

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE.
UNCASVILLE, CT. 06382
PHONE (860) 848-8549 x379 Fax (860) 848-2354
MEETING MINUTES
Tuesday, June 9, 2015 7:00 p.m.
LOCATION: TOWN HALL – Council Chambers

1. **Call to order.** Chairman Pieniadz opened the May 12, 2105 meeting at 7:00 pm
2. **Pledge of Allegiance.** All rose to pledge the flag
3. **Roll call and seating of Alternates: COMMISSION MEMBERS PRESENT:** Commissioners Siragusa, Ferrante, Pieniadz, Polhemus, Desjardins, Toner, Bolles and Hillsberg. **COMMISSIONERS ABSENT:** Commissioner Yeitz. Commissioner Bolles was seated for Commissioner Yeitz. **STAFF PRESENT:** Colleen Bezanson, Planner II
4. **Executive Session:** None
5. **New Business:**
 - a) **Fuller Engineering & Land Surveying, LLC/Mohegan Plaza, LLC:** A Special Permit application for the construction of a mixed use development with 2,000 S.F. commercial and 14 apartments on the property located at 912 Norwich New London Tpke, Uncasville, Ct. As shown on Assessor's Map 83 Lot 8. A **MOTION** was made by COMMISSIONER FERRNTE and seconded by COMMISSIONER TONER to set the Public Hearing date for June 23, 2015 Voice Vote 8-0-0. **MOTION CARRIED**
6. **Public Hearings:**
 - a) **LVK, LLC/Seymour Adelman:** A Special Permit application for the processing and crushing of gravel on the property located at 127 Leffingwell Road, Uncasville, Ct. As shown on Assessor's Map 62 Lot 16. Chairman Pieniadz recused himself and Commissioner Ferrante became acting Chairman. Staff read a letter from the Inland Wetlands Commission into the record. The letter indicated that the Inland Wetlands Commission had not made a decision on the application an/or Cease and Desist Order that was issued. Acting Chairman Ferrante asked if there was anyone opposed to the project. The following spoke in opposition
 - Philip Wawrzynowicz of 132 Leffingwell Rd was concerned that there would be the same issues as there was in 2007. These issues included dust, truck traffic and an issue with enforcement. He read a letter that he wrote to the Zoning Officer in 2007 regarding these problems and presented pictures to the Commission (Public Exhibit 1 and 2)
 - Rose-Marie McKenna of 140 Leffingwell Rd lives across the street and stated that if this was allowed to continue her house value would be nothing. She can no longer open her windows or use her clothes line because of the dust. This has increased her electric bill as well.
 - Lee Hoelck of 233 Leffingwell Rd had concerns over the truck traffic, noise and diesel fuel smells. He stated that the trucks are not always covered and has asked public works to sweep the streets
 - Jane Leone of 115 Leffingwell Rd is just against it.

- Linda Wawrzynowicz of 123 Leffingwell Rd stated she was diagnosed with RST. Loud noises cause here severe pain and she has had to leave her house for hours because of the noise. She indicated that it was not fair that she had to leave her house every day.
- Ryan Johnson of 124 Leffingwell Rd has concerns with the health problems that the dust may cause to his children.

Acting Chairman Ferrante asked 3 times is there was anyone in favor of the project. No one spoke. He then again asked if there was anyone opposed and no one spoke. Commissioner Hillsberg asked about the direction the trucks took when they left the site. Mr. Wawrzynowicz said it depended on when the crusher was being used. If it was then the trucks went right if not then left. Matt Kobyluck, representative for LVK, LLC, stated that the intention was to use Montville Rd and go out to Rt 85. The only way he can go out now is to use Leffingwell Rd. A **MOTION** was made by COMMISSIONER TONER to Continue the Public Hearing to the next meeting. COMMISSIONER DESJARDINS Seconded the motion. Voice Vote 8-0-0. **MOTION CARRIED**

Chairman Pieniadz returned to the meeting

- b) **Christian and Donna Funk:** A Special Permit application for the creation of an interior lot on the property located at 75 Beckwith Rd, Montville, Ct. As shown on Assessor's Map 18 Lot 6. Chairman Pieniadz opened the Public Hearing at 7:30 pm. Staff entered the following into the record:
1. Legal Ad as published in the Day paper on May 29th and June 5th.
 2. Project folder including application and map
 3. Letter to the Town of Salem dated May 13, 2015
 4. Letter from the Town of Salem dated May 27, 2015
 5. Letter from the Town Engineer dated May 21, 2015
 6. Staff report dated June 9, 2015

Attorney Harry Heller, representative for the applicant, presented the plans to the Commission. He reviewed the special evaluation criteria of Section 17.20 and general evaluation of 17.4 of the regulations. The project is to create an interior lot. He explained that the variance was needed because the contiguous strip providing access to a street that is required is not 25 feet at all points. A variance was granted on April 1, 2015. Discussion was held regarding the joint driveway. Chairman Pieniadz asked 3 times if there was any comments from the public. There was no public comment. A **MOTION** was made by COMMISSIONER HILLSBERG to CLOSE the Public Hearing. COMMISSIONER DESJARDINS Seconded the motion. Voice Vote 8-0-0. **MOTION CARRIED.** The Public hearing was closed at 7:42 pm.

7. **Old Business:** None
8. **Zoning Matters:** None
9. **Communications:**
 - a) **Town Planner-** None

10. Minutes:

- a) Acceptance of the minutes from the meeting of April 28, 2015. Staff asked for clarification as to what wording Commissioner Hillsberg would like to use for the amended section of the minutes regarding the Capital Plan. A **MOTION** was made by COMMISSIONER DESJARDINS and seconded by COMMISSIONER TONER to postpone the approval of the minutes. Voice Vote 8-0-0. **MOTION CARRIED**
- b) Acceptance of the minutes from the meeting of May 12, 2015. A **MOTION** was made by COMMISSIONER HILLSBERG and seconded by COMMISSIONER TONER to approve the minutes of the May 12, 2105 meeting. Voice Vote 8-0-0. **MOTION CARRIED**

A **MOTION** was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER DESJARDINS to move item 6(b) **Christian and Donna Funk**: A Special Permit application for the creation of an interior lot on the property located at 75 Beckwith Rd, Montville, Ct. As shown on Assessor's Map 18 Lot 6 to agenda item 11(a). Voice Vote 8-0-0. **MOTION CARRIED**

11. Other business to come before the Commission:

- a) **Christian and Donna Funk**: A Special Permit application for the creation of an interior lot on the property located at 75 Beckwith Rd, Montville, Ct. As shown on Assessor's Map 18 Lot 6. A **MOTION** was made by COMMISSIONER HILLSBERG and seconded by COMMISSIONER SIRAGUSA to APPROVE the special permit/site plan of Christian and Donna Funk: A Special Permit application for the creation of an interior lot on the property located at 75 Beckwith Rd, Montville, Ct. As shown on Assessor's Map 18 Lot 6 as depicted on the plans titled "Site Plan Showing Interior Lot Prepared for Christain E. Funk and Donna Bond Funk 75 Beckwith Rd Montville and Salem Ct Boundary & Existing Conditions Prepared by Advanced Surveys, LLC dated 5/15/15."

In doing so the Commission has considered the application, the staff report, the public testimony and the expert testimony and finds that

1. The proposed use is in harmony with the appropriate and orderly development of the neighborhood and will not hinder or discourage the development of adjacent properties nor impair property value.
2. The location and size of the proposed use, the nature and intensity of operations involved in connection therewith, its site layout and its relation to access streets will not be such that both pedestrian and vehicular traffic to and from the use and the assembly or 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.

3. 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.

This is a conditional approval. Each and every condition is an integral part of the Commission 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 his successors within the specified permit time period, then this conditional approval is void. The applicant may re-file another application review. The conditions of approval are:

1. The ZEO must be contacted 24 hrs prior to start of construction.
2. An E&S Bond in the amount of \$2,000.00 must be posted prior to the issuance of a Zoning Permit.

Roll Call Vote 8-0-0. **MOTION CARRIED**

- b) Commissioner Siragusa informed the Commission that a new well had been dug at the High school that would eliminate the need for a new waterline. He also stated the the WPCA is asking for imput for new locations of water and sewer lines.

12. Adjourn: Commission adjourned at 7:55 pm

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN
CLERK'S OFFICE

