

Voluntown Planning and Zoning Commission  
Wednesday, September 11, 2013  
Public Hearing  
7:00 P.M.

The Public Hearing was called to order at 7:00 P.M. for Application #13-07, Gibson 2-lot subdivision located at 775 Beach Pond Road. Members present Bob Millar, Tom Sweet, Arthur Nieminen, Al Dawley and alternate, Carl Grenier. Also present Town Attorney Mike Carey and Zoning Enforcement Officer, Peter Zvingilas.

Atty. Carey suggested amending and putting in the record the reasons for having the Public Hearing. 1) Taken in as a re-subdivision or subdivision, re-subdivision being on the agenda; 2) zoning history and 3) public interest. Carl Grenier made a motion to amend the original motion for the Public Hearing and adopt the legal terms that Atty. Carey stated. Arthur Nieminen seconded it and all were in favor.

The Chairman entered into the record the following: **Exhibit #1**-Application, **Exhibit #2**-Map and **Exhibit #3**-Notice for the Public Hearing in the Norwich Bulletin on August 28<sup>th</sup> and September 4<sup>th</sup>.

Atty. John Fitzgerald, representing the Gibson's, stated it was a modest 2 lot subdivision and the question is if it meets the requirements of the subdivision regulations. The lot is 5.84 acres being split into 2 parcels. Front lot 1.97 acres and a back lot 3.88 acres. There was confusion with the old Ten Rod Road. Atty. Fitzgerald submitted their **Exhibit A**-certified copy showing evidence of William Buckley deeding property to the State of Connecticut in 1934. **Exhibit B**-certified copy of a deed from Buckley to Gibson, stating the property abuts on Route 165. **Exhibit C**-a 1936 map recorded June 9, 1998 pertaining to Menard to have land released. Eric Seitz, surveyor for the Gibson's, submitted for record **Exhibit E**-comments from the Newington D.O.T. Commissioner, which he read to the Board. He also submitted **Exhibit F**-a state land highway map. The access to the back lot off Route 165 was discussed, since it is wet. Mr. Seitz stated there is a deeded right of way to access the property off Buckley Drive, conveyed in 1988, which will be used for the back lot's access and utilities. He also stated there is nothing in zoning regulations that say you have to use the 25' access driveway, it needs to be shown on the map. Inland Wetlands is all set, State of Connecticut D.O.T. is all set, and they have Health Department approval for an engineered septic system. Driveway and as-built is approved by Joe Theroux. There were questions concerning more than three lots off a private drive, which is covered under subdivision regulations 5.1.2. This was discussed. The old map shown at the previous P & Z meeting was discussed. There were concerns about drainage, the E&S plan and wetlands. Mrs. Gibson submitted copies to the Board; **Exhibit G**-Uncas Health Department's septic system approval and **Exhibit H**-Inland Wetlands Permit. Mr. Seitz stated they had approval from CL&P. He stated again that it is zoning compliant and access can be anywhere. There is deeded access to Buckley Drive. Peter Zvingilas, ZEO, stated Mr. Seitz is correct, it needs to meet regulations. Carl Grenier would like to see the driveway construction and sedimentation plan. Tom Sweet, board member and also Chairman of Inland Wetlands, stated the plan had been approved and signed. There was discussion why the board didn't have all this information. Atty. Carey stated it is up to the applicant to provide this to the board. Atty. Carey questioned the lot sizes. The lots meet regulations to comply with zoning. Mrs. Gibson submitted

P & Z Public Hearing, September 11, 2013, continued

**Exhibit I-**a letter from Joe Theroux, Wetlands Enforcement Officer, with driveway and drainage approval. Setting of monuments, posting bond for monuments (Zoning Regulation 3.7) and 911 numbering was discussed. The Chairman asked for any other questions or comments. Mrs. Gibson had several letters from people for/against the subdivision. Atty. Fitzgerald felt there was no need to submit them. Bob Millar moved to close the Public Hearing. Tom Sweet seconded it and all were in favor. The Public Hearing closed at 8:05 P.M.

Voluntown Planning and Zoning Commission  
Regular Meeting  
Wednesday, September 11, 2013

The regular meeting of the Voluntown Planning and Zoning Commission was called to order by Al Dawley at 8:06 P.M. on Wednesday, September 11, 2013 at the Voluntown Town Hall, Voluntown, CT. Members present were Bob Millar, Tom Sweet, Arthur Nieminen, and Al Dawley. Alternate, Carl Grenier will serve as a full voting member. Also present: Town Attorney, Mike Carey and Peter Zvingilas, Zoning Enforcement Officer.

**Approval of minutes:** The minutes were read by the board members. Carl Grenier made a motion to approve the August 14, 2013 minutes as printed. Al Dawley seconded it and all were in favor. None opposed.

**Zoning Enforcement Officer Report:**

Peter Zvingilas stated the cease and desist issued for 57 Laurel Drive is being followed up with the Town Attorney after the meeting. The Chairman stated the board had received a copy of it. Peter had a developer come in on Tuesday night to discuss the large piece of land on Ekonk Hill Road and Gardner Road. They had looked into dividing the Gardner Road piece approximately 7-8 years ago and had gone to Wetlands.

**Visitors:** None.

**Old Business:**

A. Gibson—775 Beach Pond Road---2 Lot Re-subdivision—App #13-07.

A Public Hearing was just held. The board discussed the bond issue for monuments. Atty. Carey suggested that Peter not issue a C.O. until he confirms the monuments were set. The accessory building on the front lot was discussed. This is a zoning issue and has nothing to do with complying with subdivision regulations. Arthur Nieminen made a motion to approve the Gibson subdivision with two stipulations: No building permit issued until the monuments are inspected by Pete and 911 numbers be on the Mylar before the chairman signs it. Tom Sweet seconded it and all were in favor.

P & Z Meeting of September 11, 2013 continued

**New Business:** The Chairman had received a letter from EDC asking if anyone from Planning and Zoning would be interested in coming to the Farmer's Market on September 28<sup>th</sup> for Volunteers Day.

**General Discussion:** None.

Carl Grenier made a motion to adjourn the meeting. Arthur Nieminen seconded it and all were in favor. The meeting was adjourned at 8:20 P.M.

Respectfully submitted  
Cheryl A. Sadowski, Board Clerk

Approved:

Al Dawley, Chairman

Copy to ZEO, ZBA, & EDC