

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
April 14, 2009**

1. **Call to Order.** Chairman Marcus called the April 14, 2009 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 Marcus, Pieniadz, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa, Toner, and Baron. (9 regular members)
COMMISSION MEMBERS ABSENT: none
STAFF PRESENT: Zoning Enforcement Officer, Thomas Sanders.
4. **Executive Session:** none
5. **Public Hearings:**
 - a) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 35-37 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H. Chairman Marcus opened the Public Hearing at 7:03 p.m. Staff advised that he was awaiting a revised site plan. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS** to **CONTINUE** the Public Hearing Voice vote. 9-0 All in favor. **MOTION CARRIED.**
 - b) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 39-41 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H-1. Chairman Marcus opened the Public Hearing at 7:05 p.m. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **CONTINUE** the Public Hearing. Voice vote. 9-0 All in favor. **MOTION CARRIED.**
6. **New Business:**
 1. **Action items:**
 - a) **Labossiere Builders LLC:** A request for the release of the Erosion and Sedimentation Bond #S-265649, on the property located at 1985 & 2005 Norwich-New London Turnpike, (Route 32) and 12 Occum Lane, Uncasville, Ct. As shown

on Assessor's Map 99 Lots 58,59, & 60 (CVS) in the amount of \$2,000.00. Staff recommended that they wait until June 15th to release the monies. Discussion was held. A **MOTION** was made by **COMMISSIONER FERRANTE; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 9-0 All in favor. **MOTION CARRIED.**

- b) **Hastedt Brothers LLC/Lombardi Business Park, LLC:** An application for a Special Permit for a mobile asphalt recycler located on the property at 18 Butlertown Road and 25 Sachatello Industrial Drive, Oakdale, CT. As shown on Assessor's Map 5 Lots 27-10 and 27-17. Discussion was held. A **MOTION** was made to **set the Public Hearing date for June 9, 2009** by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER PIENIADZ**. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

7. Zoning Issues:

1. Action items:

- a.) **S&T Fireworks (Tammy Rotkowski):** An application for a Zoning Permit to sell legal fireworks in a temporary tent and container from June 29 to July 5, 2009 (set p 6/22/09) on the property (formerly known as Peter's restaurant) located at 905 Route 32, Uncasville, CT As shown on Assessor's Map 83 Lot 29a. Staff informed the Commission that this application is for a temporary permit the same party that has been selling fireworks in the town for the past five years without any issues or complaints. A **MOTION** was made to **APPROVE** by **COMMISSIONER SIRAGUSA SECONDED** by **COMMISSIONER TONER**. Voice vote. 9-0 All in favor. **MOTION CARRIED.**

8. Old Business:

1. Action Items:

- a.) **Town of Montville Planning & Zoning Commission:** Text amendment to the Subdivision Regulations Section 6.11 Maintenance Bond. A **MOTION** was made to **APPROVE** the text revision as proposed (attached hereto) to the Subdivision Regulations Section 6.11 Maintenance Bond. **Effective date shall be May 5, 2009**, by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS**. Discussion was held. Roll call vote as follows: In favor: Commissioners Marcus, Pieniadz, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa, and Toner. Opposed: none. Abstained: Commissioner Baron. 8-0-1 **MOTION CARRIED.**

2. Not Ready For Action: none

9. Communications: Staff:

Staff advised the Commission the following had been received:

Notice of withdrawal of the Vizion/Aldi, HOD application for Site Plan Review and discussion was held on the same; Mohegan Sun Traffic counts; notice and application for registration for Basic Training for Land Use Commissioners to be held May 16th at UCONN; letters from the Town Council for Commissioners Toner, Siragusa and Desjardins regarding their appointments or reappointments to the Commission. No further correspondence was received.

10. Minutes:

1. Acceptance of the minutes from the Regular meeting of March 24, 2009. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER POLHEMUS** to **APPROVE** the minutes. Voice vote. 8-0-1 with Commissioner Baron abstaining. **MOTION CARRIED.**

11. New Business:

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

12. Zoning Issues:

2. Non-Action Items:
3. Zoning Officer's Report. Staff distributed his report to the Commission and gave an overview of ongoing activities throughout the town. Cease & Desist Orders and Initial Inquiries were discussed, along with zoning complaints.

13. Other business to come before the Commission:

- a) Plan of Development. no action taken.
- b) Budget. no action taken.

Chairman Marcus addressed the Commission regarding his role on the Capital Improvement Committee. Discussion was held.

14. Adjourn: The meeting adjourned at 7:30 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

Montville Planning and Zoning Commission
Re: Proposed Text Change - Maintenance Bond

Original

6.11 Maintenance Bond. Release of the performance bond shall be made only upon the substitution thereof of a maintenance bond in the amount of twenty -five hundred dollars (\$2,500.00) or one-tenth (1/10) of the cost of improvements, whichever is greater, to continue for a period of one (1) year from the date of Town acceptance, guaranteeing to remedy construction or to indemnify the Town for repairing such defects.

New Proposed Text

6.11 Maintenance Bond.(a) Release of the performance bond shall be made only after the acceptance by the Town of the public improvements and upon the substitution thereof of a maintenance bond in the amount of either (i) the Per Lot Maintenance Bond as defined in Subsection (c) hereof for each lot in the subdivision for which a certificate of occupancy has not been issued or (ii) one-tenth (1/10) of the cost of improvements, whichever is greater. The bond established pursuant to subsection (i) hereof shall be reduced from time to time by the amount of the Per Lot Maintenance Bond for each lot for which a certificate of occupancy has been issued by the Building Official. Except as hereinafter provided, under no circumstance shall the maintenance bond be reduced to less than one-tenth (1/10) of the cost of Roadway Improvements. The term of the Maintenance Bond shall continue for a period of one (1) year from the date of the issuance of the last certificate of occupancy for a subdivision lot. The purpose of the Maintenance Bond is to guarantee the correction of defects in the construction of the Roadway Improvements or to indemnify the Town for repairing such defects. The Commission may, in its discretion, waive all or any portion of the one (1) year period.

(b) As used in subparagraph (a) of this Section, the term "Roadway Improvements" shall include the following items:

1. Road surface;
2. Curbing;
3. Catch basins;
4. Right-of-way;
5. Road shoulders;
6. Culverts;
7. Manholes; and
8. Any improvement within the roadway right-of-way designated as a Roadway Improvement by the Commission.

(c) The Per Lot Maintenance Bond shall be determined by dividing the assigned values of the Roadway Improvements as reflected on the Public Improvements Worksheet (Appendix ____) by the total number of lots in the subdivision.

Effective May 5, 2009