

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
December 8, 2009**

1. **Call to Order.** Chairman Marcus called the December 8, 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, Ferrante, Marcus Mastrandrea, Pieniadz, Polhemus, and Toner. (7 regular members)
COMMISSION MEMBERS ABSENT: Commissioner Desjardins and Siragusa. (2 regular members)
STAFF PRESENT: Marcia A. Vlaun, Town Planner and Zoning Enforcement Officer, Thomas Sanders.
4. **Executive Session:** none
5. **Public Hearings:**
 - a. **9R Burlake:** An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3.
 - b. **9R Burlake:** An application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3.
 - c. **9R Burlake:** An application for a 40 Lot Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3.Chairman Marcus re-opened the Public Hearings (3) at 7:02 p.m. **Applicant:** Attorney Harry Heller, representing the applicant, objected to the combined Public Hearings even though they are inter-related. **Staff:** Staff advised the Commission that all 3 Public Hearing will be conducted separately, and that they would follow the agenda for the order of being heard. The first is **Public Hearing (agenda item 5a.) 9R Burlake:** An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Staff entered the following into the record:

Project: 9R Burlake, LLC

Exhibit List

Staff Exhibits

1. Special Permit application for a Cluster subdivision for the property located at 120 Gay Hill Rd, Assessor's Map 23 Lot 3 along with a transmittal letter from Attorney Harry Heller dated 8-11-09.
2. Special Permit application for Interior Lots for the property located at 120 Gay Hill Rd, Assessor's Map 23 Lot 3 along with a transmittal letter from Attorney Harry Heller dated 8-11-09.
3. Subdivision application for a 40 Lot Subdivision on the property located at 120 Gay Hill Rd, Assessor's Map 23 Lot 3 along with a transmittal letter from Attorney Harry Heller dated 8-11-09.
4. Plan titled "Gay Hill Road Subdivision Prepared for 9R Burlake, LLC #120 Gay Hill Road Montville, Connecticut Owner: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Applicant: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Engineers and Surveyors: Tarbell, Heintz & Associates., Inc. 1227 Burnside Ave Suite 31 East Hartford, Ct. revised to 12/03/09 Sheets 1-24".
5. Staff Report: 9R Burlake, LLC 120 Gay Hill Road Meeting Date 12/8/09.
- 5A. Planning Director's Project Binder: Project Name: 9R Burlake, LLC Address: 120 Gay Hill Road Assessor's Map 23 Lot 3.
6. Legal Notice as submitted and published in the New London Day on October 16, 2009 and October 23, 2009.
7. Hydrologic and Drainage Study (Volume 1) revised to 8/7/2009.
8. Hydrologic and Drainage Study (Volume 2) revised to 10/5/2009.
9. Hydrologic and Drainage Study (Volume 3) revised to 10/5/2009 and addendum dated 10/20/09 along with map titled "Post Development Drainage Areas 9R Burlake LLC Montville, Conn 10/5/09 revised to 10/20/09".
- 9A. Hydrologic Study Addendum narrative revised to 11-06-09.
10. Report from GZA Environmental, Inc. to Michael Tarbell regarding Groundwater Supply Development Potential Proposed 9R Burlake, LLC Residential Development Gay Hill Road, Montville, Ct. dated September 4, 2009.
- 10A. Town Consultant, Bernard Baker of Nathan L. Jacobson & Associates November 20, 2009 review of GZA letter report dated September 4, 2009.
11. Traffic Study Residential Subdivision 120 Gay Hill Road Montville, Connecticut Prepared for Burlake Road, LLC Prepared by DLS Consulting Traffic Engineering Services dated May 5, 2009 along with a November 5, 2009 letter from Attorney Heller and a summary report dated November 2, 2009 from DLS.
12. Memo from Bruce Hillson of Traffic Engineering Solutions, P.C. to Thomas Fenton of Nathan Jacobson & Associates, Inc. dated October 13, 2009

- regarding Review of Traffic Information relating to the Residential Subdivision proposed for 120 Gay Hill Road along with a memo dated November 9, 2009 in response to November 2, 2009 summary report and memo dated November 16, 2009
13. Opinions of Probable Construction Costs Phase 1 and Phase 2 from Tarbell, Heintz & Associates, Inc for Project 9R Burlake LLC 120 Gay Hill Road dated 8/13/2009. (Bond Estimates)
 14. List of Abutting Property Owners and Certificates of Mailing for the Public Hearing Notifications from Heller, Heller, & McCoy for the Application of 9R Burlake, LLC for Special Permit Approval for Interior Building Lots 10, 11, 21, and 27 in conjunction with the Cluster Subdivision of property at 120 Gay Hill Road.
 15. List of Abutting Property Owners and Certificates of Mailing for the Public Hearing Notifications from Heller, Heller, & McCoy for the Application of 9R Burlake, LLC for Special Permit Approval for a Cluster Subdivision pursuant to Section 17.11 of the Montville Zoning Regulations.
 16. List of Revised Abutting Property Owners (errors or misspellings) and Certificates of Mailing (to the same) for the Public Hearing Notifications from Heller, Heller, & McCoy for the Application of 9R Burlake, LLC for Special Permit Approval for a Cluster Subdivision pursuant to Section 17.11 of the Montville Zoning Regulations.
 17. Certificate of Incorporation for the Gay Hill Road Subdivision Homeowner's Association, Inc.
 18. Organization and First Report for the Gay Hill Road Subdivision Homeowner's Association, Inc.
 19. Declaration of Gay Hill Road Subdivision A De Minimis Planned Community.
 20. Bylaws of Gay Hill Road Subdivision Homeowner's Association, Inc.
 21. Neighborhood Impact Study of a Proposed Cluster Design Residential Subdivision to be located at Gay Hill Road and Swanty Johnson Road Montville, Connecticut Client Harry B. Heller, Esq. Prepared by Miner & Silverstein, LLP dated June 23, 2009.
 22. Declaration and Grant of Conservation Easement in favor of Gay Hill Road Subdivision Homeowner's Association, Inc.
 23. Warranty Deed from 9R Burlake, LLC to the Town of Montville for Infrastructure Improvements. (revised per Town Attorney Comments)
 24. Warranty Deed from 9R Burlake, LLC to the Town of Montville for road-widening purposes. (revised per Town Attorney Comments)
 25. Warranty Deed from 9R Burlake, LLC to the Gay Hill Road Subdivision Homeowner's Association, Inc.
 26. Warranty Deed from 9R Burlake, LLC to Frank Malloy, Trustee.
 27. Applicant's request for continuances (3) of the Public Hearings dated October 27, 2009 as read into the record at the October 27, 2009 Public Hearing.
 28. Town Attorney Document Review: Memorandum from Attorney Lisa Gladke dated November 24, 2009.

29. Uncas Health Review dated 10-2-09.
30. WPCA Review dated 9/8/09.
31. Inland Wetlands Commission Memo re: approval 8/20/09.
32. Fire Marshal Review dated 12/1/09.
33. Town Engineer Review:
 - a.) Review letter #4, dated November 16, 2009
 - b.) Review letter #3, dated October 26, 2009
 - c.) Review letter # 2, dated October 21, 2009
 - d.) Review letter #1, dated September 15, 2009
34. Regulations:
 - a.) Section 17.4 of the Zoning Regulations - Special Permit Evaluation Criteria.
 - b.) Section 17.11 of the Zoning Regulations - Cluster.
 - c.) Section 17.20 of the Zoning Regulations - Interior Lot.
 - d.) Section 18 of the Zoning Regulations - Site Plans.
 - e.) Section 7 of the Subdivision Regulations - Waivers.

Public Exhibits

1. Letter dated October 27, 2009 from Keith Jensen, Vice President of Jensen's Inc.
2. Submission from Phyllis Chester to the Town of Montville Planning & Zoning Commission requesting that the Commission deny the application, consisting of 13 pages with unverified signatures.
3. Letter from Phyllis and Robert R. Chester dated December 8, 2009.

Staff informed the Commission that all exhibits would be entered into each Public hearing Record. Staff's presentation included a review of her Staff Report. She informed the Commission that Lot 10 will be combined with Lot 11 and the Conservation Easement will be moved. Town Engineer, Thomas Fenton addressed the Commission and summarized the reviews that he and the firm of Nathan Jacobson had completed. Discussion was held. The Commission took a break from 8:00 p.m. to 8:13 p.m. when the hearing re-convened.

Applicant: Attorney Harry Heller of 736 Route 32, Uncasville, introduced the design team and others involved with the project which included John George, Michael Tarbell, Len Norton and Robert Silverstein. Atty. Heller advised the Commission that they would be combining lots 10 & 11 reducing the number of proposed lots in the subdivision from 40 to 39. Attorney Heller entered the following items into the record:

Applicant's Exhibits:

1. New London County Soil Survey (the same as Jensen's) Section highlighted in yellow.
2. Copy of the joint Meeting Minutes, Planning & Zoning Commission and Inland/Wetlands Commission of the Town of Montville, held on January 29, 1991. (Jensen's project Public Hearing)

3. Agreement dated December 3, 2008 and Recorded at Volume 534 Page 678 of the Montville Land Records. The agreement is between the Applicant and Frank Malloy which grants grading rights for the sightline.
4. Fourteen (14) Photos of the neighborhood area.
5. Applicant's color display board – subdivision layout.
6. Cross section of Road Drainage System (colored display board).

Robert Silverstein of Miner & Silverstein reviewed the findings of the Neighborhood Impact Study that he had prepared with the Commission. Discussion was held. Michael Tarbell of Tarbell & Heintz discussed drainage areas. The Commission took a break from 9:30 p.m. to 9:45 p.m. when the hearing re-convened.

Public: Opposition: The following spoke in opposition to the proposals with concerns that included but were not limited to water supply, drainage including runoff, silt, traffic, accidents, burden on infrastructure, gate used for emergency access, cluster subdivisions, density, wetlands, mosquitoes, high groundwater, environmental impact study. (*for a more detailed record refer to the audio recording) Gladys Positano of 35 Hillcrest Drive, Rocky Kiggans of 42 Swanty Johnson, Joe Rogulski who lives at the top of Roselund Hill, Frank Beja of Swanty Johnson Road, Len Sczgiel of 95 Gay Hill Road, Dennis Clark 159 Gay Hill Road, and Richard George of 974 Old Colchester Road. *In favor:* no comments.

The Commission had a discussion over procedure and **COMMISSIONER POLHEMUS** made a **MOTION; SECONDED BY COMMISSIONER TONER** to (suspend Commission rules) **WAIVE** the 10:30 cutoff. Voice vote. 6-1-0 with Commissioner Baron voting in opposition. **MOTION CARRIED.** The Public Hearing continued.

Applicant: Attorney Harry Heller gave his rebuttal. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER** to **CLOSE the Public Hearing** on 9R Burlake: An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

5b. Public Hearing: (Agenda item 5b) 9R Burlake: An application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. **Staff:** Staff entered the entire hearing record including all exhibits, from Public Hearing agenda item 5a. (see above noted exhibits from item 5a) 9R Burlake: An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT, into the hearing record. In addition, the application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3 was entered. **Applicant:** Attorney Harry Heller of 736 Route 32, Uncasville representing the applicant 9R Burlake made a presentation to the Commission. He advised the Commission that lots 10 & 11 are combined now; and entered the following into the record:

Applicant's Exhibit:

7. Two (2) Photos of not interior lots, but practically interior lots in the neighborhood.

Public: Opposition: Ricky Kiggans of 42 Swanty Johnson Road spoke in opposition to the proposal. *In favor:* no comments. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER POLHEMUS** to **CLOSE the Public Hearing** on 9R Burlake: An application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

5c. Public Hearing: (Agenda item 5c) 9R Burlake: An application for a 40 Lot Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. **Staff:** Staff entered the entire hearing record including all exhibits, from Public Hearing agenda item 5a. (see above noted exhibits from 5a) 9R Burlake: An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3 into the hearing record. In addition the application for a 40 lot subdivision was also included in the exhibits and the section of the Subdivision Regulations regarding waiver requests relative to the applicant's request for a waiver of the length of the cul-de-sac for an additional 31 feet +/- . **Applicant:** Attorney Harry Heller of 736 Route 32, Uncasville representing the applicant 9R Burlake made a presentation to the Commission. **Public:** no comments were received either for or against. Discussion was held between Staff and Applicant regarding the name of the street "Glen Close". A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER PIENIADZ** to **CLOSE the Public Hearing** on 9R Burlake: An application for a 40 Lot Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

6. New Business:

1. Action items:

- a.) Plan of Conservation and Development Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER POLHEMUS** to **SCHEDULE a WORKSHOP** date for POCD on 12/15/09 @ 7:00 P.M. in Council Chambers. Voice vote. 7-0 All in favor. **MOTION CARRIED.**
- b.) **John Aldi/ Fairway Greens of Montville, LLC:** Bond reduction request in the amount of \$271,135.00 (the original amount of \$291,135.00) on the property located at 35 Old Fitch Hill Road, Montville, Ct. As shown on Assessor's Map, 110 Lot 8. Discussion was held. A **MOTION** was made to **DENY** the Bond reduction request by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER**. Voice vote. All in favor. 7-0 **MOTION CARRIED.**
- c.) **Village Apartments, LLC:** An application for a Site Plan review for the establishment of a permanent stockpile area for rocks/excavated material located on the property at 82 Jerome Road, Uncasville, CT As shown on Assessor's Map 69 Lot 42. A letter was received from Attorney Bates regarding a continuance. A **MOTION** was made to **CONTINUE** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Voice vote. All in favor. 7-0 **MOTION CARRIED.**

7. Zoning Issues:

8. Old Business:

1. Action Items:

- a.) **Robert Sachs, Trustee:** Conceptual Review for a cluster subdivision to be located on the property at 316 Chapel Hill Road, Oakdale, Ct As shown on Assessor's Map 35 Lot 1. Staff advised that revised plans were received on November 20, 2009. A **MOTION** was made to **CONTINUE** by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER**. Voice vote. All in favor. 7-0 **MOTION CARRIED.**

2. Not Ready For Action:

- 9. Communications: Staff:** Staff informed the Commission that she had received a letter from SCCOG regarding Regional Planning Commission. **Commission:** Chairman Marcus received a letter from the Town Council appointing Commissioner Mastrandrea to another term and that Commissioner Pieniadz is scheduled to be interviewed by the Council on Dec. 14th.

10. Minutes:

Acceptance of the minutes from the Regular meeting of October 27, 2009. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **ACCEPT** the minutes. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

11. New Business:

1. Non-Action items:

- a.) **Halifax Realty, LLC:** An application for a Site Plan Review for the construction of a one story 7,200 sq. ft. retail/office building and related site improvements located on the property at 1951 & 1957 Route 32, Uncasville, CT As shown on Assessor's Map 99 Lots 69 &70. A **MOTION** was made to **CONTINUE** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Voice vote. All in favor. 7-0-0 **MOTION CARRIED.**

12. Zoning Issues:

- 3. Zoning Officer's Report:** report was distributed to the Commission.

13. Other business to come before the Commission:

- a.) Capital Improvement Plan – no action.
b.) WPCA Facilities Plan: Staff excitedly informed the Commission that for the first time ever, the Facilities Plan will be included in the POCD.
c.) Election of Officers. Election of Officers was held. The Secretary, Commissioner Pieniadz cast one vote for each position – they are as follows: Chairman: Alan Marcus, Vice-Chairman: Bart Ferrante, and Secretary: William Pieniadz.

d.) Approval of 2010 meeting calendar. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED by COMMISSIONER TONER** to **ACCEPT** the 2010 calendar. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.** (see attached)

14. Adjourn: The meeting adjourned at 11:10 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

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION

310 NORWICH NEW LONDON TPKE
UNCASVILLE, CT. 06382
PHONE (860) 848-8549 Fax (860) 848-2354

LOCATION:
MONTVILLE TOWN HALL
COUNCIL CHAMBERS
310 Norwich-New London Turnpike,
Uncasville, Connecticut

MEETING DATES 2010

<u>Meeting date</u>	<u>Time</u>
Tuesday, January 12, 2010	7:00 pm
Tuesday, January 26, 2010	7:00 pm
Tuesday, February 9, 2010	7:00 pm
Tuesday, February 23, 2010	7:00 pm
Tuesday, March 9, 2010	7:00 pm
Tuesday, March 23, 2010	7:00 pm
Tuesday, April 13, 2010	7:00 pm
Tuesday, April 27, 2010	7:00 pm
Tuesday, May 11, 2010	7:00 pm
Tuesday, May 25, 2010	7:00 pm
Tuesday, June 8, 2010	7:00 pm
Tuesday, June 22 2010	7:00 pm
Tuesday, July 27, 2010	7:00 pm
Tuesday, August 24, 2010	7:00 pm
Tuesday, September 14, 2010	7:00 pm
Tuesday, September 28, 2010	7:00 pm
Tuesday, October 12, 2010	7:00 pm
Tuesday, October 26, 2010	7:00 pm
Tuesday, November 19, 2010	7:00 pm

Tuesday, December 14, 2010 7:00 pm
