

**TOWN OF MONTVILLE  
 PLANNING & ZONING COMMISSION  
 310 NORWICH NEW LONDON TPKE  
 PHONE (860) 848-8549 Fax (860) 848-2354  
 MEETING MINUTES  
 August 24, 2010**

1. **Call to Order.** Chairman Marcus called the August 24, 2010 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. (7 regular members)  
**COMMISSION MEMBERS ABSENT:** Commissioners Baron and Mastrandrea. (2 regular members)  
**STAFF PRESENT:** Thomas E. Sanders, Zoning Enforcement Officer.
4. **Executive Session:** none
5. **New Business:**
  1. **Action items:**
    - a.) **§8-24 Review:** A request for an §8-24 Review to relocate and construct a municipal public safety building on town owned property at 909 Norwich-New London Turnpike, (Route 32), Montville, CT. As shown on Assessor’s Map 83 Lot 29. Attorney Ron Ochsner, acting as Counsel for the Public Safety Building Committee, Thomas Fenton of Nathan Jacobson as Town Engineer, and Jim Sperry of Kaestle-Boos made a presentation to the Commission. Attorney Ochsner provided the Commission with an overview of the actions of the Committee leading up to this date, including the site selection process. Jim Sperry reviewed the site plan with the Commission. Tom Fenton discussed sightlines and provided the Commission with a memo from Bruce Hillson of Traffic Engineering Solutions, P.C. (Town Traffic Consultant) dated August 10, 2010 along with the sightline demonstration and sightline thru guide rail demonstration conceptual plans. Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER DESJARDINS** as follows: A **MOTION** to forward a **FAVORABLE** recommendation to relocate and construct a municipal public safety building on town owned property located at 909 Norwich-New London Turnpike (Route 32), Montville, CT As shown on Assessor’s Map 83 Lot 29. This project is consistent with the 2010 Plan of Conservation and Development. This project was assigned a priority one implementation status in the plan. Roll call vote: In favor: Opposed: none. Abstained: Commissioner Siragusa. 6-0-1 **MOTION CARRIED.**
6. **Old Business:**
  1. **Action Items:** none

2. **Not Ready For Action:** none
7. **Public Hearings:** none
8. **Zoning Issues:**
1. **Action items:**
    - a.) **Richard C. Cullen :** An application for a Home Occupation Permit for tree service located on the property at 467 Chesterfield Road, Oakdale, CT As shown on Assessor's Map 20 Lot 3-4. Staff informed the Commission of an existing Home Occupation Permit for a tree service, but that the property owner now has trucks, equipment and employees on the site. Richard Cullen addressed the Commission. Discussion was held. The Chairman advised Mr. Cullen that Section 4.6.2 of the regulations doesn't allow for employees. Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER DESJARDINS** to **DENY** the Home Occupation Permit for tree service located on the property at 467 Chesterfield Road, Oakdale, CT As shown on Assessor's Map 20 Lot 3-4. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**
    - b.) **Carol S. Rasmussen/CDM Homes:** An application for a Zoning Permit for the construction of a single family dwelling on the property located at Route 32 (a.k.a. 28 Thomas Avenue), Uncasville, CT. As shown on Assessor's Map 91 Lot 28. (see below item 8.1.c)
    - c.) **Carol S. Rasmussen/CDM Homes:** An application for a Zoning Permit for the construction of a single family dwelling on the property located at Route 32 (a.k.a. 38 Thomas Avenue), Uncasville, CT. As shown on Assessor's Map 91 Lot 38. Staff advised the Commission of the particulars involved with the applications. The lots are pre-existing non-conforming lots. Concerns included but were not limited to; the proposed above-grade septic system which would modify the existing stormwater flow across the surrounding lots, high groundwater in the area, access to the lots from a private road which is owned by Mr. Dunn, and infiltrators that are required by the Building Department. Tom Fenton of Nathan Jacobson, Town Engineer reviewed the site plans from an engineering standpoint and also had concerns with the potential impact to neighbors. Discussion was held. Staff advised that the Health District approved the above-grade septic system, but that water & sewer hookups are on Route 32 and that they are located about 500' away from the property. Don Aubrey spoke on behalf of the applicants. He said that the drainage was designed to store a one hundred year storm. Tom Fenton will review the drainage calculations. The Commission had questions and concerns regarding what would happen to Lot #8, (the neighboring lot to the west) if this was approved and what would the Town's liability be if it granted the approval since that lot would become essentially unbuildable. Discussion was held.  
A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS** to **CONTINUE** Item 8.1.b. Voice vote. 6-1-0 with Commissioner Pieniadz voting in opposition. **MOTION CARRIED.**  
A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER POLHEMUS** to **CONTINUE** Item 8.1.c. Voice vote. 6-1-0 with Commissioner Pieniadz voting in opposition. **MOTION CARRIED.**  
A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER FERRANTE** to **REQUEST** an **OPINION** from the Town

Attorney relative to the previously discussed matter. (what happens to lot 8 – are we liable if approval makes that lot unbuildable) Discussion was held. Voice vote. 6-1-0 with Commissioner Pieniadz voting in opposition. **MOTION CARRIED.**

- d.) **William R. Lincoln & Sally O'Rourke Lincoln:** An application for a Zoning Permit for a farm operation on property located at 241 Massapeag Road, Uncasville, CT As shown on Assessor's Map 33 Lot 2 and partially on leased property owned by Mary Joseph, L/U, Miriam Joseph and Charles Joseph III located at 245 Massapeag Road, Uncasville, CT As shown on Assessor's Map 34 Lot 6 and property at Massapeag Road, Uncasville, CT As shown on Assessor's Map 34 Lot 6A. Staff report was distributed to the Commission. Tom advised the Commission that Mr. Lincoln will be leasing land from an abutter on two separate lots for his horses. Staff also informed the Commission that he had made an inspection of the property and found a number of vehicles on Mr. Lincoln's property and suggested that any possible approval should be made conditional upon clean up or removal of the vehicles and that the lease would have to be structured that he lease all of lot 6a and a portion of lot 6 in order to not make the lots non-conforming. Discussion was held. Mr. Lincoln addressed the Commission and informed the Commission that there were 2 unregistered vehicles there now, but the rest weren't his – he is letting others park there while the private road is being worked on. Discussion was held. Staff advised that a proper legal description should be provided. Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER** to **APPROVE** with conditions: An application for a Zoning Permit for a farm operation on property located at 241 Massapeag Road, Uncasville, CT As shown on Assessor's Map 33 Lot 2 and partially on leased property owned by Mary Joseph, L/U, Miriam Joseph and Charles Joseph III located at 245 Massapeag Road, Uncasville, CT As shown on Assessor's Map 34 Lot 6 and property at Massapeag Road, Uncasville, CT As shown on Assessor's Map 34 Lot 6, the following conditions are: That the applicant provides a defined lease with a legal description of the land, terms of the lease clearly stating no development shall take place on Lot 6a during the terms of the lease. The remaining portion of land of lot 6 to be conforming to the current zoning regulations. Any terms of the lease or lease ends or lease becoming void, then the farm permit to be void also. Lease shall clearly state these (preceding items). Motor vehicle violations, if any are to be rectified. (friendly amendment was made) Lease is to be recorded on the land Records. Discussion was held. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**
9. **Communications:** Staff advised that a letter was received from the Town of Preston regarding a change to their zoning regulations.
10. **Minutes:**
- a.) Acceptance of the minutes from the Regular meeting of July 27, 2010. A **MOTION** to **APPROVE** the minutes was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

## 11. New Business:

**2. Not Ready For Action:** none

**12. Zoning Issues:**

**2. Not Ready For Action:** none

**3. Zoning Officer's Report:** Report was distributed to the Commission. Discussion was held relative to an outside wood-burning boiler.

**13. Other business to come before the Commission:**

**14. Adjourn:** The meeting adjourned at 8:50 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