued with his motion for the record.

7. Record of payment of application review fees of $2,257.50 and for performance guarantee review of $840 totaling $3,097.50 directly to Provost and Rovero for multiple reviews and comments on the site plan amendment and phasing application;

8. At the close of each of the three development phases, an as-built site plan showing storm drainage, roadways, and other "common" elements shall be provided by the applicant, reviewed by the Town Engineer, and approved by the commission before the start of the next phase or before consideration of reduction of letter of credit balance;

9. Maintenance of two parking spaces in each unit driveway, one parking space in each unit garage, 12 spaces at community center, and 28 spaces in roadway turnouts;

10. In the event that a court of competent jurisdiction shall require, in reliance on Public Act 11-79, that the bonding specified in this motion shall be fulfilled by the posting of a surety bond, then the total amount of such bond shall be $1,823,160 (being $1,560,000 + $204,200 + 9,200 + $33,760 + $15,000 + 10,000 + 10,000 reflected in the 3/1/12 letter from Provost and Rovero). This condition reflects the Commission's conclusion that Public Act 11-79 does not apply to a modification of a previously approved site plan and previously posted bond but, if such conclusion is erroneous, then the unreliability and cost of surety bond collection requires that the full cost of the essential site plan improvements be bonded rather than relying on the withholding of Certificates of Zoning Compliance coupled with the reduced bonding of more reliable items.

11. Thus, passbook accounts totaling $88,760 would be available for urgent action items/inspections and a letter of credit totaling $341,150 or less would be available for other non-emergency action if appropriate. Based on selected completed portions of the overall project, partial reductions in the letter of credit balance could be obtained.

L. Laidley seconded the motion. There was discussion on the motion. M. McKinney asked for the vote. All were in favor. The motion was carried.

C. SE 04-12 Camputaro, Pasquale, Jr. 630 Plainfield Road, Griswold, CT 06351. Property Location: 522 & 6340 Plainfield Road, Griswold. Request approval of a Special Exception of a proposed addition to existing automotive repair facility with new parking lot and associated site plane improvements with a lot line modification to transfer 10,110 sq. ft. from 630 Plainfield Road to 522 Plainfield Road. Property is zoned C-1 and C-2.

M. McKinney stated that the public hearing was continued for this matter. L. Laidley made a motion to table to the next regularly scheduled meeting on April 9, 2012. C. Geer seconded the motion. All were in favor. The motion was carried.

D. **SE 05-12 Wood, John H. III, 257 Stone Hill Road, Griswold, CT 06351. Property Location: 39 Wedgwood Drive, Griswold.** Request approval of a Special Exception for a proposed liquor store retail sales in accordance with Section 8.1.9 of the Borough of Jewett City Zoning Regulations. The facility will be located in a prior retail sale in Unit B of the Slater Mill Mall. Property is zoned B-Industrial.

M. McKinney stated that the public hearing was continued for this matter. L. Laidley made a motion to table to the next regular meeting on 4/9/12. C. Geer seconded the motion. All were in favor. The motion was carried

E. **ZP 05-12 Coons, William H., Jr., 500 Four Rod Road, Berlin, CT 06037. Property location: 148 Mathewson Street, Jewett City.** Request approval of a Zoning Permit for modification of Site Plan for completion of 69 2-bedroom multi-family condominium complex with associated driveways, parking utilities and landscaping. The property is zoned B-RM.

M. McKinney asked if there was someone to represent the applicant. Mario Tristany, Stadia Engineering Associates, 516 Vauxhall Street was representing the applicant. Joseph Fazekas, Project Manager Aspinook View and Jim Rossman, Stadia Engineering were also present. Mario Tristany submitted for the record a copy of the irrevocable letter of credit in the remaining amount of $175,000 that is currently on file with the commission. M. Tristany explained that the 69 units were approved on 9.94 of land and the time there was no density requirement in the Borough zoning regulation. He explained that the application had expired and that Planning and Zoning had changed the borough zoning regulation for multifamily housing to 4 units per acre. He stated that this would mean that and addition 2.5 acres would be needed; there is not land available to meet this requirement. M. Tristany stated that a variance was granted by the Zoning Board of Appeals on March 7, 2012 and a copy is in the file and lists the approval with a number of conditions to be met.

M. Tristany explained the color-coded plan that shows the items that need to be completed; this included the light grey roadways to have final wearing course to be installed throughout the project; the tan buildings remain to be constructed; building 5 have the foundations are installed; and building 7 & 8; a retaining wall with 6 ft chain link fence installed on top of the retaining that runs along the abutting Freeman and LaFrancois property remains to be installed. M. Tristany explained that Philip Belisle requested that chain link fenced be installed along his property to deter kids on bikes from going through his property. M. Tristany stated that the emergency entrance requires the installation of a locked gate for fire trucks to enter and egress the property. M. McKinney asked how many bedrooms the units were. Joseph Fazekas, Project Manager explained that the units are all two bedroom units. M. Tristany stated that remaining parking will be installed for the remaining buildings around the cul-de-sac. M. Tristany stated that the plan has been updated for the requirements of the ZBA. He stated that there is a bond in place and that construction will start on May 1, 2012. J. Fazekas stated that funding has been received for building 5 which is a 9 unit building. C. Geer asked if the buildings have garages underneath. J. Fazekas stated that the buildings to the east have garages; the others facing the water have walkout basements. B. Hull asked if the hydrant was working. J. Fazekas stated yes it is working.

J. Kreuger asked if all the units built are occupied. J. Fazekas explained that the majority of the units are occupied explaining that the developer owns 15 units; there are 8 units that are rented; and the remaining units are 31 units are owner-occupied; and 4 units that are investor owned. He stated that it is a well maintained property. He stated that there will be some heavy equipment work to be done at the end. B. Hull asked if the utilities are in. J. Fazekas stated yes. J. Fazekas stated that there is $175,000 remaining in the letter of credit to cover the work. C. Kinnie asked if that was what was remaining. C. Fontneau stated yes, he checked with the bank and it is still in force. B. Hull stated that the emergency exit is wide enough for two cars. J. Fazekas stated yes or for one fire truck and it is paved. M. Tristany stated that the binder course benefit for a long period of time will show the failures so they can be corrected before the finish course is applied. J. Fazekas explained how the drainage was installed and that there is significant water infiltration and the road has held up well.

E. Kudlis asked when the finish course will be added. M. Tristany stated that it is before the when the last two buildings is built and the issuance of the CO. M. McKinney read the conditions of the variance for the record. J. Kreuger asked if there was a propose completion date. J. Fazekas stated that the first building could be completed within five months. E. Kudlis asked how long they were diving on the binder course. J. Fazekas stated that it has been since November of 2006. E. K stated that was what he did not want to happen with the Pleasant View project. There was discussion of this matter.

J. Fazekas stated that there are a total of four units in the building for ADA compliant units and seven in total for the project.

M. McKinney asked for any questions. E. Kudlis asked what would we doing in this matter. C. Fontneau stated that the commission will approve a new zoning permit because the site plan improvements were not complete within the five year

statutory requirement. E. Kudlis asked if it could be approved with conditions. C. Fontneau stated no, but the ZBA did apply conditions to the variance approval.

L. Laidley asked about a section of the property line that is open and the rest shows fence. J. Fazekas explained that there is a grade that is a steep slope, there will be a retaining wall and a fence installed and there will be safety fence until the retaining wall is constructed. P. Zvingilas asked how high the retain wall was. Jim Rossman explained that the retaining wall varies from 2 feet to 7.5 feet.

MOTION: E. Kudlis made a motion to approve ZP 05-12 Coons, William H., Jr. Property location: 148 Mathewson Street to be in effect on April 1, 2012 based on the Site Plan dated 3/12/12, Drawing D-68A, 2012-05. L. Laidley seconded the motion. M. McKinney asked for discussion. C. Fontneau asked that the site plan of 3/12/12 be cited in the motion. E. Kudlis amended his motion to approve ZP 05-12 Coons, William H., Jr. Property location: 148 Mathewson Street to be in effect on April 1, 2012 based on the Site Plan dated 3/12/12, Drawing D-68A, 2012-05. L. Laidley amended his second. B. Hull asked if there was a sewer pump station. J. Fazekas stated yes and showed the location on the plan. M. McKinney asked for the vote. All were in favor. The motion was carried.

7. Additional Business

C. Fontneau stated that there was no additional business.

8. Old Business

A. Continue consideration of approaches to accelerate time frame for minor updating to sections of the 2007 Plan of Conservation and Development. He stated that in his report, he has given updates.

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

He stated that we are starting to get a list. C. Kinnie stated that there was an item that should be discussed next month that affected the borough and the town.

9. New Business

C. Fontneau stated that there is a request from Cyr Construction for closure plan of a gravel excavation that you may or may not put on the agenda. M. McKinney stated that it can go on the agenda for next month's meeting when there can be representation for Cyr Construction.

10. Reports from the Enforcement Officer

P. Zvingilas stated that there was information give to the commission regarding 67 Talcott Avenue regarding an existing shed that did not have a building permit. He explained that there were letters from the State Building official, the town attorney, a letter from the States Attorney in New London; and based on those letters, he issued a building permit for an addition to an existing shed. He stated that letter was the last communication he has had with the town attorney. He stated that we cannot consult with the town attorney without approval of the first selectman. P. Zvingilas stated that he has received a letter from the town attorney. He gave copies to the commission. P. Zvingilas explained that the letter stated that he was in error in issuing the building permit. He explained that the second letter is addressed to the first selectman and that the first selectman has taken over this matter. P. Zvingilas stated that he did not know what the first selectman's authority was regarding a zoning matter which is the jurisdiction of this commission. P. Zvingilas explained that there were executive sessions held regarding 67 Talcott Avenue and that he was not invited to those executive sessions. He asked if the Planning and Zoning Chairman was involved. M. McKinney stated no. P. Zvingilas issued a notice of permit suspension on March 7, 2012 for 67 Talcott Avenue based on the information in the letter to Philip Anthony from the town attorney. There was discussion of this matter including that all zoning matters lay with this commission according to State statute and that no building permits or zoning permits can be issued where there is a zoning violation.

P. Zvingilas stated that the State Building Inspector has forwarded this matter to the State Attorney General for an interpretation of the statute referenced by our attorneys and he is waiting for a reply. He stated that he will do nothing more with 67 Talcott avenue and will only wait for direction from the town Attorney. M. McKinney stated that he didn't think that P. Zvingilas did anything wrong and is in the middle of a legal quagmire.

P. Zvingilas stated that regarding the Slater Mill Mall it has be regarded as replacement of existing retail uses though the names have changed; regarding the church maybe not. We have asked the owner of the mall to come in to update the uses

in the facility. M. McKinney stated that there should be a Fire Marshal inspection of the facility yearly. M. McKinney told P. Zvingilas not to do anything with the church at this time.

M. McKinney stated that he would look into these matters and let P. Zvingilas know what is going on. C. Fontneau asked M. McKinney to ask the First Selectman which town attorney should be reviewing the Slater Mill Road project. There was discussion of this matter including that all permits were given by the Jewett City Zoning Board until 1996.

M. McKinney stated that G. Rooke-Norman will go to dinner at Modesto's any time. There was discussion of this matter. There was consensus to go to dinner on March 29 or April 5 at 7:00 p.m. at Modesto's. P. Zvingilas will get a plaque as well from Norm Higgins.

P. Zvingilas stated that the field house shell is up at the Sheldon Road complex but no electrical or plumbing has been installed.

C. Kinnie asked about the building by the self storage units and that the drainage wasn't finished and curb stops have been added along the deep drainage trench. C. Fontneau stated that he did not know if that will happen. M. McKinney stated that we need a mechanism to ensure that the site work get done before a CO is issued. P. Zvingilas stated that there should be an approval by the commission or the engineer that the site plan has been followed. M. McKinney asked P. Zvingilas to send a letter to fix the drainage swale. P. Zvingilas stated that it only needs to be moving dirt with a skid steer. There was discussion of this matter including that this should be a gentle grassy swale.

L. Laidley asked P. Zvingilas to look at 76 Maple Street because they have added a second floor and a wraparound porch. P. Zvingilas will look at the property.

11. Adjournment

M. McKinney asked for a motion to adjourn. C. Kinnie made a motion to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary