

Voluntown Planning and Zoning Commission
Wednesday, May 13, 2015

The regular meeting of the Voluntown Planning and Zoning Commission was called to order by Al Dawley at 7:00 P.M. on Wednesday, May 13, 2015 at the Voluntown Town Hall, Voluntown, CT. Members present were David Nieminen, Al Dawley, Arthur Nieminen, and Carl Grenier. Also present: Town Attorney, Mike Carey, Peter Zvingilas, Zoning Enforcement Officer and Robert Sirpenski, First Selectman.

Approval of minutes: The minutes from the April 8, 2015 meeting were read by the board members. Carl Grenier would like to amend the sentence referring to “not remember addressing free range chickens” on the second page, tenth line, to read “The Board did not address free range chickens, the consultant added into his memos.” Art Nieminen made a motion to accept the minutes with the amendment. David Nieminen seconded it and all were in favor. None opposed.

Zoning Enforcement Officer Report:

Peter Zvingilas had received a phone call from a resident on Valley Drive. There is a lot line issue. The next door neighbor had gotten a survey to put up a fence and the surveyor put the stake in the middle of their property. Peter told them this is a civil matter. The surveyor was Eric Seitz. Mr. Sirpenski had also received a call from the owner of 43 Valley Drive concerning this problem. He told them the Town had no legal standing and gave them an Attorney’s name that specialized in these matters. Peter stated the line was off 15-20 feet, 16-17 degrees. This could cause problems with the rest of the lots as it goes down the road. Atty. Carey stated that the Town is not liable and it is a civil matter. Peter had an issue with a property on Mohunganuck Trail. Seems a temporary trailer was dropped off to be used while the house was being repaired. This is a bonafide construction project and he will be going out there and taking care of it Friday. A six month temporary permit is needed for the trailer. Also, the barber shop on Church Street has changed businesses and now has become a salon. Peter is going there on Friday, also, since there was a sink added without a permit. This will be taken care of.

Visitors: Belinda Wiese was present and gave the Board and Peter Zvingilas a letter and map for her property from Boundaries, LLC. Mr. Faulise stated in the letter that the time period for site plans had been extended to nine (9) years by State Statute. Originally it had been five (5) years. Mr. Faulise will be back out to show Ms. Wiese the actually property lines. The Chairman asked Atty. Carey to look at this, to be discussed later in the meeting.

Old Business: None.

New Business:

A. Town of Voluntown 8-24 Review—Recommendation for Solar Array Location.

The Chairman stated he had the application, street cards, and deeds for the property. Robert Sirpenski, First Selectman, stated that an 8-24 Review was done about a year ago. With further investigation it was discovered that the array would end up on two pieces of property, both

owned by the Town. A lot line adjustment is needed between the school property and the adjacent piece that abuts the school. CLA Engineers has drawn up a map and staked the property line. Land will be added to the school property. Mr. Sirpenski stated it took a lot of configuring to get the panels angled just right and in the best area. Atty. Carey stated there are two parts to the 8-24 review. 1) The lot line adjustment from town to town. 2) Amending the legal descriptions in the lease and contract that the Town has already made with EnCon to install and operate the facility for the next 20 years. The Board already gave a favorable 8-24 review for the solar panel project, just need to change the lease to reflect the lot line adjustment. It was questioned if Quit Claim deeds are needed. Atty. Carey stated yes. The Town owns both pieces, but deeds are needed to transfer from Town to Town. It is two separate properties. Atty. Carey stated the motion should be worded, as follows: The Commission authorizes the Town to adjust the lot line to accommodate the solar panels as shown on the CLA Engineering plan to reflect the actual layout of the panels and to modify the legal descriptions in the lease and contract with the solar power provider. Arthur Nieminen made a motion to adopt the wording as explained by Atty. Mike Carey. Carl Grenier seconded it and all were in favor. There will be the removal of some trees, Joe Theroux, Inland Wetlands Officer is involved and permits are getting in place.

General Discussion:

The Board discussed with the Town Attorney the State Statute that changed the expiration time for site plans from five years to nine years from date of approval. The Statute reads that if it was approved prior to July 1, 2011 and didn't expire before May 9, 2011, then the extension applies. Atty. Carey stated that since this site plan falls into the criteria, being approved on June 10, 2009 and not expiring before 5/9/11, the date will be extended to June 2018. Ms. Wiese has done a lot of work on the property already. She is working with Boundaries, LLC establishing the property lines so she can get the trees planted. The Chairman questioned the previous 90 days allowing Ms. Wiese to complete things on the site plan. Atty. Carey stated doesn't apply, the Statute extends the plan until 2018. If she planned on modifying the site plan, then she would need to come back before the Board.

Carl Grenier brought up chickens/roosters. The Chairman stated that is all done. The Board agreed. Pete Zvingilas stated there would be no force ability with chickens then.

Art Nieminen made a motion to adjourn the meeting. David Nieminen seconded it and all were in favor. The meeting was adjourned at 7:30 P.M.

Respectfully submitted
Cheryl A. Sadowski, Board Clerk

Approved:

Al Dawley, Chairman

Copy to ZEO, ZBA, & EDC