



Town of Griswold



28 Main Street
Griswold, CT 06351
Phone (860) 376-7060, Fax (860) 376-7070

**GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING
GRISWOLD TOWN HALL**

**APPROVED MINUTES
NOVEMBER 09, 2015**

I. PUBLIC HEARING (6:30 PM)

1. Call to order

M. McKinney called this public hearing to order at 6:63 p.m. at the Griswold Town Hall meeting room.

2. Roll Call

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

Also Present: Attorney Eliza Heins, Town Counsel

Absent: Courtland Kinnie, Alternate Elias Baron,

3. Determination of Quorum

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

4. Matters Presented for Public Comment

- A. GRISWOLD HOUSING AUTHORITY, PROPERTY AT 230 TAYLOR HILL ROAD & 142 ASHLAND STREET, GRISWOLD, CT.** The Griswold Housing Authority has submitted a letter and site plan showing the addition of a 25 unit Assisted Living Housing Development planned for 230 Taylor Hill Road, Griswold, CT. The plan has been filed in accordance with Section 8-30g of the Connecticut General Statutes. Under said section, zoning regulations are not applicable to Section 8-30g applications. The Commission's responsibility is to review the application to ensure that the health, safety and public welfare of the residents and the general public

M. McKinney asked for some discussion before the presentations because of the statutory requirements.

Atty. Eliza Heins, Branse & Willis, LLC explained the standards under State Statute 8-30g for affordable housing in Connecticut that consisted of a three (3) part analysis: 1) to determine the proposed project is unsafe for public health and safety; 2) that the project is so unsafe that it clearly outweighs the need for affordable housing; and 3) the commission has the obligation to point out how to make the project safe.

M. Tristany stated that the health safety and welfare is being determined by the Town consulting engineer; and he explained the zoning requirements such as lot coverage front yard, side yard and rear yard setbacks, density, and landscaping are not applicable.

P. Zvingilas stated that it is important to note that the Town of Griswold does qualify for affordable housing and M. Tristany has done the calculations and it falls within the percentage that is required.

M. McKinney asked if this was senior housing or affordable housing and what was the difference. E. Heins stated that it falls within the definition of affordable housing and senior housing falls within the 8-30g. She explained that the requirement is that a percentage of units are set aside for people making a certain income as it relates to the state or local median income. She stated that all of the units will be affordable housing; and must be for a certain number of years. She stated that she has read the affordable housing plan and it seems to be in shape.

M. McKinney asked the applicant to make his presentation

Demian Sorrentino, ACIP introduced the whole team for the project. Paul Brycki, Griswold Housing Authority Executive Director and Board members: Don LaPointe , Leo Bordeleau, Joan Hoar, Don Walsh Leona Minisky, Gary Rondina. Tina Falk, Senior Center Director, Atty. Glen Gordon, Griswold Housing Authority Legal Counsel, Peter Hance and Elliot Stone Griswold Housing authority financial consultants, David Holmes, Capital Studio Architects, David McKay, P.E. Boundaries, LLC and Demian Sorrentino, ACIP, Boundaries, LLC.

D. Sorrentino submitted the abutters' notifications packet for the record including the public hearing notice. M. McKinney asked if it was his representation that all of the abutters were duly noticed. D. Sorrentino stated yes, and submitted 25 certificates of mailing for the record.

D. Sorrentino read a letter dated November 09, 2015 for the record formally withdrawing the special exception application based on conversation with Atty. E. Heins, Town counsel, Atty. Glen Gordon Griswold Housing Authority counsel, and Town Planner M. Tristany; and requesting that application be administered by the planning and zoning commission under Title 8, Section 126a, Section 8-30g the Connecticut General Statutes. This letter was submitted for the record.

D. Sorrentino explained how this project is consistent with the Griswold Plan of Conservation and development on Page 51, paragraph 2 to utilize the remaining 7 acres for additional senior housing units. 2) provide housing for low and moderate income housing for individuals including veterans and cohabitants; 3) efficiency and economy for the use and/or reuse of existing municipal property to meet expansion needs.

D. Sorrentino explained the colorized version of the plan consisting of existing buildings with additions to the buildings showing new driveways proposed parking and new pedestrian sidewalks and two dumpster enclosures.

Paul Brycki, Executive Director of Griswold Housing Authority explained that there are 125 people on their waiting list for apartments for approximately 1 to 1.5 to 2 year wait. He stated that there will be community space, modernized laundry rooms and there will be 3 apartments dedicated to veterans. He stated that the existing housing is being renovated and there will be additions to some of the buildings for additional bedrooms for a live-in caregiver. He stated having the elderly together in one area provides better service from ambulance and fire rescue. He stated that this provides work for local contractors for these projects. It will benefit Jewett City.

Tina Falck Senior Center Director stated that she works with P. Brycki on housing applications and that elderly population is growing; senior couples are looking to downsize and this housing will help elderly to stay in town instead of moving away to another town.

Peter Hance, financial advisor, explained that the funding for the old units and the new units comes in two stages; the first stage of 300,000 for rehabilitation; the second stage is for new construction. He stated that the first stage is important because if state likes this application then they will fund the predevelopment which the Griswold housing Authority has received. He explained that this predevelopment funding is used for making these presentations for zoning. There are four sources of funds: 1) IRS gives 4 percent non competitive or 9 percent competitive tax credits to Connecticut; the Connecticut Finance Housing Authority awards credits to nonprofits who sell the tax credits for money. This is approximately 75 percent of the funding; 2) debt from a bank or from bonds. M. McKinney asked what the percentage was from the bank or bonds. D. Hance stated that it is less than 10 percent. D. Hance stated that there is a fourth source that is a gap filler from the State of Connecticut to make up the remaining moneys. D. Hance explained that housing had been ignored for decades and the current administration is funding housing rehabilitation. He stated that zoning approval is a prerequisite for applying for funding. M. McKinney asked if the funding must be 100 percent in place to start the project. D. Hance stated that 100 percent funding in place or tax credits or debt will not be received.

D. Sorrentino explained the proposed changes to the existing elderly housing units. He stated that there are 30 one bedroom units. He stated that two of two of the units are in building 8 with the community room and laundry facilities that are scheduled to be demolished; 12 units will be converted to two-bedroom units.

M. McKinney asked the square footage of the units. D. Sorrentino stated that the existing units square footage as existing Type A unit 430 sq. ft., Revised Type A unit 580 sq. ft.; 7 existing Type B units: 550 sq ft., revised Type B unit 700 sq. ft. units; revised Type C unit 695 sq. two bedroom accessible units; and Type D units 600 sq. ft.

D. Sorrentino stated that the proposed new building is 25 one-bedroom units with a storage facility, laundry facility and community room. He stated that the proposed improvements there will be 53 units. M. McKinney asked if the senior center was moving there. D. Sorrentino stated no, the community room is for activities for the complex.

D. Sorrentino explained the vehicular access improvements which will create a one-way drive up towards the accessible units on the hill that will have an ADA compliant parking area up to buildings 1 through-4 which do not have parking now. M. McKinney asked if the slope of the parking area will not be over 3 percent. D. Sorrentino stated that from the parking area to the buildings that is correct. He stated that the access drive is a little steeper.

D. Sorrentino stated that this proposed drive will loop around to building 5 providing parking in this area then around to the main access drive of the existing area; this drive will loop around to the back of proposed building for the basement level unit parking. He stated that this will provide better circulation for emergency services, delivery vehicles, garbage pickup, the SEAT bus, and visitors. He stated that the parking spaces for the existing units have been improved with parking in close proximity to all of the existing units. He stated that currently there are 30 spaces in the existing development; D. Sorrentino stated that thereof a total of 78 parking spaces; there will be 9 ADA compliant parking spaces and parking for visitors. There was discussion of this matter including that there is parking for the 12 caregiver units.

D. Sorrentino explained the proposed new sidewalks with proper ramps fitted with detectable warning strips to replace the existing sidewalks which currently are bituminous concrete and are in broken with growing vegetation. There will be crosswalks, steps, and proper hand rails to increase the pedestrian circulation throughout the site.

D. Sorrentino explained that the lighting will be 30 proposed pedestrian lights which are about 8 feet high with globes and there will be area lights to illuminate the main circulation drives and large parking areas. He stated that the type and style has not been determined but will be such as to no cast light onto adjacent properties.

D. Sorrentino explained the proposed landscaping plan that is not a requirement of 8-30g; currently there are no trees at this site at all. He stated that there will be 43 new shade trees to the existing site consisting of 17 sugar maples; and a mixture of flowering dogwood, eastern red buds and flowering plums. He showed the locations of these plantings stating that it will dramatically improve the esthetics and the environmental quality of the site.

D. Sorrentino explained the utilities where some of the utilities are underground; but that all of the utilities are proposed to be underground for the entire site except for one pole may stay in one location. He stated that the existing gravity sewer line will continue to serve the existing facility that comes out on to Taylor Hill Road. He explained that the proposed sewer line for the new building will go out the back to the Norman property over an established easement of the Griswold Housing Authority that goes by the Laidley property to Ashland Street just south of Pleasant View. Lawrence Laidley stated that it was south of Maple Street. D. Sorrentino stated that the waterline is an existing J.C. Water Company line and will serve the proposed building.

M. McKinney asked if it will have sprinklers. D. Sorrentino stated that the new building will have sprinklers.

D. Sorrentino explained the existing site collects stormwater from Taylor Hill Road and discharges untreated into the woods; a new stormwater catchment system that will treat this stormwater into a basin that will discharge onto Norman property. He explained that this is before Inland Wetlands for their approval based on the proximity of the work to the 150 foot review area. He stated that the changes recommended by Town consulting engineers CME Associates dated November 5, 2015 which we have reviewed and the revisions will be implemented before the Inland Wetlands meeting on November 19, 2015.

M. McKinney asked how this project will impact the abutting property owners such as lighting and how it will be mitigated. D. Sorrentino stated that these plans are 90 percent complete for submission of the grant and expect that the Commission will condition their approval of the review of the final plans before it goes to construction. He explained that the light fixtures have not been chosen yet but that the fixtures near abutting property owners can be fitted with full cutoff shields. D. Sorrentino stated that the pole lights can be fitted with full cutoff shields that limit light to 20 feet.

David Holmes, Capital Studio Architects, explained the proposed building is 25 new units on two and one half floors to take advantage of the sloping site to reduce the volume of the building upon approach to be more in scale with the existing buildings. He explained that all 25 one-bedroom units will be virtually identical. He stated that those units identified for people who have physical disabilities because there is a percentage of the units that must meet Building Code requirements and CHFA design guidelines that must be met. D. Holmes stated that all the units will meet the needs of someone who is physically disabled.

D. Holmes explained exterior envelope of the new building will consist of a hip roof, a mix of brick and EFIS such as Dryvit exterior insulation finish system or cementitious cedar shingles. He explained that the front of the building is two stories high and the rear of the building is three stories high. He stated that the side elevations show how the grade changes to pick up the addition floor at the rear. He explained that you enter into a lobby with an elevator and showed the location of the community room for activities such as parties or meetings with a small kitchen at the back, restrooms and a storage area. He stated that the building has a double loaded corridor with stairs at either end of the building; all floors are accessible by elevator; all the units are 700 sq. ft. D. Holmes stated that the lower level of the building is a half story with five units at the back and will have a maintenance area, a one car garage, a shop, a modest lobby, a trash compactor, laundry area for the building, resident storage, elevator machine room and sprinkler room and a area for additional mechanical space for systems to be determined.

D. Holmes explained that the upper level of the building is similar as the first level of the building except for the community room which drops off and becomes mechanical and maintenance space. He explained the one-bedroom units; one handicapped and non-handicapped. He stated that all the units are accessible for people with physical disabilities. He stated that the living room, dining room, and bedroom are on the outside walls the building, the bathroom and kitchen are on the corridor side. He stated that all the units will have a private exterior space: a patio at grade; and an exterior deck. He stated that the requirements have changed since the McCluggage units were built for living space 450 sq. ft. and now is 700 sq. ft.

M. McKinney asked if the building exceeded the height requirement. D. Sorrentino stated that it was 35 feet requirement. M. Tristany stated that under 8-30g it is not applicable. David Holmes stated that it depends on how the height of the building is calculated. P. Zvingilas stated that it is only the two stories that count.

D. Sorrentino stated that we applied under 8-30g because of the density requirement is above what is for an R-60 district and one of the bedroom additions on the easterly side of an existing building does not meet the setback requirements. He asked the commission for questions from the design team.

E. Kudlis stated that the mechanicals had not been determined, how do you anticipate heating and cooling the building. D. Holmes stated that there are three options: oil, propane, gas or all electric. He stated that his engineers have determined that based on based on life cost analysis and utility bills; the most efficient is all electric so they are competitive with lp gas or oil. J. Krueger asked about the 12 additions to the existing units

to accommodate the caregiver; does the square footage of the new units accommodate a caregiver. D. Holmes stated no; it is to provide a better unit for living and the CHFA design guidelines minimum requirements have changed and exceed the square footage of the existing units. D. Holmes stated that the 25 proposed new units do not provide for a caregiver. J. Krueger stated that it was mentioned that there was a disabled area. D. Holmes explained that the building code requires a certain percentage of the units to meet the minimum requirements for disability such as for counter height, bathtubs, door ways

D. Sorrentino stated that there is a difference between assisting living facility and assisted housing. He stated that assisted housing is an independent living that is assisted by the government; assisted living has staff to help residents with their day to day living needs. There was discussion of this matter including that a caregiver can be a 60 year old son or daughter living with the 80 year old resident.

M. McKinney stated that this would change the parking requirements. D. Holmes stated that the parking requirement is based on the number of units not how many people live in the unit. E. Heins stated that for 8-30g you cannot use it to deny. She explained that if the zoning regulation is met; and her calculations show, that this project meets that requirement; for 1 1/2 spaces per unit; if you say that is unsafe, then all of the regulation is unsafe.

Peter Hance stated that he has been dealing with public housing for many years. He stated that many 80 year olds do not drive, and many people on social security cannot afford a car. He stated that this project has more than enough parking spaces.

P. Zvingilas asked if there was provision for public transportation access this site. D. Sorrentino stated that it is the intent; however no coordination has been made for SEAT to access the site. L. Laidley stated that the SEAT busses do go there daily. He stated that he does not have a designated plan for this project yet. M. McKinney stated that a designate plan should be added for public transportation. D. Sorrentino stated that when the plan is 100 percent, there will be coordination with SEAT for rider pick up.

M. McKinney asked M. Tristany if he had anything. M. Tristany stated that there is an application before the Inland Wetland Commission, so this commission cannot act on this application until a report is received from Inland Wetlands.

M. McKinney asked for comments from the public. Lawrence Laidley, 148 Ashland Street, had concerns regarding the drainage that the Pleasant View project was not considered that it would be adding to the drainage and is already draining onto that site; and the maintenance of the drainage system have a schedule that is adhered to. He was concerned that Carely Avenue would have flooding problems. He was also concerned that the sewer pipe would go through an historic foundation that was part of the Brewster Farm in 1690. He asked if the sewer pipe could be tweaked so that the foundation would not be affected

L. Laidley stated that some of the low income residents that have been passed out on his front lawn. He was concerned that this would be a bigger problem. He was also concerned that the lighting should have the shields so that all of the abutting properties so that he is not drowned out by the lights from the back of this property

M. McKinney asked about the foundation. L. Laidley stated that there is an old barn foundation where a chicken coop was put on top of that foundation. M. McKinney asked if the foundation is on the history register. L.L stated that with some tweaking, the sewer pipe could be moved to not hit the foundation. David McKay, PE, Boundaries, LLC, explained the location of the proposed sewer and he stated that they have met with Mr. Norman and this line does go through the chicken coop. D. McKay will look into alternatives for the sewer line. M. McKinney asked about the stormwater maintenance schedule. D. McKay sated that there is a stormwater maintenance schedule that is done on an annual maintenance required for the life of the system. D. Sorrentino stated that this was reviewed by CME and asked if there were recommendations. D. McKay stated that he did not believe so.

M. McKinney asked if there was any other public comment for or against. Mike McKenna, 64 Johnson Cove Road, He asked if the public could see what the presenters are talking about.

David Vieaux, 59 Leha Avenue, stated that when Mr. Brycki was making it out that this was for the vets, that only three units are for the vets; then we find out that it is low income housing. He said that he thought that the veterans would be upset if low income housing was coming in on their shirt tails. He stated that it was probably a political statement but if it's low income housing with three units for the vets, then it should be put that way and not the whole project is for the vets. D. Sorrentino stated that to be clear, no one represented that this was a veterans' housing project. We never said that.

Ed Burdick, Voluntown Road, rises in support of the application. He asked if there was any security or video surveillance for the project. D. Sorrentino stated that there is no video or security surveillance proposed. E. Burdick stated that across the country, some of these facilities have a "cam" right into the police department.

M. McKinney asked if we should close the public hearing. M. Tristany suggested that the hearing be closed since the rest is all technical review. M. McKinney asked for a motion to close the public hearing.

MOTION: E. Kudlis moved to close the public hearing at 7:38 pm for Griswold Housing Authority, 230 Taylor Hill Road and 142 Ashland Street. J. Krueger seconded the motion. There were 4 aye votes and 1 abstention from C. Kinnie who arrived late for this hearing. The motion was carried.

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

1. Call to order:

M. McKinney called this regular meeting to order at 7:40 p.m.

2. Roll Call

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

Absent: Alternate Elias Baron,

3. Determination of Quorum

There was a quorum for this regular meeting.

4. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of October 13, 2015.

M. McKinney asked for any corrections. C. Kinnie stated that on the first page, Eric Kudlis is listed as present and absent. D. Szall will make the correction. C. Kinnie stated that on page 7, there was a second but there was not a motion on the Zuckerbraun property. There was discussion of this matter. D. Szall will listen to the recording for the motion.

MOTION: C. Kinnie moved to table the minutes of October 13, 2015. E. Kudlis seconded the motion. All were in favor. The motion was carried.

5. Correspondence and Attachments

A. Email dated October 21, 2015 from Demian Sorrentino, ACIP, Boundaries, LLC withdrawing SE 01-16 Griswold Housing Authority.

M. Tristany explained that this was in reference to in the public hearing withdrawing the special exception application.

- B. Email dated October 23, 2015 from Attorney Elizabeth Heins, Branse & Willis, LLC regarding American Industries New Acoustic Sound Study by Brooks Acoustics Corporation forwarded from Attorney Harry Heller.

M. Tristany stated that this comes up later in the agenda.

- C. Connecticut Federation of planning and Zoning Agency Quarterly Newsletter, Fall 2015 Volume XIX, Issue 4.

M. Tristany stated that this was informational.

6. Matters Presented for Consideration

- A. **GRISWOLD HOUSING AUTHORITY, PROPERTY AT 320 TAYLOR HILL ROAD & 142 ASHLAND STREET, GRISWOLD, CT. SE 01-16 GRISWOLD HOUSING AUTHORITY, PROPERTY AT 320 TAYLOR HILL ROAD & 142 ASHLAND STREET, GRISWOLD, CT.** The Griswold Housing Authority has submitted a letter and site plan showing the addition of a 25 unit Assisted Living Housing Development planned for 230 Taylor Hill Road, Griswold, CT. The plan has been filed in accordance with Section 8-30g of the Connecticut General Statutes. Under said section, zoning regulations are not applicable to Section 8-30g applications. The Commission's responsibility is to review the application to ensure that the health, safety and public welfare of the residents and the general public have been addressed.

M. McKinney asked for a motion to table to the next meeting.

MOTION: J. Krueger moved to table item 6 A to the next meeting. E. Kudlis seconded the motion. There were four aye votes and one abstention by C. Kinnie. The motion carried.

7. Additional Business

- A. Discussion of American Industries New Acoustic Sound Study dated October 22, 2015 by Brooks Acoustics Corporation from Attorney Elizabeth Heins, Branse & Willis, LLC in an email dated October 23, 2015.

M. McKinney stated that since there seemed to be a lot of people in the audience for this matter, he asked for a motion to move this item to the end. **MOTION:** E. Kudlis so moved. J. Krueger seconded the motion. All were in favor. The motion was carried.

8. Old Business

- A. Presentation by Thomas Giard, Jr, Chairman, Economic Development Commission dated September 24, 2015 regarding recommended changes to the Griswold Planning & Zoning Regulations concerning C-1 and C-2 permitted and special exception uses.

Thomas Giard, Chairman of the Economic Development Commission made a presentation that they had been looking at the possible impediments to economic development. He stated that in the latest Zoning book to combine the C-1 and C-2 zones into a single zoning classification as Commercial. He explained that the permitted uses in the C-1 zone were also the permitted uses in the C-2 zone in the zoning book. He stated that the EDC is not proposing any changes to the permitted uses in the commercial zones. He stated that we would be better served to combine the permitted uses of the C-1 and C-2 zones. He stated that the special exception portion stay as special exceptions. He stated that in terms of economic development to combine it into one Commercial classification. M. McKinney asked if the lot size was different criteria in the C-1 and C-2 zones. T. Giard stated that it would be up to the planning department to scrutinize the zones. M. Tristany stated that for the c-1 and C-2 zone, the setbacks are the same for both the C-1 and C-2 zones. He stated that the only difference is the percentage of the lot coverage between the two zones. M. Tristany explained that the special exceptions of both C-1 and C-2 zones were similar. He pointed out the slight differences in the special exceptions to the commission such veterinary clinics can be in C-2 but not in C-1. M. Tristany stated that any changes to the regulation require a public hearing.

M. Tristany stated that the EDC would have to make an application for text changes. C. Kinnie asked if there would be a map change as well. M. Tristany stated yes. M. McKinney stated that valid points were raised; and that the commission wants to keep control of the approval. T. Giard stated that the EDC does not want to change the special exceptions. There was discussion of this matter.

9. New Business

M. McKinney stated that the Brooks acoustic report from American Industries for informational purposes. He asked that this be accepted into the record.

M. McKinney asked for Home occupation for a dog grooming services. He asked for a motion to put this application on the agenda.

MOTION: C. Kinnie moved to put ZP 01-16 on the agenda. Ragan Young stated that she is applying for a home occupation for her dog grooming business. She stated that it is located in her basement and it is less than 20 percent of her square footage. She stated that it is a drop off service so the driveway is open for that. She stated that the hours are 10 am to 5 pm. M. McKinney stated that you have to come back every three years to renew this permit. M. Tristany stated that this is the most complete home occupation we have ever received.

MOTION: J. Krueger moved to approve ZP 01-16 for dog grooming. E. Kudlis seconded the motion. All were in favor. The motion was carried.

10. Reports from the Enforcement Officer

- A. Notice of Violation letter dated October 28, 2015 sent to Reagan Young, 16 Spring Road for operation of a dog grooming facility without a Home Occupation permit.

P. Zvingilas stated that this cease and desist has been satisfied. The Commission just approved the home occupation permit for the dog grooming.

- B. Cease and Desist Order dated October 1, 2015 sent to Darlene Pariseau, 17 Barber Road, Griswold for Section 11.12 Refuse Disposal.

P. Zvingilas stated that he received a couple complaints where there is an ongoing yard sale so it was cited for a junk yard. I have not heard anything from the owner. We will follow up with Elizabeth to start the legal action. E. Kudlis asked when he was at Barber Road and if it had been moved. P. Zvingilas stated that about a week and a half ago, he will check it again; this has been there all summer.

- C. Discussion and possible action regarding email dated Sunday August 31, 2015 from David Vieaux complaint of violation of cease and desist order for processing wood by J. Fellows before 8 a.m.

M. McKinney stated that he has looked the property on Sunday. David Vieaux stated that there has been more added. David Vieaux submitted photographs to the chairman. He stated that the conveyor system is back and it looks like he is getting ready to start his processing next season's sales. M. McKinney stated that you and Mario will do a couple trips between this month and next month and take some pictures.

P. Zvingilas stated that Mr. Fellows is here tonight. M. McKinney asked him if he was running a wood business. Joseph Fellows stated no he was not; and he stated that Mr. Vieaux has made several complaints and not just about firewood. M. McKinney stated that you gave us your word that you would curtail it. J. Fellows stated that he did. He explained that no matter what it is that he is doing, Mr. Vieaux is constantly filming him. There is a camera on him at all times. J. Fellows stated that this is harassment. Mr. Vieaux has taken him to court saying that he has attacked him with a chain saw and that he and his son sit on the roof and films him. Everything that Mr., Vieaux complained about; Mr. Vieaux is doing; he does this to everyone in the neighborhood

P. Zvingilas stated that there is nothing visible from the road and he has been by there several times. J. Fellows stated that he was asked to move it out back and he moved his firewood outback; he brings it into his yard in

tree lengths into the yard and he cuts them. M. Tristany asked how many cords of wood he burns in a year. J. Fellows stated that he burns 5 to 6-cords of seasoned wood a year. M. Tristany asked if it is stacked to season, to dry for the next year. J. Fellows stated yes, you cannot burn green wood. He stated that he gets it, he leaves it and he burns it. M. Tristany stated that there is no regulation that limits the amount of wood that an individual can have on his property. He stated that D. Szall burns about 6-8 cords of wood a year. D. Szall stated that it is our only source of heat. D. Vieaux stated that that may be true; but why is he trucking it off by the truck load.

M. McKinney stated that he and two staff members will make a couple trips to see what is going on there. M. Tristany stated if it is Mr. Vieaux's concern that he is selling firewood off of his property; unless Mr. Vieaux witnesses cash changing hands, how you can prove he is selling wood. He may have relatives who live in another town and is bring them wood.

M. McKinney stated that as of last year, you were given time to finish up and you lived up to your agreement. M. McKinney asked if he signed a consent agreement to us for the wood last year. P. Zvingilas stated that he agreed to limit it to his own use. J. Fellows stated correct. M. McKinney stated you were selling it at the time. J. Fellows stated that he was not selling wood. P. Zvingilas stated that he will review the file for next month. D. Szall stated that there is a file here. M. McKinney read Mr. Fellows letter for the record agreeing remove all but 10 cords or my personal use only off the property and agree bring no more than 10 cords of firewood to his property. M. McKinney stated that you wrote this in response to the cease and desist. J. Fellows stated yes and he did sign the letter. There was discussion of this matter including whether the issue was too much wood or too much noise on the property.

M. McKinney stated that we have to address this latest complaint to determine what is right. J. Fellows asked if there is an ordinance or is this a civil suit about being videoed every day of the week. Atty. E. Heins stated that it is not a zoning issue. M. McKinney stated that that issue is not a zoning issue from our point of view. M. McKinney stated that we will look at this over the next few weeks.

M. McKinney asked for any other reports. P. Zvingilas stated that he was looking for a statement of the progress. P. Zvingilas did a site visit looking at the berm. M. McKinney read the letter regarding the berm for the record. P. Zvingilas stated that he had taken photographs but could not print them out the machine was down. He stated that there was concern about erosion from the berm; he stated that it is made of sand and crushed stone but there is no vegetation for stabilization. He stated that there was very little erosion from the heavy rain. He stated that there is not watershed that would be adding water to the area about 30-40 feet wide and the ground absorbed the water. He stated that there was nothing going to the silt fences. He stated that there is more work in elevation of the berm to be completed near the pump station. He stated that it is in conformity with the specs. He asked Boundaries to check the elevation to conform to what is on the site.

M. McKinney asked about the two new complaints regarding the blight ordinance. P. Zvingilas stated that the berm was put up. M. McKinney asked about the dust control. P. Zvingilas stated that he took pictures today and there was water on the site. He stated he wasn't sure about what to do about the blight.

P. Zvingilas stated that the letters were about the sound study. He stated that American Industries hired the people to do the report. M. McKinney stated that he will let the residents of Johnson cove to explain the letters and voice their concerns. He stated that we do not have anything on the agenda.

David Vieaux stated that regarding the letter from E. Heins regarding the decibel level citing 43 – 39 dB and 55 – 49 dB decrease and he stated that they are out to lunch. He stated a normal conversation between two people at one meter apart is 57 dB. He stated that he is questioning the validity of those numbers that are represented and how they arrived at them.

Catherine Londe, 66 Johnson Cove Road, she stated that we were promised that we would be present when a new sound study was done and that the Selectmen would be present. M. McKinney stated that he was given 24 hrs notice of when the study was being done. He could not go; he had other commitments C. Londe stated

that they were not notified. She stated that the placement of the speakers, they may have been in Canterbury. M. McKinney stated that your concern is the validity of the testing and who from the town was present at this testing. C. Londe asked if the test was October 7. H. Heller stated that it was whatever is in the report. She stated that it was done before the berms were finished and they are still not finished.

P. Zvingilas state that the berm at the pump station was completed only this last week. He stated that it looked like the earth was freshly moved. C. Londe stated that from where she lives, she can see the trucks, the buildings, and watch them all night long.

Atty. Harry Heller stated that the northerly part of the berm is complete and up to its design height; Boundaries will verify the height. He stated that the berm by the pump station should go up another six feet and that is the area that is being completed now and plans to be done within the next few weeks. It will be stabilized with winter rye; the permanent vegetation will be added in the spring.

Fabiola Proulx, Fairview Avenue, stated that the berm was to be 100 to 125 feet high; how high is the berm supposed to be. She stated that how they can measure a sound level at 5 feet when the berm should 100 feet. But in the report they can hear crickets, acorns and jets. She stated that we can hear the rock crushers and the tail gates still slam and hear the backup alarms. H. Heller stated that that is daytime activity. He stated that they don't do dumping at night. They load and deliver for the state jobs. She stated no, they are running the plant 24/7. Mr. Proulx stated that he can smell the odor at 8 pm. H. Heller stated that they are in the process of doing the odor study now and that will be provided to you.

P. Zvingilas state dthat the berm was not to be 100 feet. H. Heller stated that it was 35 feet. M. Tristany stated that it is the elevation based on existing elevation. There was discussion of this matter.

F. Proulx stated that the text was paid by American Industries and he was the only one there; no one from the town or from the neighborhood to witness this. He stated that the personal observation was full asphalt production. She explained that they run high and then lowered and it runs 24/7. She stated the rock crusher runs also. She stated that there was no testing done at Johnson Cove where most of the noise problem is. She stated that when there is. M. McKinney stated that he will find out if someone from the town was there. F. Proulx stated that she spoke to Kevin and he was not there. She stated the testing was done in 15 minute intervals and if American Industries is paying for the test can get on a walky talky and tell them the test is being done and to quiet down for 15 minutes while the test is being done.

Mike McKenna stated that the berm was to be done by Halloween and it is not done. He stated that there is seepage into the water, he has pictures and he lives closest and he can see the gravel going into the Quinebaug River behind his house. He stated that you took pictures but they knew you were coming today. P. Zvingilas stated that they did not know he was coming; he just showed up.

M. McKenna stated that there is seepage into the pond. He stated that the sound testing was not done at Johnson Cove. It was done at Fairview Avenue. He stated that as far as the grade is concerned, he has lived there since 1995; he can see their lights off their building and by the weigh station. P. Zvingilas stated that area is what still needs to be completed.

D. Vieaux stated that CT Statute 22a-69-1.1 gives how and where the sound should be measured and the levels which is one meter from the property line of the source. H. Heller stated that if you read the report one of the tests was on the property line. F. Proulx stated that it was done on Fairview Avenue.

Jeff Ryan, 72 Johnson Cove Road stated that the test was done at the property line, the berm is 50 feet tall and the monitor was on the ground. He stated that utilized 61 dB during the day, 51 dB at night, they are not preexisting to the sound regulations of the State of Connecticut. He stated that it was 72 dB last night in his bedroom in his home last night. He asked why the town has not done a noise study. M. McKinney stated that you should challenge this study, unless there is a pending application before us to pass the cost to the applicant. M. McKinney stated that we do not have a mechanism to challenge this study which we got today. J. Ryan asked about his letter concerning Section 2.2.6 regulation. He stated that he filled out the blight issued

because the berm is not done. He can read the license plates on the trucks. He stated that the berm should not have been touched.

C. Londe stated that she wanted the commission to appreciate their frustration for the last 20 years for the same problems we complained about then and are still happening today. M. McKinney stated that we sat down with the State DEEP agencies to told us that there are no problems. He stated that no matter what happens it will not be enough for either party.

F. Proulx asked that if they can give proof that this has been happening since 1995, would you do something about it regarding the dust, the black smoke; that it was a health issue since 1995. She asked why you can't do something to ease our pain. M. McKinney stated that the Planning and Zoning Commission has no right to act on the stipulated judgment and must go the first selectman for any action. We can only listen to you when something tangible comes to us.

M. McKenna asked what the next step would be if there is no action from the selectmen. M. McKinney stated that maybe you need to hire a lawyer. P. Zvingilas asked D. Vieaux if he was certified to do the noise testing. D. Vieaux stated no. he was not licensed to do so; but could offer his knowledge to come up with figures for calibrated equipment.

M. McKenna asked if we had the proof that they are breaking laws who would enforce that. M. McKinney stated that we have to look at the reports at their face value; they went to Inland wetlands to raise the berm. He did not know why the berm was not done. They increased the stack height to decrease the smoke. There was discussion of this matter.

F. Proulx stated that Fairview Avenue is on the side where the berm is finished. She stated that with the windows and doors shut, we can smell the fumes coming into the house. M. Proulx stated that he has reparatory problems. She stated that we have photographs of brown smoke going into the air. M. McKinney stated that the high stack does help. She stated no, it doesn't help. Mr. Proulx stated that occasionally we get the smell of sulfur. We are asking for help with this situation. J. Krueger asked if Uncas Health got involved with this. F. Proulx stated that they referred it back o the town. E. Kudlis asked the cost of a sound study. H. Heller stated that it was \$10 thousand.

George Wood 58, Johnson cove stated that for two years he has tried to sell his home and he still cannot sell his home and it is a big impact. He asked is there anything that will make it worse, does American industries have any proposals to expand or to go to industrial. M. McKinney stated that we have no application before us and we can do nothing until there is an application before us.

C. Londe asked about the noise ordinance. F. Proulx stated that they are forming a committee. M. McKinney stated that ordinances are not a zoning issue. M. McKinney asked for any other comments. He stated that we will look at this for next month.

11. Adjournment

M. McKinney asked for a motion to adjourn.

MOTION: J. Krueger moved to adjourn the meeting at 8:55 p.m. C. Geer seconded the motion. All were in favor. The meeting adjourned at 8:55 pm.

Respectfully Submitted,

Donna M. Szall
Recording Secretary