

**TOWN OF MONTVILLE  
PLANNING & ZONING COMMISSION  
310 NORWICH NEW LONDON TPKE  
PHONE (860) 848-8549 Fax (860) 848-2354  
MEETING MINUTES  
February 22, 2011**

1. **Call to Order.** Vice-Chairman Ferrante called the February 22, 2011 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, Mastrandrea, Polhemus, Pieniadz, Siragusa and Toner. (8 regular members)  
**COMMISSION MEMBERS ABSENT:** Commissioner Marcus.  
**STAFF PRESENT:** Thomas Sanders, Zoning Enforcement Officer.
4. **Executive Session:** none
5. **New Business:**
  1. **Action items:**
    - a.) **Town of Montville Public Safety Building Committee:** An application for Site Plan Review for the construction of a new Public Safety Building and associated site work on the property located at 911 Norwich-New London Turnpike (Route 32), Uncasville, CT As shown on Assessor's Map 83 Lot 29. (see below item 5.1.b.)
    - b.) **Town of Montville Public Safety Building Committee:** A Coastal Area Management application for the construction of a new Public Safety Building and associated site work on the property located at 911 Norwich-New London Turnpike (Route 32), Uncasville, CT As shown on Assessor's Map 83 Lot 29. Staff advised that both items (5.1.a and 5.1.b) are before the Inland Wetlands Commission. Discussion was held. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 8-0-0 **MOTION CARRIED.**
6. **Public Hearings:**
  - a.) **The Mohegan Tribe of Indians of Connecticut:** An application for a Special Permit for a fueling facility to be utilized by Mohegan Tribal Gaming Authority employees, tribal members and casino fleet vehicles located on the property at 16 Sandy Desert Road, Uncasville, CT As shown on Assessor's Map 128 Lot 63.(see below)
  - b.) **The Mohegan Tribe of Indians of Connecticut:** A Coastal Area Management application for a fueling facility to be utilized by Mohegan Tribal Gaming Authority employees, tribal members and casino fleet vehicles located on the property at 16 Sandy Desert Road, Uncasville, CT As shown on Assessor's Map 128 Lot 63. Staff advised that both Public Hearings would be heard together, but that each item must be voted on separately. Vice-Chairman Ferrante opened the Public Hearings at 7:03 p.m. and read the legal. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER BARON** to **OPEN** the

Public Hearing (item 6a.). Voice vote. All in favor. 8-0-0 **MOTION CARRIED.** A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **OPEN** the Public Hearing (item 6b.). Voice vote. All in favor. 8-0-0 **MOTION CARRIED.** **Staff:** Staff advised that the Public Hearings would be heard together, but that they require separate votes. Staff informed the Commission that the ZBA granted the applicant location approval. Staff entered the following into the record:

Project: Mohegan Fueling Facility Special Permit Exhibit List

**Staff Exhibits**

1. Special Permit application along with a transmittal letter from Attorney Harry Heller dated Nov. 30, 2010.
2. Plan titled " Mohegan Sun a world at play Fuel Facility Site Development Plan Application Issued for Town of Montville, CT Planning & Zoning Commission Project No. 17206.12 " Dated November 30, 2010 Revised 2-14-11, prepared by McFarland Johnson.
3. Staff Report: Meeting Date 2-22-11.
4. Legal Notice as submitted and published in the New London Day on February 11 and February 28, 2011.
5. List of Abutting Property Owners and Certificates of Mailing for the Public Hearing Notifications from Heller, Heller, & McCoy.
6. Public Hearing Notification Letter sent to the City of Norwich, along with proof of mailing and receipt for the same.
7. Stormwater Pollution Control Plan dated November 2010.
8. Stormwater Management Report dated November 2010.

Project: Mohegan Fueling Facility CAM Exhibit List

**Staff Exhibits**

1. CAM Application along with a transmittal letter from Attorney Harry Heller dated November 30, 2010.
2. Plan titled "The Mohegan Tribe of Indians of Connecticut Owner/Applicant Fuel Facility Montville. CT Coastal Resource Map" dated 11/30/2010 prepared by McFarland Johnson.
3. Staff Report: Meeting Date 2-22-11.
4. Legal Notice as submitted and published in the New London Day on February 11 and February 28, 2011.
5. Notification letter sent to the CT DEP, The Office of Long Island Sound, along with proof of mailing and receipt for the same.
6. Comments received from Krystal Kalenberg Dorismond, OLIS dated February 22, 2011.

**Applicant:** Attorney Harry B. Heller of 736 Route 32, Uncasville, CT representing the applicant, made a presentation to the Commission. Discussion was held.

**Public:** In favor: - Town Councilor Beetham stated that he would like to see the maps on an easel. Opposed: none.

A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **CLOSE** the Public Hearing for the Special Permit.

Voice vote. 8-0-0 **MOTION CARRIED.** A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **CLOSE** the Public Hearing for the CAM (Coastal Area Management). Voice vote. 8-0-0 **MOTION CARRIED.**

**7. Zoning Issues:**

**1. Action items:** none.

**8. Old Business:**

**1. Action Items:**

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

**9. Communications:** Budget was distributed to the Commission and it was noted that there were no increases except for contractual. Letter was received from the Town of Bozrah regarding a change to their regulations regarding excavations. Commissioner Baron voiced his concerns relative to the lack of a Regional Planning Committee to review applications such as these which could adversely affect us.

**10. Minutes:**

**a.)** Acceptance of the minutes from the Regular meeting of December 14, 2010. A **MOTION** to **APPROVE** (the minutes) was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER TONER.** Voice vote. All in favor. 8-0-0 **MOTION CARRIED.**

A **MOTION** was made to **ADD** the two public Hearing issues (agenda items) 6 a. & b to new business by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**

**11. New Business:**

**The Mohegan Tribe of Indians of Connecticut:** A Coastal Area Management application for a fueling facility to be utilized by Mohegan Tribal Gaming Authority employees, tribal members and casino fleet vehicles located on the property at 16 Sandy Desert Road, Uncasville, CT. As shown on Assessor's Map 128 Lot 63. No discussion – no comments.

A **MOTION** was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER POLHEMUS** as follows: I hereby move that the Commission **GRANT** Coastal Site Plan Approval for a fueling facility on property of The Mohegan Tribe of Indians of Connecticut located at 16 Sandy Desert Road shown as Lot 63 on Montville Assessor's Map 128. The Commission finds that the proposed fueling facility is located in an area designated as "Shorelands" as depicted on the Coastal Resource Map entitled "The Mohegan Tribe Of Indians Of Connecticut Owner/Applicant Fuel Facility Montville, CT Coastal Resource Map Scale: As Shown as Drawn: TJB Checked: CPB Design: TJB/MRP Project: 17206.12 Date: 11/30/2010 Sheet: C21 McFarland Johnson 52 Pomfret Street Putnam, CT 06260 Ph: 860-447-2844 Fax: 860-447-1622". The Commission further finds that the construction and use of the proposed fueling facility will not adversely impact any coastal resources located adjacent to the project site as delineated on the Coastal Resources Map. The Commission further finds that the proposed use is consistent with coastal policies and standards referenced in Chapter 444 of the Connecticut General Statutes and is consistent with the standards enunciated in Section 16.5 of the Town of Montville Zoning Regulations. The Commission further finds that the use of the subject property for a fueling facility, in accordance with the approved site plan, will not result in adverse effects on coastal resources. Roll call vote as follows: In favor: Commissioners Baron, Desjardins,

Ferrante, Mastrandrea, Polhemus, Pieniadz, Siragusa and Toner. (8 regular members)  
Opposed: none. 8-0-0 **MOTION CARRIED.**

**The Mohegan Tribe of Indians of Connecticut:** An application for a Special Permit for a fueling facility to be utilized by Mohegan Tribal Gaming Authority employees, tribal members and casino fleet vehicles located on the property at 16 Sandy Desert Road, Uncasville, CT As shown on Assessor's Map 128 Lot 63. No discussion – no comments.

A **MOTION** was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER DESJARDINS** as follows: I'd like to make a **MOTION** to **APPROVE** a special permit and site plan for a fueling facility on property of The Mohegan Tribe of Indians of Connecticut located at 16 Sandy Desert Road, shown as Lot 63 on Montville Assessor's Map 128, with conditions. The approval is based upon plans entitled "Fuel Facility Site Development Plan Application Issued For: Town Of Montville, CT Planning And Zoning Commission Project No. 17206.12 November 30, 2010 Revised: February 14, 2011 Prepared By: McFarland Johnson 52 Pomfret Street Putnam, CT 06260 Tel: 860-447-2844 Fax: 860-447-1622".

The property is located in the C-2 Commercial Zoning District and the fueling facility use is a use permitted in that District by special permit pursuant to the provisions of Section 11.A.3.1 of the Montville Zoning Regulations. The Commission has considered the application, the staff report, the public testimony, the expert testimony submitted including the Stormwater Management Report prepared by McFarland Johnson and the Stormwater Pollution Control Plan prepared by McFarland Johnson.

The Commission finds that the proposed use is a use permitted by special permit in the C-2 Zoning District. The Commission further finds that, pursuant to the provisions of Section 17.6.A.1 the applicant has applied to and received from the Town of Montville Zoning Board of Appeals a Certificate of Location Approval for the fueling facility in accordance with the provisions of Title 14 of the Connecticut General Statutes, which approval has been granted on December 1, 2010. A Certificate of Notice of Decision of the Town of Montville Zoning Board of Appeals has been duly recorded in Volume 556, Page 975 of the Montville Land Records.

The Commission further finds that the application satisfies each of the specific evaluation criteria and performance standards contained in Subsections 17.6.A.2 – 17.6.A.7 of the Montville Zoning Regulations.

The Commission has considered the general evaluation criteria for special permits contained in Section 17.4 of the Montville Zoning Regulations and has determined that the application for the proposed fueling facility complies with the general evaluation criteria for special permits and that the location and size of the proposed use, the nature and intensity of operations involved in connection therewith, its site layout and its relationship 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, nor incongruous with any residential district or conflict with the normal traffic of the neighborhood.

Specifically, the Commission finds that the location of the proposed fueling facility is located in a C-2 Zoning District which is abutted to the north by Trading Cove and to the east, south and west by lands of The United States of America, held in Trust for The Mohegan Tribe of Indians of Connecticut. The Trust lands to the east have been improved with the Mohegan Sun Casino which has created the tenor for the neighborhood in general.

The Trust lands to the south and west of the parcel on which the proposed fueling facility is to be sited have been improved for parking in conjunction with the operation of the Mohegan Sun Casino.

The proposed fueling facility will be located interior to the comprehensive operations of The Mohegan Tribe of Indians of Connecticut utilized for the Mohegan Sun Casino, more than eight hundred (800') feet easterly from Connecticut Route 32.

Due to the location of the proposed fueling facility interior to Trust lands of The Mohegan Tribe of Indians of Connecticut, and as a result of the separating distance between the proposed fueling facility and Connecticut Route 32, the proposed fueling facility will not have the potential to adversely impact the residentially zoned properties located on the west side of Connecticut Route 32.

Since the proposed fueling facility will be limited to employees of the Mohegan Sun Casino and The Mohegan Tribe of Indians of Connecticut and for the fueling of casino buses, it will not result in additional trip generation which could adversely impact any adjoining state or town highways. Trip generation from this facility will be derived from traffic which is already on the Mohegan Sun site.

The applicant has incorporated measures within the Stormwater Management Plan and the Stormwater Pollution Control Plan for the project to ensure that the stormwater runoff generated from the project will comply with minimum recommendations contained in the 2004 Stormwater Quality Manual promulgated by the State of Connecticut Department of Environmental Protection. Best management practices have been incorporated into the design of the proposed fueling facility for the management of petroleum products which will be dispensed, including double walled tanks with interstitial sensors, monitoring and shut off devices. As such, 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 nor impact on any public water supply.

The Commission further finds that this application complies with the Town of Montville Zoning Regulations post-approval conditions. 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 its successors within the specified permit time period, then this conditional approval shall be void. The applicant may re-file another application for review.

The conditions of approval are:

1. The applicant shall post an erosion and sedimentation control bond in the amount of Ten Thousand and 00/100 (\$10,000.00) Dollars for the project.

Roll call vote as follows: In favor: Commissioners Baron, Desjardins, Ferrante, Mastrandrea, Polhemus, Pieniadz, Siragusa and Toner. (8 regular members) Opposed: none. 8-0-0 **MOTION CARRIED.**

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.

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

**14. Adjourn:** MOTION to ADJOURN was made by COMMISSIONER BARON;  
SECONDED by COMMISSIOENR SIRAGUSA. All in favor. MOTION CARRIED.  
The meeting adjourned at 7:45 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.