

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 x379 Fax (860) 848-2354
MEETING MINUTES
July 24, 2012

1. **Call to Order.** Chairman Pieniadz called the July 24, 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, Jurczyk, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (9 regular members)
COMMISSION MEMBERS ABSENT:
STAFF PRESENT: Marcia Vlaun, Town Planner, Thomas Sanders, Zoning Enforcement Officer/Assistant Planner and Colleen Bezanson, Inland Wetlands Officer/Planner II. Also in attendance was Rosetta Jones, Montville Town Council Liaison.
4. **New Business:**
 1. **Action items:**
 - a.) **TMG Architects/Vizion Enterprises:** An application for Conceptual and Final Site Plan review in accordance with C.G.S. §8-30g and Sec. 9A1.1 (HOD Regulation) of the Zoning Regulations on the property located between 1710 and 1856 Norwich New London Turnpike (Route 32), Montville, CT. As shown on Assessor's Map 94 Lot 29. Staff Report was read and distributed to the Commission. Staff provided the Commission with a brief rundown of the prior approvals that this project had received. She further advised the Commission that the Fire Marshal's comments had been addressed. Discussion was held on, but not limited to; zoning enforcement issues still being in effect once the project is underway, sidewalks in the area being extended to the property line, and a signature is needed on the landscape plan by a Landscape Architect. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: Motion to Approve "The Villages" an Affordable Housing Project in accordance with C.G.S. Section 8-30g & the Town of Montville Zoning Regulations, located on Map 94 Lot 29, Route 32, between 1710 and 1856 Route 32. The Commission finds based on the evidence in the record, including HOD Zone Adoption, Conceptual Site Plan, Final Site Plan and The Villages Affordability Plan, that there are no substantial risks to the public's interests in health and safety. This application is approved with the following conditions which the Commission has determined will not have a substantial adverse impact on the viability of the development or the degree of affordability of thirty percent of the total number of units.
Condition #1.
The applicant shall submit any proposed changes to the stormwater management system to the Town Engineer for review. Construction shall not commence until the Town Engineer has given his written approval for the stormwater management system. This includes significant grading changes and the stormwater management system.
Condition #2.

The applicant/developer shall request the Town Planner to schedule a preconstruction meeting at least two weeks prior to the start of construction.

Condition #3.

The applicant shall obtain all necessary permits from CT DOT, WPCA and provide a copy of General Permit for the Discharge of Stormwater and Dewatering Wastewaters associated with construction activities. Erosion control and construction sequence shall be approved by the Town Planner and Town Engineer.

Condition #4.

The Developers geotechnical engineer shall certify that all walls are constructed in accordance with manufactures specifications. All slopes in excess 3:1 shall be designed by a geotechnical engineer and certified by the same upon completion.

Condition #5.

That the sidewalk be extended to the property line (along Route 32 to the end of the property line).

Condition #6.

That the Landscape Plan must be signed by a Registered Landscape Architect.

Discussion was held. Roll call vote as follows: In favor: Commissioners Desjardins, Ferrante, Jurczyk, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (7 regular members) Opposed: Commissioners Polhemus and Siragusa. (2 regular members) 7-2-0 **MOTION CARRIED.**

*The Commission took a break from 7:30 – 7:34 due to a malfunction with the recording equipment. The meeting resumed at 7:34 p.m.

b.) Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: Requests for ninety day extensions of time (two for each Special Permit)) as stated in Section 17.3.7 of the Zoning Regulations for the delivery and filing of approvals and mylars relative to the properties located at the following addresses:

- (i) 7 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-2.
- (ii) 15 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-4.
- (iii) 16 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-11.
- (iv) 19 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-5.
- (v) 20 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-10.
- (vi) 24 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-9.
- (vii) 28 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-8.
- (viii) 11 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-3.
- (ix) 23 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-6.

Discussion was held. **COMMISSIONER TONER** made a **MOTION; SECONDED** by **COMMISSIONER DESJARDINS** as follows: I hereby make a **MOTION to APPROVE** agenda items 4.1.b. (i) thru (ix) Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: Requests for ninety day extensions of time (two for each Special Permit)) as stated in Section 17.3.7 of the Zoning Regulations for the delivery and filing of approvals and mylars. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.**

2. Not ready for action: none.

5. Public Hearings: none

6. Executive Session: For discussion of litigation (Town of Montville Planning & Zoning Commission v. Kobyluck, et al - Docket #CV 05 410 1342S). The Commission, along with the Town Planner, Marcia Vlaun entered into Executive Session at 7:38 p.m. and reopened the meeting at 7:57 p.m. The Chairman reported that no decisions were made and no votes

were taken. A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER DESJARDINS** to **ADD** to the **AGENDA**: Kobyluck as item 3 under Old Business. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.**

7. Old Business:

1. Action Items: none

2. Not Ready For Action: none

3. Kobyluck - Docket #CV 05 410 1342S vs. Montville Planning & Zoning Commission. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: A **MOTION** to place a Notice of Violation on the Land Records for Kobyluck Sand & Gravel, Inc., Daniel W. Kobyluck, and Maureen Kobyluck for violation on the property located on Oxoboxo Dam Road in reference to Superior Court Docket No. CV 05 410 1342S. The intent of this motion would be to also stop the litigation that is currently occurring on this Superior Court Docket. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.** Tom Sanders will place this on the land records and notify the Attorney.

8. Zoning Matters:

1. Action Items: none.

2. Non-Action Items: none.

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

9. Communications:

a.) Summary of P.A. 12-151. The summary was distributed to the Commission which explained the Act which in effect lines up the expiration dates for Special Permits, Subdivisions, etc, with the Wetlands Permit expiration dates for the same projects.

b.) Staff also spoke to the Commission about the Town of East Lyme Water Route 85/ Butlertown Road project which had previously been before the Commission for approval of the location of the water tower in the Industrial Park. She brought the Commission up to date with the issues and confirmed that the Commission's position is that without the hydrants, the project would not be in Montville's best interest.

10. Minutes:

a.) Acceptance of the minutes from the regular meeting of June 12, 2012. A **MOTION** to **APPROVE** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER SIRAGUSA.** Voice vote. 6-0-3 with Commissioners Jurczyk, Mastrandrea and Toner abstaining. **MOTION CARRIED.**

11. Other business to come before the Commission: none

12. Adjourn: The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Judy A. LaRose
Recording Secretary

***DUE TO A MALFUNCTION OF THE RECORDING EQUIPMENT, A PARTIAL AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE**