



Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION
PUBLIC HEARING & SPECIAL MEETING
GRISWOLD TOWN HALL

APPROVED MINUTES
FEBRUARY 29, 2016

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

1. Call to Order

Chairman Martin McKinney called this public hearing to order at 6:32 p.m.

2. Roll Call

Present: Martin McKinney, Courtland Kinnie, Charlotte Geer, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: James Krueger, Erik Kudlis, Alternates Tom Palasky, Robert Parrette

3. Determination of Quorum

M. McKinney appointed P. W. Zvingilas to sit for J. Krueger. There was a quorum for this public hearing.

4. Matters Presented for Public Comment

A. ZC 01-16 GRISWOLD ECONOMIC DEVELOPMENT COMMISSION, 28 MAIN STREET, GRISWOLD, CT. Requesting a Text amendment to blend the C-1 Zone and C-2 Zone into one C Commercial Zone town-wide and a Map Amendment to replace C-1 and C-2 Zones on the zoning map town-wide into one C Commercial Zone in order to reduce the barriers to increase economic development.

M. McKinney asked M. Tristany to explain the requirements for this zone change. M. Tristany explained that because this was a zone change that affects existing C1 and C2 zones that were within 500 feet of adjoining communities and pursuant to Connecticut General Statutes, Section 8-3G, we were obligated to send copies of the proposed change to SE Connecticut Council of Governments, the Northeastern Connecticut Council of Governments because the Town of Canterbury and the Town of Plainfield are part of NECCOG; letters with the proposed text amendment were sent to the Towns of Lisbon, Preston, Canterbury, and the Town of Plainfield

M. Tristany explained that pursuant to Section 8-7d, we are required to publish two legal notices twice in the Norwich Bulletin, no earlier than 10-12 days before and no later than 2 days before the meeting; the first was published on January 28, 2016 and the second one was published on February 4, 2016.

M. Tristany stated that we received one response from the Town of Lisbon, dated January 11, 2016 addressed to Chairman Martin McKinney Chairman from Robert Adams, Chairman, Lisbon Planning and Zoning Commission which he read for the record that there was no adverse inter-municipal impact; and a letter from Tom Seidel, Senior Planner SE Council of Governments, dated January 14, 2016 which he read for the record, that his review determined that there were no inter-municipal impacts.

M. Tristany stated that the EDC had prepared a permitted use comparison submitted for the official record. He stated that this comparison was typed into a Section 7 C – Commercial Zone format showing how it would appear in the Zoning Regulations should it be adopted. He stated that also included was a small zoning map showing the various C1 and C2 zones highlighted with corresponding documentation explaining the circumstances of each of those designations and stated that these should be added to the record.

M. McKinney asked if it was his representation that all of the Connecticut General Statutes had been met. M. Tristany stated yes.

M. McKinney asked if there was someone representing the Economic Development Commission.

Thomas Giard, Chairman of the Economic Development Commission, stated that for the record the original meeting was scheduled for February 8, and that this is rescheduled meeting. M. McKinney stated that February 8 was a snow day.

T. Giard thanked everyone for attending this meeting. He explained he will give a presentation and listen to any comments that anyone may have. He explained the Economic Development Commission is made up of five volunteer members who meet monthly in this room at 7 pm on the third Wednesday; anyone is welcome to attend these meetings to share their thoughts about economic development to encourage economic growth. He explained that their mission was to increase economic development that would increase the revenue stream to support education and town services; the costs of which never go down. He stated that there is not enough commercial growth to keep residential taxes level from year to year. He stated that economic development is tied directly to availability of affordable land, highway systems, government support and workable local land regulations.

T. Giard stated that they have submitted a zone change to blend the C1 and C2 zones into one C – Commercial Zone for the Planning and Zoning Commission to consider. He stated that a question he has heard was would this blending of the town zones C1 and C2 reduce or take away the rights of residents to appeal Planning and Zoning decisions.

M. Tristany explained that any Planning and Zoning decision is appealable provided it is done within 15 days that the legal notice that is required for the Planning and Zoning Commission to publish. M. Tristany stated that any site plan, subdivision plan, text amendment and map amendment can be appealed. M. McKinney asked if combining the two zones does it strengthen or lessen the Commission's stance in term of uses such as special exceptions. T. Giard stated that he will explain it.

T. Giard explained that blending the C1 and C2 Zones does not change the rights of residents to appeal. T. Giard stated that C1 and C2 permitted uses are the same; they are already blended. He stated that the special exception uses in the C1 and C2 zones share many of the same uses but there are differences. He stated that the special exception uses will not be added to subject of review by planning and zoning commission for approval. He stated that the special exception uses list just gets longer. T. Giard read the special exceptions criteria from page 58 of the regulations for the record. He stated that this blending of C1 and C2 does not change how the Planning and Zoning Commission it looks at and evaluates special exceptions; it does not change the appeal process.

T. Giard stated that the color coded map shows the C1 and C2 zones sit side by side in six locations; there are 22 C1 village commercial properties on a State highway. He stated that the EDC sees separate C1 and C2 zones are a barrier to economic development. T. Giard explained that a developer can face the high cost of changing a zone that can take from 3 months or longer with no guarantee of the outcome as well as an additional 3 months for a special exception application.

Ed Burdick made a point of order and asked if the commission challenges false or untrue statements. He stated that T. Giard listed changes and then said that there are no changes. He stated that T. Giard said that C1 and C2 are the same; and they are not. T. Giard stated that he said the permitted uses are identical. T. Giard read the C2 permitted uses Section 7.2.1 Permitted uses in accordance with Section 6.2 of these regulations.

M. McKinney stated that by a zone change, there is some change so if it was stated incorrectly; it is on the record and we will deal with it. He opened the public hearing to people wanting to speak in favor of the application.

Jason Vincent, ACIP, residing at 470 Roode Road, He stated that he is a professional land use planner and that he works with the Economic Development Commission. He is giving testimony as a resident but also as a professional. He stated that the C1 and C2 zones are like a pyramid, with the C1 permitted uses at the top and the C2 special exception uses at the bottom. He explained what Mr. Giard was saying is that the permitted uses in the C2 tells you to look at the permitted uses in the C1 zoning district and then you look at all the permitted uses in the C1 and those are allowed in the C2. He stated that he wanted to make this clear because there are two types of uses: permitted uses and special exception uses.

J. Vincent explained that the special exception process provides the community with a lot of discretion; things that are permitted by right are t and i crossing and meet the standards. The special exception process allows the commission to review such things as traffic, and harmony and this provides the protection to the community. He stated that the EDC wants to merge the two zones, so that applicants, through the special exception process, will have a dialog with the commission without having to change the zone which adds permit risk to a process and it dissuades economic opportunities for the community. EDC wants to make the community more business friendly to development and to create an opportunity for that to happen.

J. Vincent stated that the EDC wants to expand the list of things within the special exception process to enable the community to have a dialog with the business community on a case by case basis using your standards and the commission should be in favor of this.

John Faulise, Boundaries, LLC, he stated that they work in many towns in SE Connecticut. He stated that what Mr. Giard and Mr. Vincent said is correct, that these regulations are look at as a barrier and explained that developers look to see what is allowed by right and what is allowed by special exception; and the lion's share of uses are special exception uses and always have been special exceptions; and this proposal continues to maintain them as special exceptions. He stated that the permitted uses by right is a short list and restricts the size of development; anything over 5,000 sq. ft. requires a special exception. He stated that the Commission requires the public hearing process and levels the playing field for what is allowed and what is going to be by special exception. He stated that it clarifies things for people looking in our community for development and in no way diminishes the Commission's authority. He is in favor of it and the commission should be in favor of it as well.

Mark Grillo, a resident of Griswold for 30 plus years and who also has a business in the area, stated that he noticed that his taxes have gone up every year since he has been here. He stated that most towns' goals are to grow the town to generate more revenues and he thinks that what Mr. Giard is suggesting is great idea to simplify the process for those who want to build business in the area; otherwise they get discouraged and go elsewhere. He stated that this could simplify things to generate more revenues.

Jim Barnie, Hopeville Road, stated that he was on the Economic Development Commission and was a taxpayer in town and has been a builder and developer here in town and in Massachusetts. He stated he found that the process of going through zoning changes and everything else, the estimate of \$5,000 was extremely low and is more on the order of \$15,000 or \$20,000 by the time you go through the engineering process to come before the board. He is in favor of this regulation change; it doesn't remove the power or authority from the board. He stated that he is also on the Capital Improvement Committee and we have lot of projects that keep getting pushed off to try to balance the expenses for the town against the tax rate. He stated that if we can bring more controlled economic development into the town, it will benefit everybody.

M. McKinney asked for any other positive comments.

Kevin Skulczyck, 70 Haley Meadow, stated that he rose in support this. He stated that the bottom line is that we have a tough time bringing business to this town when we compete against Plainfield and Lisbon; we all know, we have lived here a long time. He stated that we have so many crippling policies in this town. He stated that these processes that Planning and Zoning have been dealing with were established more than 10 or 12 years ago. He stated that we have to drive to Plainfield or Lisbon to drive to a franchise for a hamburger; there are no franchise opportunities in our town. He stated that franchises have told us that our policies are crippling. He stated that this is not a request for everything to be carte blanche to bring big box stores business to our town.

K. Skulczyck stated this is an opportunity to bring things to our town that will lower the tax base; and that we have been fighting for years to bring these opportunities to our community and we have failed for years because there were people on Planning and Zoning and other commissions and leaders in our community who have chosen to say "not in our town". He asked you want to know why your taxes keep going up.

K. Skulczyck stated this is C1, C2; this is not an industrial development to build a smoke tank near your house; but that this is an opportunity to bring businesses to business districts that are going to create an opportunity for our community to lower the tax base for all of our residents. That is a huge opportunity. He stated that I don't care if I am reelected again to be quite honest with you; don't elect me, I don't care. He stated that in the next 12 to 24 months, he is proud to say that there are real business opportunities coming to this town; if you shut these opportunities down, you create an obstacle that has been there for years. Griswold is well known for not wanting business to come to our town. I am telling you first hand, we have created an atmosphere of being non-friendly to business. This is not something that will affect your neighborhood; this is in business areas.

K. Skulczyck stated that I rise in support of this going forward; and I, certainly, ask everyone in this room to support this. This is a very good move and applauds the Economic Community Development Commission. He stated that this year, we have lowered the town budget side by 2 percent under last year's request because I care about our community. If you want to grow that grand list, it is time to start considering the future of Griswold.

M. McKinney asked for any other positive statements.

Jim Barnie stated that we recently had a road study done in the town because people have been complaining about the roads. He explained that the recommendation was to budget \$1.5 million per year for five years to repair and fix the roads in the town. That alone will raise the tax rate 2 mils based on the tax base as it is today.

M. McKinney asked for other positive comments.

James Lynn, Hannah's Market and Deli, LLC, we are in the process of the special exception process and we have been at a standstill for half a year trying to navigate all this stuff. He stated that \$5,000 was the first check he wrote. He stated that he is in support of this.

Warren Asmann, Jennifer Lane, stated that he was from NYC and worked on Wall Street for many years. He stated that he built his house in 2001 and thought it would be a town that would grow; but he has never seen anything so flat in his life. He is used to seeing business coming in and making deals. He stated something has got to give and that when he first move here the taxes were pretty decent; now he asks himself if he is living in the Hamptons on Long Island. He told T. Giard to keep it going.

M. McKinney asked for any other positive comments. He asked for other positive comment. He asked for other positive comments. Hearing none, M. McKinney asked for comments opposed to the application.

Judith Merrill, Edmond Road, stated that she knows that this commission and past commissions have worked hard and you give your time and energy to better the town and nothing she will say is meant to disparage the work that you do. She stated that when zoning first came to town, time and energy went into a plan for orderly development and also to protect the interest and value of properties and the well being of individual property owners. She stated that C1 and C2 provides this balance; she agreed that commercial development is needed in town to grow the town and to offset personal property taxes, however C1 and C2 designations allow this to occur without invasive and intensive assaults on residential properties and need to be protected because many of the residential properties were there before zoning was introduced.

J. Merrill stated that Mr. Giard, in a newspaper article and here tonight, mentioned that combining the categories does not automatically produce planning and zoning approval of projects. She stated to her that was not correct; that if the project meets the required legal standards it will move forward and there won't be a legal reason to reject it, so it most likely would be approved. She stated that there was a special exception approved for a property that created uproar in the town was because precedents already established for that type of special exception for that type business and that was approved before. She stated that the board assumed that if it was rejected any legal challenge would not be successful. She stated that if a project meets the definitions in the zoning regulations, there is no legal reason for you to refuse it.

J. Merrill stated that this proposal will removed the ability of residents to challenge any project that meets Planning and Zoning Commission standards in spite of its intrusiveness. She stated that you can appeal after the fact, but she felt that you should not have to legally appeal something after something is done when there already is a system in place to provide a check and balance for property owners. She stated that the types of commercial development should remain separate and it will damage the board's credibility to relinquish you responsibility to some unelected commission members.

M. McKinney asked for other opposing comments.

Beverly Cholewa, 16 Fairview Avenue, she stated that it is not just the Grills property. She stated that her neighborhood have been fighting for 20 years because American Industries is in a C1-C1 commercial zone and it should be in industrial; and were allowed to ignore a stipulated judgment from the Courts. She stated that this fight has to go to the courts because our commission does not protect the residents; and she is leery of anything wanting to go forward because the people who sit in offices will not take power against them. We and our properties suffer and should not have to spend good money on lawyers. She is against any changes taken out of your hands.

M. McKinney asked for other comments.

Ed Burdick, 764 Voluntown Road, stated that he does not really oppose it or to pass it; he is here at this hearing. He stated it was his understanding that when the C1 and C2 zones were adopted, there was a vision of a village district concept in our town where some zoning will be restricted to protect the village district in certain areas of our town, and in some areas of town, more businesses can be allowed because they will not impact the village district. He asked if this proposal is adopted, could the applicant who wanted to do the auto business on Business Park Way be able to come in and because they meet the guidelines, would they be approved. M. Tristany stated no. He asked for an explanation of why not. M. McKinney stated he did not agree with that; we are not changing the regulations for one person. M. Tristany stated no, that is correct, we are not. E. Burdick asked that if this proposal is adopted, would there be retroactive effect to those people who got permitted uses have to come before the commission to change something they are doing on their property.

M. Tristany stated that for the record, if this ordinance is adopted, there is no retroactive impact on any previous decision the Commission has made. E. Burdick asked if that would be in the regulation. M. Tristany stated that there is no statement in this proposed amendment that allows for retroactive action by any previous applicant, application, or by the commission. M. McKinney stated that we are not expanding any C1 or C2 zones; the areas on the map for C1 and C2 will not change; no residential properties will be changed, what is on the map now for C1 and for C2 are being combined; we are not proposing to expand.

E. Burdick stated that he agreed with the previous speaker and her concerns about appearances, that this proposal is a reaction to a complicated application before the board, people will draw that inference; it does the people who sat through that public hearing a disservice.

M. McKinney asked for other comments.

Valerie Grills, 6 Edmond Road, stated that K. Skulczyck stated that this will not affect your neighborhoods. She stated that there are many C1 zones in many neighborhoods; and this will impact our home values, neighborhoods and our children playing in the streets and riding their bikes. She stated that if you look at C1 zones, they are all in neighborhoods. She stated that if C1 was all by the highway, there would be no impact.

V. Grills asked what the tax abatement is in our town. K. Skulczyck stated that the tax abatement was implemented about 15 months ago and it is on personal property. He stated that we are looking at more aggressive abatement approaches as we gather more economic development and we want to give incentives. He stated that we don't want to be like Governor Malloy to kick business out of our state. He stated that we are looking at state programs for more aggressive abatement programs to bring into town for economic development.

V. Grills asked what the abatement amount would be. K. Skulczyck stated that there is nothing defined right now. K. Skulczyck asked J. Vincent to explain the process. J. Vincent stated that there is nothing automatic, it must go to a Town Meeting; the abatement ordinance requires any business to go before a town meeting to get an abatement. There is no standard abatement for commercial business. K. Skulczyck stated that the abatement must be approved by the Town body. K. Skulczyck stated that there is a defined abatement agreement in process with Wind Change Corporation and the town over 10 years by 10% percent a year from 90% to 10%.

V. Grills stated that giving the business these tax breaks that are supposed to be helping with our taxes; and based on the history of business in Griswold, will the business last ten years or do they change ownership. She asked how many taxes we would really get if we are giving everyone a break on the taxes for ten years; she was concerned.

V. Grills stated that if everything was Highway Commercial, do we want the type of business in the middle of residential neighborhoods. She stated that her property values based on her situation, she was told by three different realtors from three different towns her property value would go down when the holding lot is next to her house. She stated that this change would affect property values. She stated that the size and the impact of the buildings, safety, setting, and traffic, putting businesses in neighborhoods that are bigger and busier will impact the safety of your home. She asked what the collateral damage would be. She cited some instances from the public hearing for the commercial business subdivision ten years ago and they were assured that zoning would be village zoning to protect the neighborhood.

J. Grills stated that her family home has been there for nearly 300 years. She would like to send it to her children but she said that she did not want her children living there. She was concerned that this change will impact the residents and that the board is not protecting residents and that the board is more interested in bringing business and making tax money. She stated that the residents pay taxes and run this town.

Thor Holth, attorney representing Valerie and James Grills, stated that this is a quality of life issue, but that the BOS, PZC IWWCC and the EDC, Planning and Community development looked at this nine years ago and made a report. M. McKinney asked what report he was referencing. T. Holth stated that it was the 2006 Plan of Conservation and Development (PoCD). He cited Connecticut Statute 8-23 of the PoCD for statutory authority and content for the record and Subsection b that the Planning and Zoning Commission shall take into consideration of the PoCD; he stated that it show findings on consistency of the establishment of change and appeal of such regulations and boundaries of this plan. He stated that this plan was adopted July 30, 2007.

T. Holth cited the following sections for the record: Page 67 - Prime Agricultural Lands; Page 97 – PZC'S opinion on Future Land Use regarding C2 to be restricted to areas along the highway and C1 to remain where they are; Page 104 - EDC plan to establish new village, or rural village commercial regulations to encourage small-scale mixed uses. Page 102 - support development on Route 164 and support development of commercial clusters. Page 98 – Future Land Use recommend

certain areas of commercial zones to be eliminated. He stated that this was not done. Page 104 – Open Space & Recreation regarding enhance the rural character of Griswold and Pages 106 and 107 Future Land Use – regarding large commercial and business park uses along State Routes with access to I 395.

T. Holts stated that this plan defines what the commission is to consider for this proposal. He stated that this proposal contradicts every policy in this plan which was drafted by this commission and the EDC. He stated that blending the districts puts us on the proverbial slope. He cited that the office ruling regarding East Coast Auto created a variance.

T. Holth stated that if this commission is blending the districts and continues to utilize their official ruling power; a variance can be created for any lot and creates a dangerous situation that adversely affects the quality of life in this town. He stated that for these reasons we are opposed to this proposal.

M. McKinney asked for other comments.

Dave Vieaux, 59 Leha Avenue, stated that he was against it. He explained that he was at the January 12th meeting where he said that the commission pushed through and made a wrong decision and where Mr. Faulise made misquotes and the town is doing this as a knee-jerk reaction to cover them so they can push through anything in the future. He stated that he definitely opposes it. He stated that we should not be giving businesses a tax break for ten years.

Wendy Mis, Brewster Road, stated that she looked at the regulations on line. She stated saw that the C1 zoning was a buffer between residential and a less intensive land use which she things is appropriate. She stated that we are all tax payers and she did not get abatement on her taxes; but that she was not a business. She was concerned for the health and safety of people who live in residential zones adjacent to a C1 with a more intensive land use. She stated that a special permit may be required so it would consider an airport, a flight school, a runway, an excavation, a gasoline station with underground fuel tanks which are not appropriate near a residential area which is why there is C1 Village. She stated she was disheartened when she hears the First Selectman tell us that business isn't coming in because the C2 zone isn't everywhere.

W. Mis asked that is no one with a bank, beauty shop, drug store, grocery store, music shop or professional office wants to move to Griswold. She asked if these people are being invited to come or are you taking all comers because there is a difference; not all development is good development next to a residential area. She stated that the Commission should consider the fact that residents pay their taxes and that not everyone wants a runway next door.

M. McKinney asked for other comments.

Catherine Londe, 66 Johnson Cove Road stated that she would love to see this go through. She stated that she was flabbergasted that you are so desperate to bring in business and that the underlying problems of why people really don't want to move to Griswold should be fixed but are being overlooked. She explained that she lives near an asphalt plant that gives off chemicals polluting the air, and have polluted the water and have polluted all of their land and everything around us. She stated that the children have to go to school covering their faces because they cannot breathe in the air. She stated that you do not want to understand. She stated that the home sales in Griswold are only a few homes in the paper; people do not want to live in Griswold. She stated that she and her neighbors cannot sell their homes because of the asphalt plant that has been allowed to run illegally for twenty years. She agreed with the lady who said not all business is good business. She stated our neighborhood feels like they are held hostage and that this will happen more and more in this town until you fix the underlying problems first before bringing business to Griswold.

Theresa Madonna, Osga Lane, stated that she did not have a position yet and was here for more information. She stated that for the existing C1 and C2 districts, she was confused about the word blending which concerned her. She stated that all you are doing is eliminating C1 and everything will be encompassed in the larger C2 zoning ordinance. She stated that C2 will be what we end up with and questioned the word blending. She stated that in the zoning regulations, there was a desire for a village district at the time and the town needs to decide is do we not want a village district, do we want all C2 development and if we don't want village commercial, it should be decided; and, as the First Selectman stated, if the zoning regulations are inhibiting commercial development then maybe there should be a larger C2 expansion rather than just a blending of C1 and C2. She stated that she hasn't decided how she feels about it; she just has a lot of those questions.

M. McKinney asked for anyone else.

Sherry Tanguay, 146 Banjo Sullivan Road since 1964, stated that she is hearing the age old argument between getting a balance of quality of life and conservation and economic development. She stated that there is a Plan of Conservation and Development and that the authors decided how those historical beginnings should be reflected; and now it seems there are blinders on only looking at economic development. She stated that consideration should be given to who we are as a

community, and what our values are for the way our children grow up, the health of our residents, our financial well being for maintaining our property values; and this all should be considered before this comes to a vote and what the PoCD should look like. She stated that what the attorney read sounded like something that should be reflected and that she would like to see our historical beginnings being represented. She did not want to see us becoming like Hartford, or New London, or NYC. She stated that we live in a residential area for a reason. We need to find that balance and maintaining the C1 and C2 can achieve that balance.

J. Faulise asked to make a clarification. Judith Merrill made a point of order that this time was for opposing comments. M. McKinney asked J. Faulise to wait for now. He asked for other comments.

Kim Mikolajczak, 13 Quinebaug Camp Road, stated that this board does not protect the residents and we have brought our concerns and it was always being tabled and nothing was ever addressed; and if more big businesses are brought in, what happens when they do not follow the rules. She stated that there were no residences around the shopping centers in Lisbon. K. Skulczyck mentioned Lowes distribution plant and explained that there are approximately 500 homes surrounding Lowes. K. Mikolajczak was concerned that if the one business that is here cannot be controlled, what will happen if more big businesses come here. She stated that there is an empty business next to Rite Aid, why not bring business there. She stated that there is opportunity to bring businesses to town that can be maintained.

M. McKinney asked for more opposing comments.

C. Londe stated that in the town statute there can be no commercial business within 1.8 miles. She did not understand the 500 feet for the C1. M. Tristany stated that the Connecticut General Statutes requires whenever a town is proposing a text change that affects an adjoining town or a map change that may affect properties of an adjoining town, the commission is required to send notification to each town that affected. She stated that she lives 500 feet next from the plant.

M. Tristany stated that this applies to towns; it does not apply to the plant. He explained that anything that American Industries or any other existing business in town wants to do to add, expand or subtract from their existing operation, they must formally make application and plans for what they are proposing must come before this commission; there may be a public hearing required to make those changes; and if a public hearing is not required, the commission may mandate that a public hearing be held.

M. McKinney asked for anyone else to rise in opposition. M. McKinney asked the applicant, T. Giard, if he had a rebuttal. T. Giard explained for clarification that this application does not expand commercial property; it has nothing to do with expanding commercial property in residential areas; it is taking what are already commercial C1 and C2 and blending it into one C Commercial Zone.

T. Giard stated that there are large C1 and C2 zones already; mostly C1 throughout the community especially on Route 164. He cited an example that if a developer interested in a ten acre parcel had a C2 use in a C1 zone such as the Stott property, explaining that a developer looks at this area with interstate access, two highway ramp exits, a sewer plant and some other infrastructure; but that the expensive and time-consuming, multi-thousand dollar process of changing the zone through a public hearing with no guarantee of approval makes a developer look to other communities without these types of issues. He stated that we are eliminating that barrier and by leveling the field where the regulations make sense to a developer, gives us an opportunity to speak with a developer rather than the developer going elsewhere with no chance to meet them.

T. Giard addressed the abatement issue. He stated that the EDC implemented the abatement a couple years ago. He stated that he would rather take 50 percent of something than 100 percent of nothing explaining that the town is getting revenues for that property which helps with the bills for schools and the roads. We are trying to bring a momentum to the community for economic development.

T. Giard explained that people are concerned for the protection of the special exception. He stated that the permitted uses are the permitted uses. He explained that the evaluation criteria for C1 and C2 special exceptions are not being done away with; there will be the same protection; nothing changes. He cited an example that if a residential area is next to an already zoned commercial piece, and there are many examples throughout the area; you can still sit in a public hearing, talk to the commission on an application, you can challenge the application, you can appeal a decision; that does not change; it can happen today; it can happen tomorrow; if we don't change anything, that can still happen. T. Giard stated that we are trying to increase the economic development opportunities

T. Giard stated that regarding the C1 Village Commercial; in the mid 70's, the newly formed planning and zoning commission's goal was to protect and keep the Borough of Jewett City as the focal point for economic development. He cited examples of the businesses then, i.e. a shoe store, an appliance store, clothing stores, hardware stores, gas stations,

and car sales downtown on Main Street, Jewett City; and the highway commercial was out by I-395. He stated that the village commercial has outgrown its need; we are at a point where we need a commercial identity: not C1 and C2. He stated that the arguments in the mid 70's for planning and zoning were fierce, with he as chairman from 1978 to 1992, for planning and zoning to try to protect residential property.

He stated that, today, in 2016, we desperately need commercial development; the state is bankrupt; no money will be coming down from the state. He stated that with the budgets and the money not coming from the state; the money has to come from somewhere; and splitting the town up: pro-education and not wanting to raise the taxes and it is a battle.

He asked the residents for their help and it will not affect your quality of life; the Planning and Zoning Commission is here to protect that; nothing changes. He asked for questions.

S. Tanguay asked how the Grills rights were protected even in the C1 zone and when the two zones are blended when C1 will be absorbed into the C2. T. Giard stated that the protection was that the item came up to the planning and zoning commission for consideration, there was an appeal process which they took, there was a settlement involved where sides gave a little bit. He stated it is not a perfect system, but that the system works, the criteria can be brought to the commission at a public hearing and bring up your concerns; and that there is the appeal process.

M. McKinney stated that this public hearing will not be closed tonight. He stated that we will review the PoCD and speak with the town's counsel. He asked for further comments.

J. Faulise made comments regarding the regulations explaining that the regulations were adopted in 1973, they must be a living breathing entity, where there are amendments made; there is a section in the regulations so that the commission or anyone else can modify those regulations. He stated planning and zoning commission is required that the PoCD be updated every ten years; the PoCD referred to now was adopted in 2007, and it expires next year; this is a state requirement that the PoCD be evaluated every ten years to look ahead to see what direction the town wants to go in, and to establish goals, and to look forward to the next 10 years; it is not a look backward to the last 10 years to maintain the status quo.

J. Faulise stated that the last C1 and C2 zoning regulations were amended was in 2000; and the biggest change was that a special exception was required for projects in excess of 5,000 sq. ft. He stated that this special exception requirement and the 5,000 sq. ft. threshold deterred a lot of development; this has been in effect for the last 16 years and there has not been a lot of development. He stated that those changes as they come in and what sense it makes moving forward, not looking backward.

J. Faulise stated that it was mentioned that C2 zoning districts should remain along state highways. He stated that there are 31 commercial zoning districts that abut state highways; 22 of them are C1 and if those are changed to C2 along the state highways, we will have accomplished a lot in this process. He urged the Planning and Zoning Commission in reviewing the PoCD, to not look at what was there 10 years ago; but to look at the next ten years and how this plays into it.

E. Burdick stated that this hearing was a good start. He stated that the word blending by the applicant is a bad term. We need commercial development. He stated in looking forward, there can be a compromise where there is a village commercial somewhere in the town for that type of esthetic value. He stated that the town needs infrastructure; the town should buy property to put in a business park for more intensive uses along state highways. He was concerned that more intensive uses would damage residents' wells, their only water source; he cited Ames as an example. He stated that we must face reality; he commended T. Giard in his explanation during his rebuttal. He stated that commercial development may have an adverse impact next to a residential area.

He stated we have to accommodate our tax base which is shrinking; the state is really broke; money will not be coming from the state; it will fall to the municipalities. He stated that we have been here, 200 or 300 years, there are parts of town that we may want to protect by creating a village district; and to set aside money for expanded development along I-395 and use that commercial artery to address the need for economic development. He stated that this is a good start and he commended everyone for coming out.

Bev Cholewa, Fairview Avenue, she stated that she was all for development along the 164 corridor; she asked how this board is going to protect the residences there. We have not been protected, and that American Industries did not even start paying taxes on the rock crusher and the asphalt plant and are assessed at \$110,000 which K. Skulczyk can confirm. She asked how that figure increases our tax base and asked how this board is going to protect and monitor development. M. McKinney stated the Planning and Zoning Commission has no impact with American industries which was started prior to zoning and is grandfathered and we are limited on what we can do. He stated that as far as protecting the surrounding residences, we do have landscaping buffers, we do have regulations; and we made some concessions with spending more

money on landscaping buffers for abutting neighbors. He stated that this commission denied an application for UCS first location because the use would be too intense for the size of proposed lot, and there was a well in that area that created a concern.

M. McKinney stated that the commission does try to work things through and there was a lot of forethought given to extend buffers, and to accommodate developers to spend more money to make the buffers wider, or higher between commercial and residential.

K. Skulczyck stated that assessment and tax collection is no his prevue; the assessor is in the process of reevaluating all of the commercial properties in town; last year it was discovered there was over \$6 million in un-assessed values. He stated that there are many problems that need to be fixed for the past 10-12 years throughout the entire town. He suggested tabling this as M. McKinney stated and to get an opinion from the town attorney for questions raised. We don't want to rush to judgment and want to include the entire community.

M. McKinney stated that this public hearing will be continued and asked the residents to come again. He acknowledged D. Vieaux to speak.

Dave Vieaux, 69 Leha, he stated that taxes and economic development may be an issued; and that he talked with business and business won't come to town because there is no police force to protect it; there are two state troopers in the town of Jewett City and there is nothing in the town. He asked what business will bring its inventory here if there is no police force to protect it. He stated that he attended an EDC meeting to encourage a balance between historic value, the rural community and the farming community with new business.

K. Skulczyck stated that Jewett City is not a town; it is one of seven towns that have Boroughs in Connecticut. He stated that he has fought two years for resident troopers.

M. McKinney asked for a motion to continue this public hearing. D. Szall stated that the next meeting is March 14 and there already is a public hearing scheduled for 6:30 p.m. There was discussion of this matter.

MOTION: C. Kinnie move to continue the public hearing for ZC 01-16 to March 14, 2016 at 6:45 p.m. in the town hall meeting room. P. W. Zvingilas seconded the motion. All were in favor. The motion was carried.

II. **SPECIAL MEETING (7:00 P.M.)**

1. **Call to order:**

M. McKinney called this special meeting to order at 8:00 pm.

2. **Roll Call**

Present: Martin McKinney, Courtland Kinnie, Charlotte Geer, Alternate Tom Palasky, Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Erik Kudlis, James Krueger, Alternates Tom Palasky, Robert Parrette,

3. **Determination of Quorum**

M. McKinney appointed P. W. Zvingilas to sit for J. Krueger. There was a quorum for this special meeting.

4. **Approval of Minutes**

A. Approval of Minutes of the Regular Meeting of January, 11, 2016 Approval of Minutes of the Regular Meeting of January, 11, 2016.

M. McKinney asked for approval of the minutes.

MOTION: C. Kinnie moved to approve the minutes of the regular meeting of January 11, 2016. C. Geer seconded the motion. All were in favor. The motion was carried.

M. McKinney stated that the Salute to the Flag be added as part of the Agenda.

5. **Correspondence and Attachments**

A. Letter dated October 13, 2015 Seymour Adelman of Seymour's Sand and Stone, Inc. requesting renewal of a SE 03-08 at 0 Rita's Way.

M. Tristany stated that Mr. Adelman is asking for a renewal of SE 03-08 for gravel excavation for a two year extension based on our regulations for a renewal every two years. He stated there is a Google aerial photograph in the file showing the site as well vegetated except for the central area. M. Tristany stated that there is a \$12,000 bond for erosion and sedimentation control measures with the town. He stated that staff recommends that the commission grant an additional two year extension. M. Tristany stated that Mr. Adelman is here tonight.

Seymour Adelman explained that he hadn't taken anything out during the last two years. He stated that only 2 acres out of 32 acres was disturbed. There was discussion of this matter.

M. McKinney asked if any commission members had any questions. There were no questions.

5. Matters Presented for Consideration

A. ZC 01-16 GRISWOLD ECONOMIC DEVELOPMENT COMMISSION, 28 MAIN STREET, GRISWOLD, CT. Requesting a Text amendment to blend the C-1 Zone and C-2 Zone into one C Commercial Zone town-wide and a Map Amendment to replace c-1 and C-2 Zones on the zoning map town-wide into one C Commercial Zone in order to reduce the barriers to increase economic development.

M. McKinney stated that this was a public hearing that was continued to the March meeting and asked for a motion to table.

MOTION: C. Kinnie moved to table ZC 01-16 to the next regularly meeting on March 14, 2016. C. Geer seconded the motion. All were in favor.

B. SE 03-08 SEYMOUR'S SAND & STONE, 0 RITA'S WAY (ROUTE 12), GRISWOLD, CT. Renewal for two years of a gravel excavation permit. No gravel has been removed since the previous extension. A cash bond of \$12,000 is in place. Property is zoned C-1.

C. Kinnie asked what the size was of the whole parcel. S. Adelman stated that it was 32 acres. He stated that the address is 00 Rita's Way, that he accesses the site using Route 12. M. McKinney asked for a motion.

MOTION: C. Kinnie moved to approve the renewal of SE 03-08 for another two years for the gravel excavation. P. W. Zvingilas seconded the motion. All were in favor. The motion was carried.

C. ZP 02-16 SARA & JIMMY LOARCA, 169 NORTH MAIN STREET, JEWETT CITY, CT. requesting approval of a Zoning Permit to create a Barber Shop and Hair Salon. Property is zoned Borough Residential Commercial.

M. McKinney asked if there was someone to represent the applicant. P. Zvingilas recused himself from this matter as he had been removed from this case.

M. Tristany read Section 2.2.3 of the Borough regulations for the record that commercial uses must be reviewed by the Planning and Zoning Commission. M. Tristany stated that Sara and Jimmy Loarca submitted an application and site plan to change the use of the former soda redemption warehouse to a barbershop and beauty salon. J. Loarca passed out a site plan, floor plan, and photographs to the commission. M. Tristany stated that they have a presentation.

S. Loarca stated that they are moving the Family Headquarters from the Slater Mill Mall which is falling down and moving to this location and that it has been an existing business in the town for 28 years. M. McKinney asked how many barbers and hairstylists will there be. S. Loarca stated that there are three barber chairs and one hair stylist chair. She stated that they have received approval from Uncas Health District. She stated that there is an approval letter from the Jewett City DPU.

M. McKinney stated that we are reviewing this because it is a change of use. M. Tristany stated yes. M. Tristany stated that they have adequate parking and an existing garage; there are two apartments with two spaces for each apartment. There is an existing garage on the opposite side of the property that they own and provided parking for that. He stated that they will be repaving the parking area and adding decorative landscaping that is shown on the parking plan submitted. He stated that they have replaced the front windows in the store front

and there are extensive renovations to the interior as shown in the floor plan. He stated that they meet all of the borough zoning requirements. He stated that letters from Uncas Health and from Ken Sullivan, Direction of JCDCU who indicated that there are no concerns for chemicals used in hair processing and hair dying.

P. W. Zvingilas asked if there was consideration given to handicapped parking. M. McKinney asked where would be the best location for the handicapped space. M. Tristany stated that the most logical space for it would be behind the little grass island in the front between the entrance and exit that is closest to the store front. He stated that there is also on street parking in front of the store front. There was discussion of this matter regarding retrofitting uses in borough to meet the zoning parking requirements and any waivers would have to be obtained by the Zoning Board of Appeals.

M. Tristany stated that the windows are gone and the overgrown trees have been removed from the front of the building. P. W. Zvingilas asked about sign requirements. M. Tristany stated they will submit an application for the sign. S. Loarca stated that for now they will have decals in the window and later they will have a sign. M. Tristany asked about the brick work. S. Loarca stated that they are removing the paint from the brick which is in good shape. M. McKinney asked for comments from the commission.

C. Kinnie stated that there is adequate parking as well as on street parking. He stated that this use is well within what is permitted by right and it is a change of use from what was there before which is in the regulations. He stated that this utilizes an existing commercial building here in the borough and is an improvement to what is existing.

MOTION: C. Kinnie moved to approve ZP 02-16. C. Geer seconded the motion. All were in favor. The motion was carried. M. McKinney stated that staff will handle the handicapped parking space as part of this application.

6. Additional Business

- A.** Discussion of Letter from Attorney Harry Heller dated January 11, 2016 regarding American Industries, 630 Plainfield Road, Griswold.

M. McKinney stated that H. Heller is not here today because our town attorney was ill. He asked for a motion to table this matter.

7. Old Business

There was no old business.

8. New Business

There was no new business.

P. Zvingilas returned to give his report at 8:20 p.m.

9. Reports from the Enforcement Officer

P. Zvingilas stated that there have been a number of request from people who have assisted living units where the occupant must be a relative by blood or marriage. He stated that these are under a certain square footage. He stated that a number of people have failed to renew the accessory units. He has made suggestions when it was originally proposed that the accessory unit could have a caregiver living there to care of the homeowner.

He state that he spoke to the town attorney who told him that it was his experience that most of the commissions have eliminated the requirement that the occupant be related; because it is not enforceable; and when the condition no longer exists, what do you do with the created apartment. M. McKinney asked what would keep it from becoming a two-family. P. Zvingilas stated that the attorney told him that the commission can look at the accessory unit to be designated as an affordable housing unit and those units would be added to the affordable units in a town that requires a town to have 10 percent affordable housing. M. McKinney asked if this will be expanded or use it just for what is existing now.

David Vieaux spoke out from the audience and asked if this was about his complaint against 61 Leha. P. Zvingilas stated that it does include that one. He stated that that person has twice the acreage to have a two family. D. Vieaux stated that he submitted his complaint because the assessor told him that he was not being taxed for the rental apartment; it is an in-law accessory apartment. P. Zvingilas stated that it is taxed as an accessory unit. He stated that we are talking about it in

broad terms, not this complaint. There was discussion of this matter. P. Zvingilas state that he will have the town attorney send us something on that. D. Vieaux stated that he submitted to other complaints to the zoning enforcement officer

M. Tristany stated that the town attorney was specific that because this is a special meeting, we cannot add anything to it.

10. Adjournment

M. McKinney asked for a motion to adjourn. P. W. Zvingilas moved to adjourn. C. Kinnie seconded the motion. All were in favor. This special meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Donna M. Szall
Recording Secretary