

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE.
UNCASVILLE, CT 06382
PHONE (860) 848-6779 - FAX (860) 848-2354
REGULAR MEETING MINUTES**

TUESDAY, NOVEMBER 14, 2017

1. **Call to order:** CHAIRMAN PIENIADZ called the November 14, 2017 Regular Meeting/Public Hearing to order at 7:00 pm.
2. **Pledge of Allegiance:** All rose to pledge the flag.
3. **Roll call:** COMMISSIONERS PRESENT: Desjardins, Estelle (Full Commissioner as of this meeting) Hillsberg, Pieniadz, Polhemus, Siragusa and Toner. COMMISSIONER ABSENT: Duchesneau. STAFF PRESENT: Marcia A. Vlaun, Town Planner; Colleen Bezanson, Assistant Planner and Elizabeth Burdick, ZEO.
4. **Executive Session: None**
5. **Public Hearing /Applications:**
 - a. **Town of Montville Planning and Zoning Commission:** Consideration of decision to “Opt Out” of Public Act 17-155 - An Act Concerning Temporary Health Care Structures. Public Act 17-155 allows municipalities to "Opt Out" of the requirements of that Act. CHAIRMAN PIENIADZ opened the Public Hearing at 7:02 pm. Town Planner submitted the following Staff Exhibits into record and explained the reasons for the decision to “Opt Out” of the Act.

Staff Exhibits

1. Copy of “Opt-Out” requirements of Act 17-155 received by the Town Clerk’s office on October 30, 2017 at 1:05 pm.
2. Copy of the Legal Notice as published in *The New London Day* on November 3, 2017 and November 10, 2017.
3. Copy of Substitute Public Act No. 17-155 – *An Act Concerning Temporary Health Care Structures*.

CHAIRMAN PIENIADZ invited comments from the public in favor of application three times. There were none. CHAIRMAN PIENIADZ invited comments from the public in opposition of application three times. There were none. MOTION was made by COMMISSIONER DESJARDINS; seconded by COMMISSIONER TONER to close the PUBLIC HEARING. VOICE VOTE: 7-0-0. PUBLIC HEARING closed at 7:10 p.m.

- b. Discussion and Decision:** Temporary Health Care Structures - Town of Montville
Planning and Zoning Commission: Consideration of decision to “Opt Out” of Public Act 17-155- An Act Concerning Temporary Health Care Structures.

COMMISSIONER DESJARDINS made MOTION, seconded by COMMISSIONER HILLSBERG that the Commission affirmatively decides to “Opt Out” of Public Act 17-155.

The Commission believes that it is appropriate for Connecticut municipalities to provide for caregivers for persons requiring such assistance due to age, disability, or illness, however; the Town of Montville is too rural, and lacks sufficient volunteers or staff, to comply with many of the procedural requirements of the Act; an example is the 15-day period for Commission action on any application under the Act when the Commission does not meet every 15 days. In addition the Act itself contains inconsistencies, such as the notice requirements (certified mail) which conflict with Connecticut General Statutes Section 8-7d(a), and the Act fails to specify the procedure by which approvals are to be granted, thereby creating ambiguities and potential appeals.

The Commission feels that if such uses are appropriate for the Town of Montville, a locally adopted regulation can resolve those procedural problems while still addressing the legitimate need which spawned the Act; therefore the Town of Montville Planning & Zoning Commission does hereby affirmatively opt out of the provisions of Public Act 17-155; and hereby recommends that the Town of Montville Town Council adopt an opt-out resolution similar to this one adopted by the Commission.

CHAIRMAN PIENIADZ requested Roll Call Vote. The following voted in FAVOR to “Opt Out” of Public Act 17-155 – An Act Concerning Temporary Health Care Structures, as read. COMMISSIONERS DESJARDINS, PIENIADZ, POLHEMUS, SIRAGUSA, TONER, HILLSBERG and ESTELLE. ROLL CALL VOTE: 7-0-0. MOTION CARRIED.

6. Old Business: None

7. New Business:

- a. 217 SITE 9 - Patterson Brothers Properties LLC - 14 Enterprise Lane (Map 2 Lot 5D) Oakdale.** Application for a Modified Site Plan. In addition, the following inspection and maintenance guidelines shall be the responsibility of the Owner, beginning the first year period following construction completion and acceptance, and shall be followed each year thereafter:

COMMISSIONER HILLSBERG made MOTION, seconded by COMMISSIONER TONER to CONTINUE this application to the December 12, 2017 meeting. VOICE VOTE: 7-0-0. MOTION CARRIED.

- b. **§8-24 - A request for an §8-24 Review for sale of 335+/- square feet, located at 836 Old Colchester Road, Montville, CT (Map 29 Lot 68). Town Planner gave an explanation of the request.**

§8-24 - A request for an §8-24 Review for sale of 335+/- square feet, located at 836 Old Colchester Road, Montville, CT (Map 29 Lot 68) MOTION was made by COMMISSIONER SIRAGUSA seconded by COMMISSIONER TONER to send a FAVORABLE REVIEW to the Town Council. VOICE VOTE 7-0-0. MOTION CARRIED.

8. Zoning Matters:

- a. Liz Burdick presented the October 2017 Zoning Report.

9. Town Planner:

- a. Town Planner gave an update with regard to the State POCD, Town of Montville Zoning Regulations, Subdivision and Road Standards updates.

10. Communications: None

11. Other Business:

- a. COMMISSIONER HILLSBERG had concerns regarding the traffic/pedestrian lights at Occum Lane, Montville Commons and Route 32. Town Planner explained this area was identified as an area of concern as part of the Road Safety Audit.

12. Minutes:

a. October 24, 2017 Meeting Minutes

COMMISSIONER HILLSBERG made MOTION to accept the Minutes of the October 24, 2017 meeting seconded by COMMISSIONER DESJARDINS. VOICE VOTE: 7-0-0. MOTION CARRIED.

13. Adjourn:

CHAIRMAN PIENIADZ adjourned the meeting at 7:41 pm.

Respectfully submitted,

Michelle M. Giroux
Recording Secretary