

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
February 28, 2012**

1. **Call to Order.** Chairman Pieniadz called the February 28, 2012 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 Desjardins, Ferrante, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (8 regular members)
COMMISSION MEMBERS ABSENT: none
STAFF PRESENT: Marcia A. Vlaun, Town Planner and Thomas Sanders, Zoning Enforcement Officer/Assistant Planner.
4. **Executive Session:** none
5. **New Business:**
 1. **Action items:**
 - a.) **CLD Realty LLC/Halifax Realty, LLC:** An application for Site Plan Review for the Construction of a 3,900 sq. ft. restaurant with a drive-thru on the property located at 1951 & 1957 Norwich- New London Tpke (Route 32), Montville, CT. As shown on Assessor's Map 99 Lots 69 & 70. A **MOTION** was made to **CONTINUE** by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER**. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**
 - b.) **Marriott Plaza, LLC/Charles Gager:** An application for Site Plan Review for the Development of a 120 room hotel facility on the property located at 1360 Norwich-New London Tpke (Route 32), Montville, CT. As shown on Assessor's Map 88 Lot 22. A **MOTION** was made to **CONTINUE** by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER**. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**
6. **Public Hearings:**
 - a.) **John Eoanou and Harry B. Heller:** An application for a Text Amendment to the Zoning Regulations to Add to Section 11.A.2 as a permitted use in the C-2 Zoning District, Subsection "11.A.2.13 Residential, Apartment/Condominium Units on Levels Above the Primary First Floor Retail/Business/Office Use". The Public Hearing was opened at 7:03 p.m. Chairman Pieniadz informed the Commission that Commissioner Mastrandrea had a conflict of interest (see attached disclosure form) and Commissioner Mastrandrea stepped down and left the meeting room.
STAFF: Staff entered the following into the record:
 1. Copy of the Legal ad as published in the New London Day on February 17, 2012 and February 24, 2012.

2. Date stamped copy of the proposed text revisions as filed in the Montville Town Clerk's Office on January 19, 2012.
3. Copy of the Agenda for the Public Hearing as posted with the Montville Town Clerk on February 24, 2012.
4. Municipal Notifications - proof of mailing and return receipts sent as follows:
 - a. Bozrah Town Clerk
 - b. East Lyme Town Clerk
 - c. Ledyard Town Clerk
 - d. Norwich City Clerk
 - e. Preston Town Clerk
 - f. Salem Town Clerk
 - g. Waterford Town Clerk
 - h. Southeastern Connecticut Council of Governments Regional Planning Commission
 - i. Department of Energy and Environmental Protection (DEEP) Commissioner Esty
 - j. Office of Long Island Sound Programs CT DEEP
 - k. State of Connecticut Department of Public Health Commissioner Mullen
 - l. Norwich Public Utilities
 - m. Norwich Water Department
 - n. City of New London, Department of Public Utilities
 - o. Southeastern Connecticut Water Authority
 - p. Town of Montville WPCA
5. Response received from The Town of East Lyme Planning Commission dated February 8, 2012, stating that they have no comment.
6. Original Application to Amend the Zoning Regulations signed by John Eoanou and Harry B. Heller.
7. Town of Montville Future Land Use Map and Plan Implementation Goals for Economic Development (Town of Montville Plan of Conservation and Development 2010).
8. Response received from the Southeastern Connecticut Council of Governments Regional Planning Commission dated February 23, 2012 stating that the text amendments would not have any adverse inter-municipal impact.

Staff informed the Commission that this is a text change and not a zone change. Staff report was distributed to the Commissioners. Discussion was held.

APPLICANT: Harry Heller of 736 Route 32, Uncasville, as the applicant addressed the Commission. He entered the following into the record: Applicant's Exhibits 1. Example from a project proposed in East Hampton (Edgewater Hill) prepared by Fuss & O'Neill2. Overall Master Plan for the same project (architectural drawings). 3. Plan for the same project (phase I). Attorney Heller also stated that the proposed text change is in compliance with the State of CT POCD. Discussion was held. **PUBLIC:** In favor: none. Opposed: none. Public neither for nor against: Rosetta Jones of Old Colchester Road Ext. said that she would encourage the text addition. **APPLICANT:** Harry Heller informed

the Commission that ratable show that you would get 2/10ths of a school age child per unit. Discussion was held. **STAFF:** Staff entered the following into the record (for clarification): **Staff Exhibit: 9.** Staff Report. **Applicant's Exhibits 1.** Example from a project proposed in East Hampton (Edgewater Hill) prepared by Fuss & O'Neill **2.** Overall Master Plan for the same project (architectural drawings). **3.** Plan for the same project (phase I). A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER TONER** to **CLOSE** the **PUBLIC HEARING** Voice vote. All in favor. 7-0-0 (Commissioner Mastrandrea out of the room) **MOTION CARRIED.**

Commissioner Mastrandrea returned to the meeting room.

7. Zoning Issues: ZEO informed the Commission of two Cease & Desist Orders that are currently active. One at 410 Fire Street and one at Chapel Hill Road. Discussion was held.

8. Old Business:

A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER TONER** to **ADD** the Zoning C-2 changes to the agenda for possible action. Voice vote. 7-0-1 with Commissioner Mastrandrea abstaining. **MOTION CARRIED.**

1. Action Items:

John Eoanou and Harry B. Heller: An application for a Text Amendment to the Zoning Regulations to Add to Section 11.A.2 as a permitted use in the C-2 Zoning District, Subsection "11.A.2.13 Residential, Apartment/Condominium Units on Levels Above the Primary First Floor Retail/Business/Office Use". A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: I hereby make a **MOTION** to **APPROVE** the following addition to the Town of Montville Zoning Regulations Section 11.A Commercial-2 (C-2) District and the amendment is: 11.A.2.13 Residential, Apartment/Condominium Units on Levels above the Primary First Floor Retail/Business/Office Use. This addition is consistent with the Town of Montville Plan of Conservation and Development year 2010, Future Land Use Map and the Plan Implementation Goals for Economic Development. Discussion was held. Roll call vote as follows: In favor: Commissioners Desjardins, Ferrante, Pieniadz, Polhemus, Siragusa and Toner. (6 regular) Opposed: Commissioner Katske. Abstain: Commissioner Mastrandrea. 6-1-1 **MOTION CARRIED.** A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: I hereby move that the effective date of the adoption of these revisions to the Regulations will be March 20, 2012. Roll call vote as follows: In favor: Commissioners Desjardins, Ferrante, Katske, Pieniadz, Polhemus, Siragusa and Toner. (7 regular) Opposed: none. Abstain: Commissioner Mastrandrea. 7-0-1 **MOTION CARRIED.**

2. Not Ready For Action: none

9. Communications: Staff advised that the following had been received: 1. A letter from the Town of Waterford notifying us of a proposed two lot subdivision on Butlertown Road, Staff advised that he had no issues with it. 2. Ledyard Zoning Commission notification regarding text revisions and affordable housing for a project that was previously for over 55. 3. Letter from the Center for Land Use Education on available training courses. Staff informed Commissioner Katske that the Town would pay for it if she would attend and she

declined. Oral Communication came from the Town Planner and she addressed the question that they had at a prior meeting regarding bonding on previously approved subdivisions. She informed them that the approvals stand as is – the law and regulation changes are not retro-active. Discussion was held.

10. Minutes:

- a.) Acceptance of the minutes from the regular meeting of February 14, 2012. A **MOTION** to **ACCEPT** (approve the minutes) was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER**. Voice vote. 8-0-0 **MOTION CARRIED**.

11. New Business:

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

12. Zoning Issues:

2. **Non-Action Items:** none

3. **Zoning Officer's Report:** ZEO Report was distributed to the Commission. Discussion was held.

13. Other business to come before the Commission:

- 1.) OPM C&D Plan Comparison Checklist. Staff distributed the checklist that was received from SCCOG. Discussion was held.

- 14. Adjourn:** The meeting adjourned at 8:10 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**

