



# Town of Griswold



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## GRISWOLD ZONING BOARD OF APPEALS

REGULAR MEETING  
MINUTES

NOVEMBER 7, 2012

GRISWOLD TOWN HALL

### I. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

#### 1. Call to Order

Theodore Faulise, Chairman, called this meeting of the Griswold Zoning Board of Appeals to order at 7:00 p.m.

#### 2. Roll Call

**Present:** Theodore A. Faulise, Dorothy Doucette, Ronald Jodoin, William Przulucki, Duane Button, ZEO Peter Zvingilas, Recording Secretary Donna Szall

**Absent:** Ronald Anthony, Alternates Louis Demicco, III, Maryann Manning,

#### 3. Determination of Quorum

T. Faulise appointed D. Button to sit for R. Anthony. There was a quorum for this regular meeting of the Zoning Board of Appeals.

#### 4. Matters Presented for Consideration

**A. ZBA 02-13 Assets Associates, LLC, 48 Sherwood Lane, Norwich, CT 06360. 411 Voluntown Road, Griswold.** Requesting relief from Town of Griswold Zoning Regulations Section 11.8.2.2a to reduce front landscape area from 30 ft. to 10 ft., Section 11.8.2.2b to allow 1 shade tree for each 60 ft of front lot width from required 1 shade tree for each 25 ft. of front lot width, and Section 11.8.2.4 to reduce the 25 ft. landscape buffer adjacent to a residential use to no landscape buffer in order to construct an 8000 sq. ft. building to house United Community & Family Services Health Center. The property is zoned C-1.

T. Faulise explained that this application was improperly notices last month since it did not have the subject property listed. He stated that that there is a letter in the file which he read for the record requesting that the public hearing be continued to December 17, 2012. D. Szall stated that the date should be December 5, 2012. Jim Bernardo, land survey was representing the applicant he explained that the executive committee could not meet because of hurricane Sandy. He corrected the letter's date to the correct date of December 5, 2012. There was discussion of this matter.

T. Faulise asked for a motion to continue this public hearing.

**MOTION:** D. Doucette made a motion to continue this public hearing to the December 5, 2012 meeting. R. Jodoin seconded the motion. All were in favor. The motion carried.

**B. ZBA 03-13 Ware, Ryan & Beth, 222 Shetucket Tpke, Griswold, CT 06351. Property location: 194 Shetucket Tpke, Griswold.** Appeal of Zoning Enforcement Officer/Building Official denial of building permit due to the inability of Zoning Enforcement Officer/Building Official to verify the property location as an approved building lot.

T. Faulise stated that this is section 17-4 of the Griswold Zoning Regulations and State Statute 8-7. He asked if the applicant was present. Joseph Przulucki, 222 Shetucket Turnpike Griswold stated that he was representing his daughter

and his son-in-law, Beth and Ryan Ware. He explained that they are appealing the zoning enforcement officer's denial for a building permit because it could not be determined that the property was an approved building lot.

He stated that his daughter spoke to the assessor who told her that it was a building lot and they have been sending a tax bill out. D. Doucette stated that she has a copy of the tax assessor's card. He stated that in 1977, his parents did a subdivision as a condition of sale from the Wylers. Przulucki stated that this was an approved building lot in 1977. J. Przulucki stated that he could not find any documentation in the town hall regarding this subdivision. He submitted a letter from his mother's documents dated January 16, 1977 for the record. T. Faulise labeled this letter Exhibit A. T. Faulise read the letter for the record.

D. Doucette stated that they have received a tax bill for that lot for a number of years. J. Przulucki stated yes for many years. T. Faulise asked if the current site plan was done by deeds. J. Przulucki stated that it was done by deeds and surveys for the bank. There was discussion of this matter. He stated that Roland Harris did the site plan for his shop building as a subdivision that went through the normal process.

T. Faulise asked if it was a fifty foot strip going to the back. J. Przulucki stated that it was a 60 foot strip. T. Faulise asked this lot meets the current regulations for a legal lot. J. Przulucki stated that the lot does meet the current regulations for a legal lot.

T. Faulise asked about the site plan for the subdivisions. P. Zvingilas stated that there are 3 maps stapled together. He explained that when the property was bought from Wyler, the property is all inclusive that was dated in 1979. He stated that it is a large parcel of 52 acres. He stated that the parcel with the garage was split off in 1979. J. Przulucki stated that it was done in 1989. T. Faulise stated that it was in April 1989 for a two lot approved subdivision. Beth Ware submitted a tax assessor map that showed the three separate pieces. There was discussion of this matter including that Dick Mansfield was the original surveyor.

T. Faulise asked the size of the proposed lot. B. Ware stated that it was 8.42 acres. T. Faulise asked who consulted Attorney Norman. J. Przulucki stated that they did. T. Faulise read an e-mail from Mike Carey, town attorney for the record that Attorney Carey agreed with Mr. Fontneau that the subject lot was done without the proper approvals. T. Faulise asked if there has been a title search. J. Przulucki stated that Attorney Norman is working on that now. T. Faulise asked P. Zvingilas if he had any changes on this matter. P. Zvingilas stated that on the second map shows the approved subdivision in 1989 for the garage. He stated that the same property for the site plan done by Eric Seitz, they cut of a 50 foot piece for the third lot. There was discussion of this matter.

T. Faulise asked if it was a formality to go the P & Z. P. Zvingilas stated that they have an application for a re-subdivision for P & Z. J. Przulucki stated that M. McKinney suggested that he go to P & Z. T. Faulise asked if it was scheduled already. J. Przulucki stated that it was. T. Faulise asked if he had a problem going the P & Z. J. Przulucki stated that he did not have a problem going for the subdivision; but that he would want his tax money back and that ZBA must decide that this is not a building lot. P. Zvingilas stated that there was an approved subdivision and now there is a third lot made up by deed by Eric Seitz; but that it must go to planning and zoning for a subdivision. T. Faulise asked what the actual deed shows and what the year of the deed was. P. Zvingilas stated that the legal document is the subdivision done in 1989. There was discussion of this matter including that \$1500 in taxes have been paid since 2003.

D. Button stated that we should send it to P & Z for them to approve it. P. Zvingilas stated that it will probably approve this re-subdivision and it conforms to the subdivision regulations. He stated that if this is denied as a building lot, then he could get money back. T. Faulise stated that if the lot meets all the requirements, the subdivision should not be denied. P. Zvingilas stated that they have septic approval and enough frontage, and enough acreage and this was partially presented to P & Z last month and they suggested a re-subdivision. There was discussion of this matter including that a planning and zoning appeal is through superior court.

T. Faulise asked for a motion to continue this public hearing to the next meeting on December 5, 2012 and that the applicant can come back with more information or they can withdraw the application. W. Przulucki recused himself from this motion.

**MOTION:** D. Doucette made a motion to continue the public hearing to the December 5, meeting. D. Button seconded the motion. All were in favor. The motion was carried.

5. **Old Business**

- A. Approval of the minutes from October 3, 2012.

T. Faulise asked for any corrections or omissions.

**MOTION:** D. Doucette made a motion to accept the minutes as presented. R. Jodoin seconded the motion. All were in favor. The motion was carried.

6. **New Business**

- A. Action on 2013 Schedule of Meetings requested from Ellen Dupont, Town Clerk.

There was discussion of the schedule of meetings. T. Faulise asked for a motion to accept the schedule of meetings for 2013.

**MOTION:** D. Button made a motion to accept the 2013 schedule of meetings. R. Jodoin seconded the motion. All were in favor. The motion was carried.

7. **Correspondence**

8. **Adjournment**

T. Faulise asked for any other business.

**MOTION:** R. Jodoin made a motion to adjourn. W. Przylucki seconded the motion. All were in favor. The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Donna M. Szall  
Recording Secretary