

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
May 26, 2009**

1. **Call to Order.** Chairman Marcus called the May 26, 2009 meeting of the Montville Planning & Zoning Commission to order at 7:00 p.m. in the Town Council Chambers.
2. **Pledge of Allegiance.** All rose and pledged the flag.
3. **Roll call and seating of Alternates:**
COMMISSION MEMBERS PRESENT: Commissioners Baron, Desjardins, Ferrante, Marcus, Mastrandrea, Pieniadz, Polhemus, Siragusa, and Toner. (9 regular members)
COMMISSION MEMBERS ABSENT: none
STAFF PRESENT: Marcia A. Vlaun, Town Planner and Thomas Sanders, Zoning Enforcement Officer.
4. **Executive Session:** none
5. **Public Hearings:**
 - a) **Carl Bourne:** An application for a two lot re-subdivision on the property located at 1588 Route 163, Oakdale, CT. As shown on Assessor's Map 57 Lot 22. The Public Hearing was opened by Chairman Marcus at 7:03 p.m. **STAFF:** Staff advised the Commission that this subdivision had previously been approved by the Commission, but the mylar wasn't filed within the timeline allowed by law, so it had to go through the approval process again. Staff entered into the record the file from the previous approval. Staff informed the Commission that all items are the same as previously approved. Updated info from Uncas Health and DOT were received and also entered into the record. Discussion was held. **PUBLIC:** no comments were received either for or against the proposal. **A MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER POLHEMUS** to **CLOSE** the Public Hearing. Voice vote. 8-0 All in favor. **MOTION CARRIED.**
6. **New Business:**
 1. **Action items:**
 - a.) **B&W Paving & Landscaping, LLC:** An application for Site Plan review for a warehouse building with office space, together with associated site work on the property located at 305

Butlertown Road, Oakdale, CT As shown on Assessor's Map 5 Lot 27-15. Staff report was read and entered into the record. Discussion was held. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** as follows: A motion to **APPROVE B&W Paving & Landscaping, LLC**: An application for Site Plan review for a warehouse building with office space, together with associated site work on the property located at 305 Butlertown Road, Oakdale, CT As shown on Assessor's Map 5 Lot 27-15.

The Commission finds that this application complies with the Town of Montville Zoning Regulations. This is a conditional approval. Each and every condition is an integral part of the Commission's decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void. The applicant may re-file another application for review. This site plan approval is valid for a period of five (5) years from the date of approval. The conditions of approval are as follows:

1. Place orange construction fence parallel to the wetlands 50 ft buffer prior to the start of construction.
2. The applicant shall post a \$2000 E&S cash bond prior to the start of construction.
3. The applicant shall notify the Planning Office 48 hours prior to the start of construction.

Roll call vote as follows: In favor: Commissioners Baron, Desjardins, Ferrante, Marcus, Mastrandrea, Pieniadz, Polhemus, Siragusa, and Toner. Opposed: none. Abstain: none. 9-0-0 **MOTION CARRIED**

- b.) **9R Burlake, LLC**: Conceptual Review for a cluster subdivision to be located on the property at 120 Gay Hill Road Uncasville, Ct As shown on Assessor's Map 23 Lot 3. A **MOTION** was made to **CONTINUE** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Discussion was held. Voice vote. 8-0-1 with Commissioner Siragusa abstaining. **MOTION CARRIED**.

7. Zoning Issues:

1. **Action items:** none

8. Old Business:

1. Action Items:

- a.) **§8-24 Michael McKay**: An application for a Special Permit for a two-family home located on the property at 1552 Norwich-New London Tpke, (Route 32), Uncasville, CT As shown on Assessor's Map 91 Lot 10. Discussion was held. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER SIRAGUSA** as follows: **MOTION** to **APPROVE** a **WAIVER**, under Section 17.2.b.i.4 of the Zoning Regulations of the requirement for a site plan as set forth in Section 18 and 17.2. The Reason for granting the waiver is there are no changes to the existing lot or to the footprint of the existing structure. Roll call vote: In

favor: Commissioners Desjardins, Ferrante, Mastrandrea, Pieniadz, Polhemus, Siragusa, and Toner. Opposed: none. Abstain: Commissioners Baron and Marcus. 7-0-2 **MOTION CARRIED**

A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** as follows: A Motion to **APPROVE** Michael McKay: An application for a special permit for the conversion of a one family dwelling into a two-family dwelling on the property located at 1552 Route 32, Uncasville, Ct. As shown on map 91 Lot 10.

The application complies with sections 9.3.13 and 17 of the Zoning Regulations. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void. The applicant may re-file another application for review. This special permit is valid for a period of 5 years.

The Commission approves this special permit and finds that:

The proposed use is in harmony with the appropriate and orderly development of the neighborhood and will not hinder or discourage the development of adjacent properties nor impair property values.

The location and size of the proposed use, the nature and intensity of operations involved in connection therewith, its site layout and its relation to access streets will not be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient, no incongruous with any residential district or conflict with the normal traffic of the neighborhood.

The nature and intensity of the operations involved in connection with the proposed use and the site layout and development will not have a negative impact on the environment.

The conditions of approval are:

1. The Zoning Enforcement Officer must be contacted 24 hrs prior to start of construction.

Roll call vote: Roll call vote: In favor: Commissioners Desjardins, Ferrante, Mastrandrea, Pieniadz, Polhemus, Siragusa, and Toner. Opposed: Commissioner Baron. Abstain: Commissioner Marcus. 7-1-1. **MOTION CARRIED.**

2. Not Ready For Action:

- a) **Labossiere Builders LLC:** A request for the release of the Erosion and Sedimentation Bond #S-265649, on the property located at 1985 & 2005 Norwich-New London Turnpike, (Route 32) and 12 Occum Lane, Uncasville, Ct. As shown on Assessor's Map 99 Lots 58, 59, & 60 (CVS) in the amount of \$2,000.00. A **MOTION** was made to **CONTINUE** by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER PIENIADZ**. Voice vote. 9-0 All in favor. **MOTION CARRIED.**

9. **Communications: Staff:** Staff advised the Commission that she hadn't received any correspondence. Chairman Marcus informed the Commission of the following: 1. Notice of

pervious concrete seminar. 2. Notice form the N.Y. City Bar Association. 3. Sound Outlook magazine will now be online only. 4. Copy of CCM newsletter. 5. Copies of two initial inquiries that were sent out by the ZEO. Discussion was held. 6. Ct. Transportation workshop to be held 7/15. Discussion was held.

10. Minutes:

a.) Acceptance of the minutes from the Regular meeting of May 12, 2009. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **ACCEPT** as submitted. Voice vote. 7-1-1 with Commissioner Baron voting against accepting the minutes because he thought that more info should have been included in those minutes regarding the Commission asking for a list of waiver items on the McKay special permit application. Commissioner Marcus abstained. Discussion was held. **MOTION CARRIED.**

11. New Business:

1. Non-Action items: none

Discussion was held regarding attendance at the time that the original Bourne subdivision was approved. Commissioners Baron and Mastrandrea were absent from the Commission's October 14, 2008 meeting and will not be eligible to vote tonight. Discussion was held.

A **MOTION** was made to add item 5.a. as item 11. 3. (**Carl Bourne:** An application for a two lot re-subdivision on the property located at 1588 Route 163, Oakdale, CT. As shown on Assessor's Map 57 Lot 22) by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER DESJARDINS** Voice vote. 9-0 **MOTION CARRIED.**

3. Carl Bourne: An application for a two lot re-subdivision on the property located at 1588 Route 163, Oakdale, CT. As shown on Assessor's Map 57 Lot 22. A **MOTION** was made by **COMMISSIONER FERRANTE; SECONDED** by **COMMISSIONER DESJARDINS** to **APPROVE** Carl Bourne: An application for a two lot re-subdivision on the property located at 1588 Route 163, Oakdale, CT. As shown on Assessor's Map 57 Lot 22.A with the following conditions:

- 1.** A \$2,000.00 E&S Bond must be posted prior to the start of construction.
- 2.** Notify the ZEO 48 hours prior to the start of construction.

Roll call vote as follows: In favor: Commissioners Marcus, Desjardins, Ferrante, Pieniadz, Polhemus, Siragusa, and Toner. Opposed: none. Abstain: Commissioners Baron and Mastrandrea. 7-0-2. **MOTION CARRIED.**

12. Zoning Issues:

2. Non-Action Items: none

3. Zoning Officer's Report. ZEO advised the Commission that the Kobyluck matter was continued to 6/25/09 because the Court couldn't locate the file. He also informed the commission of pending issues with a few properties throughout town.

13. Other business to come before the Commission:

- a) Plan of Conservation and Development. Staff made a presentation to the Commission on the Open Space and Cultural Resources section of the Plan which included a proposed Park and Heritage Corridor. Fishing docks and access to the river were also addressed. Discussion was held.

14. Adjourn: The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Judy A. LaRose
Recording Secretary

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE