



# Town of Griswold



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

## GRISWOLD PLANNING & ZONING COMMISSION

### REGULAR MEETING MINUTES

DECEMBER 12, 2011

GRISWOLD TOWN HALL

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

##### 1. Call to order:

Vice Chair, M. McKinney called this regular meeting to order at 6:35 p.m.

##### 2. Roll Call

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

**Absent:** Charlotte Geer

##### 3. Determination of Quorum

There was a quorum for this public hearing.

##### 4. Matter Presented for Public Comment

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

M. McKinney asked C. Fontneau to explain this item. C. Fontneau explained that this public hearing will be an abbreviated meeting. M. McKinney asked if there was anyone to represent the applicant. Mario Tristany of Stadia Engineering was representing the applicant Attorney Ed Konsinski, Pleasant View Associates, LLC. Also present was Jim Rossman of Stadia Engineering. M. Tristany explained that a letter dated 9/1/06 authorizing Stadia Engineering to represent him. He submitted a copy to the file. He submitted the abutters' notifications. M. McKinney asked if it was his representation that all the abutters were notified. M. Tristany stated yes.

M. Tristany submitted the abutters notification letter date 11/30/11 notification to the abutters that consisted of Exhibit A Pleasant View application, Exhibit B, copy of the site plan, Exhibit C descriptive narrative of the multifamily project, Exhibit D copy of the legal notice. He submitted a copy of the Inland Wetlands permit which he read for the record. He submitted smaller copies of the site plan that had been approved by the Planning and Zoning Commission in 2004 and the Wetlands Commission. He explained that two buildings with six units have been removed from the plan; the twelve units have been added to the original remaining 4 unit buildings which keeps the approved number of units of 102 units.

M. Tristany submitted elevation drawings of the four and six unit buildings. He stated that this application is to reduce the overall impacts to the onsite wetlands from the already approved site plan.

M. Tristany explained the five bio-retention basins which will catch the first flush of a rain event that contains particulates, oil and grease contaminants; the basins are designed to catch those contaminations. M. McKinney asked if this is a new proposal. M. Tristany stated that this is part of the change to the approved plan. He stated that there have been technology and state regulations require pre-treatment. He stated that there are two Stormceptors to be located on the site to collect and remove pollutants. M. McKinney stated this is wetlands. M. Tristany explained that this commission is responsible for the drainage of a development.

M. Tristany explained that there will be 20 1-bedroom units, 46 2-bedroom units, and 36 3-bedroom units and a community building as part of the first phase. M. McKinney asked if there were phase lines on this plan. M. Tristany stated that there is a phase plan in the file. He stated that the access road remains as it was designed with a boulevard entrance which is 600 feet in length with a green divider to create two lanes. He explained that there is an emergency entrance from pleasant view made with concrete grass paver to accommodate emergency vehicles and will appear as a green area.

M. McKinney asked if this was a new application. C. Fontneau stated that this was a modification of the approved site plan. M. McKinney asked if this will become one plan. M. Tristany stated that it will become one plan set. He stated that the descriptive narrative was prepared. Stadia and the town's engineer David Held are in communication and the town engineer is reviewing the plan. There was discussion of this matter.

M. Tristany stated that everything will remain the same except for taking the two buildings out of the wetlands. M. McKinney asked about elevations. M. Tristany stated that the elevations will remain the same except for those that David Held feels should be modified concerning the drainage. He stated that the road will essentially remain the same, the building parking were changed to make the area appear more residential in nature. M. Tristany stated that the road will be reduced from 28 feet to 24 feet from curb to curb to reduce the impervious surfaces and environmental impact. M. Tristany stated that David Held stated that it will be adequate. M. Tristany state that the road will be privately maintained. There was discussion of this matter. D. DeGuire asked about the parking for the new buildings. M. Tristany stated that this is such a small drawing it is hard to see the parking. The parking is visible on the larger site plan and all the parking is shown. M. Tristany stated that there is extra parking around the perimeter of the site for the community building and for overflow parking for residents' guests.

Member L. Laidley arrived at 6:55 p.m.

M. Tristany submitted a letter that this public hearing be continued to the next regular meeting. J. Krueger asked about the location of the entrance to Slater Avenue. M. Tristany stated that the entrance is near Ann Street which goes to Slater Avenue. There was discussion of this matter.

M. McKinney asked if there were questions from the commission.

J. Krueger asked if a traffic impact study was done. M. Tristany stated that it was done for the original plan in 2004. E. Kudlis asked if there will be parking on the main drive. M. Tristany stated that the only parking will be allowed in front of the units and the extra parking in the overflow parking areas. M. McKinney asked how many total parking spaces. M. Tristany stated that they have added 41 extra parking spaces. M. Tristany stated that the roadway is 2900 linear feet. B. Hull asked if there would be sidewalks there. M. Tristany stated yes, they were required for the original approval as well as on Pleasantview. M. Tristany showed where the recreation area for the development will be located in the middle of the development. M. McKinney asked if there are two bedrooms in each unit. M. Tristany explained that there will be 1, 2, and 3 bedroom units in each building. There was discussion of this matter.

M. Tristany stated that the owner has installed the sewer line extension and paid \$408,000 buy-in tie-in fee to the utilities and that the sewer line was increase to 8 inches. E. Kudlis asked if there will be drainage work on Pleasant view itself. E. Kudlis stated that there has always been a problem with the drainage and asked if it would add to the problem. M. Tristany stated that they mapped the watershed for this property. M. Tristany explained that there will be some drainage work because there is a catch basin that is behind the sidewalk that the town installed on Pleasant View. There was discussion of this matter.

C. Kinnie would like to see the Town Engineer's review. C. Fontneau asked if M. Tristany will present the performance guarantees changes, site restoration bond. M. Tristany stated that they have not received any information from David Held. M. Tristany stated that all three phases will be bonded together into one payment in a passbook account.

P. Zvingilas asked if this was reviewed by the Fire Marshal. C. Fontneau stated no, we are waiting for the new plans to give to the Fire Marshal. M. Tristany stated that David Held's review will run an auto turn program using a bus calculation and there is a detail of the largest truck that Griswold has that can be plugged into that program. There was discussion of this matter.

M. McKinney asked for comments from the public.

Pamela Reinholtz, 180 Pleasant View Street, read a letter for the record of her concerns for this project. Her concerns were: bonding of the project, phasing of the project and the changes to the site plan for wetlands and runoff; the location of an existing foundation is not a foundation but is a reservoir built to feed the Brewster house and Brewster Street in the Borough so it is a structure of historic value. She had concerns for the construct cost estimate and earth work is 19,000 sq. yds. and there is 1900 sq. yds. of rock excavation. She would like to see boring reports and blasting plan presented and that there should be compensation for any damage caused by any blasting to nearby homes be added to the bond estimate. She had concerns for the water retention plan in the first phase closest to the street to provide for the runoff not to leave the property at the street level. She submitted pictures of water collection in the wetlands area that was collected after a storm event on December 7, 2011 after 24 hours and the Curran property where the culvert drains into the pond across from the proposed site. She was concerned that the existing stream will become a pond flooding the neighboring property and become a mosquito breeding ground and that it will flow onto her property and the runoff should stop at the property line. She asked if the site restoration bond will provide for an annual cleaning or removal of the Stormceptors if the project is not built. How will address the landscape changes be addressed as they pertain to the swamp and culvert. If there is blasting, and the project not completed how will the bonding address reclaiming the landscape and the draining. She asked if the walking path be utilizing the wetland areas and how the wetlands will and adjacent properties be protected. She asked if the 5 bio-retention ponds and the retention ponds have a mosquito prevention and algae prevention plan. She was concerned if the lighting will remain on the site and if the lights will be full cutoff fixtures because the buildings are at the high point of the property. She suggested that there be trees be planted near the roads and buildings to obscure the lighting from the adjacent neighbors. She would like these issues addressed before the next public hearing.

M. McKinney asked for other comments from the public.

Norm Higgins, 186 Pleasant View Street. He stated that he would like to see the project go forward because the town needs. He would like to see the how plan to see how it works. He stated that these concerns were addressed a long time ago. He stated that he did not see a problem with the lighting because they are 200-300 yards away. He was glad that there will be a recreation area for all of the residents who will be living there. He stated that Pleasant View Street is very narrow, and he was concerned that if there is a fire call, the road is not wide enough to make the turn; and that they should come up Ann Street. He stated that when the project is done, the town should think about making Pleasant View Street one-way from Ann Street to Route 138 and Route 164 because of the potential of an extra 200 cars. He stated that there was a school bus/car collision because of the traffic. He stated that the land at the corner of Route 138 and 164 is commercial property and when it is sold, it will have a side walk.

M. McKinney asked if the children will walk to the schools from this project. P. Zvingilas stated that up to third grade, they take the school bus to school. N. Higgins explained that he did his own traffic study of Pleasant View and Route 164. He would like to see the town put up better signs that there are children in the area for them to slow down. M. McKinney stated that signage and the one-way road designation are decided by the Board of Selectmen. L. Laidley asked how many children live on Pleasant view. N. Higgins stated that most of the children who walk that road come from Taylor Hill Road.

M. McKinney asked for other comments from the public.

Donald Butremovic, 275 Taylor Hill Road. He stated that he was concerned with the reservoir at the back of the property that goes to Mrs. Curran's property. He asked if it will be diverted and how it will be handled. He was

concerned that Pleasant View Street is a small street with a lot of traffic and with the new project will create more traffic and he was concerned for the school children.

M. McKinney stated that he would like to have the public hearing continued to next month so that all the issues can be addressed. He stated that if the items are not ready, he would rather have a letter from the applicant to continue the public hearing so this can be done at one time. He asked for a motion.

**MOTION:** D. DeGuire made a motion to continue this public hearing to January 9, 2012 at 6:00 p.m. C. Kinnie seconded the motion. All were in favor. The motion was carried.

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

### **1. Call to order:**

Vice Chair, M. McKinney called this regular meeting to order at 7:35 p.m.

### **2. Roll Call**

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

**Absent:** Charlotte Geer

### **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 November 14, 2011**

M. McKinney asked for a motion on the minutes.

**MOTION:** D. DeGuire made a motion to approve the minutes of November 14, 2011. L. Laidley seconded the motion. There were 4 aye votes and 1 abstention. The motion was carried.

### **5. Correspondence and Attachments**

**A.** Letter dated November 28, 2011 to Martin McKinney from Demian Sorrentino, Boundaries, LLC requesting a 90-day extension from Paul E. Marttila, Jr. for SUB 03-12, 47 Benton Hill Road, Griswold.

C. Fontneau stated that this will be addressed in item 7A.

**B.** Letter dated November 17, 2011 to Ellen Dupont, Town Clerk from Joseph Siner, Secretary, North Stonington Planning & Zoning Commission regarding a public hearing for a proposed regulation text amendment.

C. Fontneau explained that this was a courtesy letter notifying abutting towns that there will be a text amendment to their zoning regulations.

### **6. Matters Presented for Consideration**

**A. ZP 02-12 Wood, John & Doris, 194 Popple Bridge Road, Griswold, CT 06351.** Request approval of a Zoning Permit for a residential wind turbine as specified in Section 11.15. The property is zoned R-60.

M. McKinney asked if there was anyone to represent the applicant. Mr. Wood was present and that a letter was submitted for the dBA levels calculations. C. Fontneau stated that he told Mark Waldo how to arrive at the dBA level. C. Fontneau stated that M. Waldo told him that he would not be available for this meeting. D. DeGuire asked if this can be continued because of the 65 days. M. McKinney stated that he was supposed to show the dBA

noise level at the property line. There was discussion of this matter including that the 45 dBA is unrealistic since the wind itself can be 45 dBA.

C. Fontneau stated that Mr. Wood can request an additional 35 days to the January 9, 2012 meeting. C. Fontneau will work with Mr. Waldo for the information needed. Mr. Wood will write a letter to grant an extension of 35 days. He submitted the letter to the commission.

J. Krueger asked if there was a state code for dBA. C. Fontneau stated that there is a limit to repetitive industrial noise set a 71 dBA. M. McKinney asked for a motion to accept the 35 day extension.

**MOTION:** C. Kinnie made a motion to accept the 35 day extension. D. DeGuire seconded the motion. All were in favor. The motion was carried.

M. McKinney asked for a motion to table this meeting to January.

**MOTION:** C. Kinnie made a motion to table application ZP 02-12 to the regular meeting on January 9, 2012. L. Laidley seconded the motion. All were in favor. The motion was carried.

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

M. McKinney asked for a motion to table this item to the next regular meeting. There was discussion of this matter including if whether there should be town attorney present on this matter. C. Fontneau stated that the Town Engineer is doing extensive work on this project. M. McKinney asked that the Town Engineer be at the next meeting. C. Fontneau stated that the Town Engineer will be there. M. McKinney asked for a motion to table.

**MOTION:** D. DeGuire made a motion to table SE 02-04 Pleasant View Associates, LLC to January 9, 2011. L. Laidley seconded the motion. All were in favor. The motion was carried.

- C. ZP 03-12 Coons, William H., Jr., 500 Four Rod Road, Berlin, CT 06037. Property location: 148 Mathewson Street, Jewett City.** Request approval of a Zoning Permit for modification of Site Plan for completion of 69 2-bedroom multi-family condominium complex with associated driveways, parking utilities and landscaping. The property is zoned BRM.

C. Fontneau explained that the applicant is ill and that the applicant's representative Joe Fasekas asked that this matter be tabled. C. Fontneau stated that there were some problems with the plan so this gives them time to provide a more current plan. He stated that this is for 69 units. C. Fontneau stated that this is a new zoning permit. He stated that this was done in three phases so he did not know how we can do a new permit. D. DeGuire stated that all the foundations are in; just the wood part is not done. P. Zvingilas asked if this new permit will meet the current density requirement. M. McKinney stated that this matter will be tabled.

**MOTION:** L. Laidley made a motion to table ZP 03-12 to January 9, 2012. D. DeGuire seconded the motion. All were in favor. The motion was carried.

## **7. Additional Business**

- A.** Letter dated November 28, 2011 from Demian Sorrentino, Boundaries, LLC requesting from Paul E. Marttila Jr. a 90-day extension for filing endorsed Mylar plans for approved SUB 03-12 at 47 Benton Hill Road, Griswold.

M. McKinney asked if there was someone to represent the applicant. John Faulise, Boundaries, LLC. He explained that Demian Sorrentino requested this extension in the event that the Mylar plans were not endorsed. He stated that the Mylars have been endorsed and delivered to the applicant so we are asking for a 90 extension on the recording of the Mylar plans. There was discussion of this matter. M. McKinney asked for a motion:

**MOTION:** D. DeGuire made a motion to accept. L. Laidley seconded the motion. All were in favor. The motion was carried.

**7B M.** McKinney asked for a motion to place this SE 03-12 on the agenda.

**MOTION:** C. Kinnie made a motion to add SE 03-12 on the Agenda. L. Laidley seconded the motion. All were in favor. The motion was carried.

C. Fontneau stated that this requires a public hearing for this application that includes waivers and no changes to the existing building. C. Fontneau stated that he will work with the applicant for the applicant to be complete for next month's meeting. There was discussion of this matter.

**MOTION:** C. Kinnie made a motion to set a public hearing for SE 03-12 on January 9, 2012 at 6:55 p.m. in this room. L. Laidley seconded the motion. All were in favor. The motion was carried.

**7C M.** McKinney stated that the election of officers should be tabled to January. **MOTION:** D. DeGuire make a motion to table this item to the next regular meeting. L. Laidley seconded. All were in favor. The motion was carried.

## **8. Old Business**

- A.** Discussion of updates on the status of options and draft notice of violation as outlined in letter dated July 7, 2011 from Attorney Mark Branse.

C. Fontneau explained that the Marquardt and Caffary boundary line adjustments and a potential illegal lot. He spoke with Mr. Caffary and John Faulise and Attorney Branse have had communication. He stated that J. Faulise will be speaking on this matter regarding the use of option 1 suggested by Attorney Branse to resolve this matter. John Faulise, Boundaries LLC was representing Jill Marquardt and effectively the Caffarys.

J. Faulise submitted copies of the site map. J. Faulise gave a quick history of this matter where the original 4-lot subdivision approved in 2004 consisted of Lot 1 containing the existing house, Lot 2 contained 5.5 acres upland and the remaining 84 acres flowed by pond and a major portion of Large Burton's Island and most of small Burton's Island and Lots 3 and 4 which were conveyed in the future. He explained in June 2011, a lot line modification was requested for Lot 2 which to create a lot to convey to the easterly shore of the pond and the remaining property flowed by the pond Burton's island would be conveyed to a land trust or DEP by conservation easement. He stated that when Lot 3 was sold to the Caffarys it included small Burton's island which violated section 7.9 of the subdivision regulations and creating a separate parcel that was void of subdivision approval. The commission approved, on June 13, 2011, the lot line adjustment of lot two with conditions with respect to the remaining land that included the land flowed by the pond and the island that a conservation easement be put in place and reviewed by Attorney Branse in a 60 day time frame. J. Faulise explained that a notice of violation was put on the land records on 9/11/11 for smaller Burton's island associated with lot 3. Attorney Branse's 8/17/2011 letter gave options to convey the small island; one option was to create a strip of land over the flow portion of the pond to allow the small island to be contiguous with lot 3 to eliminate it as a separate parcel. J. Faulise stated that this option 1 is what the Marquardt and the Caffary chose. J. Faulise submitted the 8/17/11 letter and a letter agreeing to option 1 from Brown Jacobson dated 9/28/11.

J. Faulise stated that we are seeking approval for the lot line adjustment associated with lot 3 under 7.9 of the subdivision regulations to allow the conveyance to take place, title to be merged and to resolve the violation from the land records; and to reapprove the modification to lot 2 approved in June since there was a 60 day time frame which could not be satisfied with the state of Connecticut DEP. He submitted an email from Avalonia land trust accepting the donation of Parcel A and Parcel B except for the strip to lot 2 which was approved by Attorney Branse. He submitted this email for the record.

P. Zvingilas asked if there was a 50 foot with. J. Faulise stated that these parcels do not meet the bulk requirements per Attorney Branse's email. There was discussion of this matter.

E. Kudlis asked if there was boating and water rights. J. Faulise stated that DEEP owns the flowage rights to Pachaug Pond but is a public easement. He explained that some of the properties own the land under to water to the middle of the Pachaug River before it was damned. There was discussion of this matter.

M. McKinney asked if this should wait until the agreement is put in place first. C. Fontneau stated that this agreement must be put in place first to resolve the subdivision issues, and to reapprove the Marquardt boundary line adjustment. There was discussion of this matter.

M. McKinney asked for motions in this matter:

**MOTION:** L. Laidley made a motion to approve the request for a lot line adjustment to the Caffary Property flowing over the existing Pachaug Pond to Little Burton's island with the following conditions: A) Parcels A and B being conveyed for conservation purposes to a valid State, Federal, or local government or to a non-profit conservation organization with a deed restriction perpetually restricting use of the land for open space and conservation purposes; and B the boundary line agreement with Caffary makes it clear the Parcel C is merged with their property and does not constitute a new, separate lot or parcel; and c) the commission's counsel review and approve the document for conformance with these conditions. D. DeGuire seconded the motion. All were in favor. The motion was carried.

**MOTION:** L. Laidley made a motion to approve the large parcel of the Marquardt property including the Large Burton's Island and all of the flowed land under Pachaug Pond with the following conditions: 1) that the applicant recorded on the land records, appropriate documents which restrict all future development on said 74 acres; 2) condition on the applicant/owner completed and record on the Griswold land records, an irrevocable conservation easement; said easement shall be in favor of the Town of Griswold and or a land trust acceptable to the Planning and Zoning Commission and the Board of Selectmen; and said easement shall be completed, approved and recorded prior to the transfer of the 74 ± acres for the owner to DEEP or an acceptable land trust; and said parcel shown on the plan entitled Compilation Plan "Lot Line Modification" prepared for Jill Marquardt, 1825 Glasgo Road, Route 201, Griswold, CT and as revised June 13, 2011 sheet 1 of 2; 3) Conditional on the acceptance of said transfer from Marquardt to the Connecticut DEEP and/or a land trust approved by the Planning and Zoning Commission and Board of Selectmen; and providing that the proposed conservation easement and the proposed conveyance document to the Connecticut DEEP and/or the approved land conservation trust shall be presented to the town attorney within 60 days of this contingent approval; and 4) no Mylars and/or building permits shall be issued until all of the elements and conditions have been satisfied. C. Kinnie seconded the motion. All were in favor. The motion was carried.

J. Faulise stated that Avalonia is an acceptable land trust. C. Fontneau stated that there could possibly be a free for lot line adjustments.

- B.** Continue consideration of approaches to accelerate time frame for minor updating to sections of the 2007 Plan of Conservation and Development.

M. McKinney asked C. Fontneau to explain this item. C. Fontneau stated that there is a contract with SECOG for a revised zoning map that will include the Aquifer Protection Area. C. Fontneau stated that the commission should appoint someone for the Open Space Land Acquisition Committee to replace G. Rooke-Norman. There was discussion of this matter including that C. Kinnie and G. Rooke-Norman were the representatives.

M. McKinney stated that this can be tabled to January.

## 9. **New Business**

- A.** Discussion of changes to the Zoning Regulations and Zoning Map and Subdivision Regulations as necessary, and **B.** Discussion of changes to the Zoning Map for the Aquifer Protection Area Overlay Zone for the Hopeville Road Well Field Level **A** Map and changes to the Griswold Zoning Regulations to support overlay zone.

C. Fontneau explained that there were minor changes for the Aquifer Protection Area and Overlay Zone map and permitted in the zoning regulations which is reviewed by the Aquifer Protection Commission as part of the Wetland Commission. He showed the commission a copy of the map. He explained the zoning changes to the zoning regulations as an overlay zone to the map and new Section 4.2.9 shows the uses subject to the aquifer protection area regulations and new Section 4.2.9.2 for registration of existing uses within the well field protection area. There was discussion of this matter. M. McKinney asked that the members receive new zoning regulation books.

M. McKinney asked if we can use an attorney on this. C. Fontneau stated that he has not had any authorization on that. C. Fontneau stated that we have to set a public hearing for these regulations on January 9, 2012 for the overlay zone to the zoning map and the regulations that must be done before January 15, 2012. M. McKinney stated that we should hire an attorney. C. Fontneau stated that these are canned regulations from the state of

Connecticut and an un-funded mandate from the State DEEP. There was discussion of this matter including that the hydraulics and testing of the area dictates the aquifer protection area.

C. Fontneau stated that there are other proposed zoning changes in the town zoning map for Section 11.15.7 to change 45 dBA to 60 dBA as well as language that refers to easy disconnect language when wind speeds exceed 25 mph. M. McKinney stated that these changes are sent to our town attorney. C. Fontneau stated that these are your regulations and you don't have to act on them and we can get the review by then. M. McKinney stated that there should be more regulations than just noise such as the size of fall zones, should they be in residential zones or commercial zones. P. Zvingilas stated that the commission encourages alternative energy such as solar and turbines in residential zones. K. Kudlis stated that turbines are very expensive and don't pay for themselves and he didn't think that there would be many people who would be installing turbines. P. Zvingilas stated that for the location on the lake is an ideal location. C. Kinnie stated that the regulations do address the fall zones and maximum heights which he then read for the record. J. Krueger asked if there are state codes for sound levels. C. Fontneau stated only state regulation is on repetitive industrial sounds levels. He stated that there really is no way to measure it accurately. There was discussion of this matter including that the dBA of wind above 11 meters per second is 45 dBA or higher.

He stated that there are three new special exceptions to add to zoning regulations in the industrial district in the borough in Section 8.2.4 Building material reprocessing facility for processing construction debris indoors and a secondary use to make wood pellets to ship out. He read the proposed regulation for the record. He stated that the other two are Power generation facility and the standard public utility structures and the like to be added to the Borough regulations. There was discussion of this matter.

M. McKinney asked for a motion:

**MOTION:** L. Laidley made a motion to set a public hearing for the Aquifer Protection Overlay zone and supporting regulations and text amendments to Town zoning regulations and text amendments to the Borough zoning regulations on January 9, 2012 at 6:30 pm. D. DeGuire seconded the motion. All were favor. The motion was carried.

#### **10. Reports from the Enforcement Officer**

P. Zvingilas gave his report to the commission explaining that there are 4 blighted buildings in the Borough with Attorney Duda on Lenox Faust, Mechanic Street, and two other locations. He spoke to the school people to take care of the sedimentation controls on the elementary school project.

C. Fontneau stated that he wanted the commission to know that when working with applicants, he directs them how to complete their application and there are times when they do not produce the required information. M. McKinney stated that he would like to see the applications as complete as possible when the application is presented to the town, otherwise they cannot be put on the agenda. There was discussion of this matter.

#### **11. Adjournment**

M. McKinney asked for a motion to adjourn. D. DeGuire made a motion to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Donna M. Szall  
Recording Secretary