GRISWOLD ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MARCH 4, 2020
GRISWOLD TOWN HALL – FIRST FLOOR MEETING ROOM

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

1. Call to Order

Chairman T. Faulise called the meeting to order at 7:00 P.M.

2. Roll Call

Present: Theodore Faulise, Joseph Savino, Gordon Santerre, William Przylucki, Mathew Picco, Attorney
Ken Slater and Recording Secretary Kate Laccasie
5 People of Interest
Absent: Thersa Madonna, Duane Button, Lee Zabbo,

3. Determination of Quorum

Chairman T. Faulise sat J. Savino for T. Madonna. It was determined that a quorum of the Commission was
sealed.

4. Matters Presented for Consideration

A. Consider approval of a Joint Motion to Re-Open and Modify Judgement to Amend Stipulated Judgment
dated November 10, 2015 in the case of Town of Griswold vs. Pasquale Campitano, D/B/A American
Sand & Gravel, Inc., original Docket No. KNL-CV-95 0107322S, new Docket No. KNL-CV-95-
4013217S (a zoning enforcement action), which action was consolidated by the Superior Court on April
No. KNL-CV-95-0107092-S (an administrative appeal of a decision of the Zoning Board of Appeal
rendered on January 5, 1995). Both actions concern property at 630 Plainfield Road, Griswold and the
operation of an excavation operation and bituminous plant there doing business as American Sand and
Gravel, Inc. The Motion to Amend Stipulated Judgment is to amend a Stipulated Judgment dated June
20, 1997 in Docket No. KNL-CV-95 0107322S to allow the operation of the asphalt plant (but not other
earth products processing) to operate for up to four (4) additional hours per day (an increase from 12 to
16 hours/day) but excluding any operation between 5 pm on Friday and 4 pm on Sunday; and for up to
128 additional hours per year, but not to exceed 16 hours/day on Friday, Saturday, Sunday, or legal
holidays; to increase the height of a berm along the northerly and northwesterly periphery of the subject
property and to vegetate the same; and to continue the prohibition on expansion or extension of the
existing legal nonconforming uses on the subject property. The full text of the June 20, 1997 Stipulated
Judgement and the November 10, 2015 Joint Motion to Re-Open and Modify Judgment to Amend
Stipulated Judgment are available for inspection in the Planning and Community Development Office
during regular business hours at Griswold Town Hall.

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• Attorney Ken Slater opened the public hearing by stating that Connecticut when parties are in a law suit, with the exception of lawsuits from a Land Use Commission, parties can settle their own cases, they don’t need court involvement. Certainly parties can settle cases and get the court to enter agreed judgments so that there enforceable by the court. The law provides that these kinds of cases involving Land Use Commissions are settled in the open. They require a few things; the settlement has to be presented to the court, and the court has to approve it, at a hearing. Under rules that were adopted by the judicial system, and appeal process the commission needs to approve the settlement before the court will approve it. Attorney Ken Slates recommendation in this instance, is that the commissions hear from the public as to why the settlement should or should not be granted.

• Attorney William McCoy of Heller, Heller and McCoy 736 Norwich New London Turnpike, Uncasville, representing Pasquale Campitano and American Industries, stated that he believe this settlement is a fair resolution. The State now does all its road work at night. What that means for asphalt plants is that the material needs to be made at night. What is true in the stipulation is that the continuing understanding that this is a pre existing non conforming use. One of things that have changed is an adjustment in the berm for noise blocking purposes, and the second is extension of operating hours. Parties have negotiated this agreement in good faith.

• Attorney Derek Otis representing a few of the Griswold residents, stated, that in 1997 the Town Planner signed an affidavit saying American Industries was violating zoning regulations, by the operation of asphalt. The Land Use Commissions doesn’t have any evidence that this is a legal non conforming use. The operation is against Zoning Regulations. D. Otis stated the agreement that was made increased the hours of operation drastically, changing the nature of the business. The commissions were not part of the agreement, but they do have the power to change the terms of the agreement.

• Mike McKenna, 64 Johnson Cove Road asked if it’s about DOT hours or more production.

• Dave Vieaux 59 Leha Ave discussed the results of the sound test stating a third party test should be completed.

• Bevan Sweet, 28 Harvey Lane stated, it’s unreasonable to extend the hours of operation. The material can be produced, stored in silos and distributed in the evening.

• Donald Roode, stated he has no objection to the agreement.

• Justin Dunn, American Industries Employee stated he was in favor of the agreement.

• Attorney W. McCoy stated the sound test was done by state statute standards. The berm is in place for noise blocking reasons. The bottom line is that the expanded hours are a result of what’s going on in the asphalt industry.

• Chairman T. Faulise closed the public hearing at 8:00 P.M.

• MOTION: G. Santerre made a motion, which was seconded by J. Savino, to approve the modified judgment. The motion passed unanimously.

B. ZBA 02-20, 20 Arrow Head Drive, Griswold, CT requesting relief from Section 10.3 the Griswold Zoning Regulations to reduce the side yard setback from 30 ft. to 17.3 ft. in order to construct a 28 ft. X 28 ft. garage. The property is zoned R-40.

• Applicants John & Lindsey Gladue stated they were present. Certified mailing receipts and notification to abutters were submitted for the record. J. Gladue stated that due to the location of
the septic tank and leaching field, the proposed location of the septic tank is the only realistic place for it. The garage will be strictly for personal purposes. J. Gladue stated the photo submitted with the application is an accurate representation of the garage that is going to be constructed.

- Chairman T. Faulise closed the public hearing at 8:15 P.M

- **MOTION:** G. Santerre made a motion, which was seconded by J. Savino, to approve application ZBA 02-20. The motion passed unanimously.

5. **Election of Officers**
   
   A. **Chairman – Nominations for Chairman**
      
      - **MOTION:** G. Santerre made a motion, which was seconded by J. Savino, to nominate Ted Faulise as Chairman. The motion passed unanimously.

   B. **Vice Chairman – Nomination for Vice Chairman**
      
      - **MOTION:** M. Picco made a motion, which was seconded by B. Przylucki to nominate G. Santerre as Vice Chairman. The motion passed unanimously.

   C. **Secretary – Nominations for Secretary**
      
      - **MOTION:** T. Faulise made a motion, which was seconded by G. Santerre, to nominate M. Picco as secretary. The motion passed unanimously.

6. **Old Business**

7. **Any Other Business**

8. **Adjournment**

   Chairman T. Faulise asked for a motion to adjourn tonight’s meeting.

   - **MOTION:** M. Picco made a motion, which was seconded by G. Santerre to adjourn the meeting at 8:19 P.M. The motion passed unanimously.

Respectfully Submitted,
Kate Lacasse
Recording Secretary