

**TOWN OF MONTVILLE**  
**PLANNING & ZONING COMMISSION**  
 310 NORWICH NEW LONDON TPKE  
 PHONE (860) 848-8549 Fax (860) 848-2354  
**MEETING MINUTES**  
 February 9, 2010

1. **Call to Order.** Chairman Marcus called the February 9, 2010 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 Baron, Desjardins, Ferrante Siragusa, Marcus Mastrandrea, Pieniadz, and Toner. (8 regular members)  
**COMMISSION MEMBERS ABSENT:** Commissioner Polhemus. (1 regular member)  
**STAFF PRESENT:** Marcia A. Vlaun, Town Planner.
4. **Executive Session:** none
5. **Public Hearings:** none
6. **New Business:**
  1. **Action items:** none
7. **Zoning Issues:**
  1. **Action items:** none
8. **Old Business:**
  1. **Action Items:**
    - a.) **9R Burlake, LLC:** An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Commissioner Siragusa excused himself and left the meeting room. Staff read the draft motion aloud. Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER FERRANTE** to **APPROVE** the motion as read, with the modifications that were entered, (as noted below) for the 9R Burlake LLC Cluster Special Permit for the (40) 39 lot cluster subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. The Commission approves this special permit for a cluster subdivision located at 120 Gay Hill Road; Map 23, Lot 3 with conditions. In doing so the Commission has considered the application, the staff report, the public testimony, the expert testimony submitted including; hydrologic and drainage studies; groundwater supply studies; traffic studies and neighborhood impact study and finds that:  

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 values.

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 of 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.

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 nor impact a public water supply.

The Commission finds that this application complies with the Town of Montville Zoning Regulations post conditions, including but not limited to the criteria for decision contained in Section 17.4 of the Zoning Regulations. This is a conditional approval. Each and every condition is an integral part of the Commission's 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 for review.

The conditions of approval are:

1. Lot number 10 is to be eliminated and combined with lot number 11.
2. The building square for lot 11 is to be moved to the front setback line.
3. The conservation easement on lot 11 shall be extended parallel to the rear lot lines of lots 8 and 9.
4. The developer shall post a performance bond in the amount of \$387,600.00 and an E&S bond in the amount of \$28,000.00 for Phase I of the project. The developer shall post a performance bond in the amount of \$657,000.00 and an E&S bond in the amount of \$23,000.00 for Phase 2 of the project.
5. The developer shall file all easements in the Montville land records, including sight line and drainage, prior to issuance of a building permit.
6. The sewer mains, sewer laterals, and force mains must be approved pipe from Tables 2-A, 2-B and 2-D of the CT Public Health Code's Technical Standards.
7. The sewer laterals and wells are to be staked by a Licensed Land Surveyor to ensure that the required separating distance to the wells is maintained.
8. Any above ground pools installed must be 10 feet from the nearest well.
9. Conservation easements shall be granted to a Homeowners Association.
10. Rename "Glenn Close" to a road, drive or street which will not conflict with any other road name in the 911 system.
11. Install a dry hydrant at the end of "Glenn Close" Road, Drive or Street.
12. Condition of approval for erosion and sediment control:
  - a) The registrant listed on the State General Permit Registration Form for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities shall comply with all elements of section 16.3 of the Zoning Regulations Soil Erosion and Sediment Control.

- b) The registrant shall supply a copy and all amendments thereto of the Stormwater Pollution Control Plan (the Plan) which was submitted with the State Permit Registration to the Planning Office.
  - c) The State General Permit Registration number and the Stormwater Pollution Control Plan shall be submitted to the Planning Office prior to the issuance of a Zoning Permit and or the start of any construction.
  - d) The registrant shall provide a copy of the Plan to all contractors or developers conducting construction activities on individual lots or buildings within the overall plan of development, regardless of ownership. All contractors and developers shall sign the plan. Copies of the additional certifications shall be given to the Planning Office within 72 hours of execution.
  - e) The Registrant shall amend the State Plan and the Town Erosion and Sediment Control Plan whenever there is a change in contractors or subcontractors at the site, or a change in design, construction, operation, or maintenance at the site which has the potential for the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the State and Local Plan or if the actions required by the Plan fail to prevent pollution.
  - f) Where individual lots in a subdivision are conveyed or otherwise the responsibility of another contractor, those individual lot contractors shall be required to comply with provisions of the State Plan, the Town Erosion and Sediment Control Plan and Narrative regardless of lot size or disturbed area. The registrant shall provide a copy of all plans to each of these contractors.
  - g) Violation of any of these stipulations or Regulations shall be cause for revocation of the zoning permit.
  - h) Stormwater Quality Inspection Reports must be prepared by a "qualified person". "Qualified Person", relative to those inspections, is defined as an independent engineer, soil scientist, certified professional storm water quality inspector, or certified soil erosion control specialist.
13. This approval is subject to a condition requiring approval by the Commission, acting in its planning capacity, of the cul-de-sac waiver request that has been made by the applicant in connection with the related Subdivision Application.
  14. The developer shall schedule a preconstruction meeting with the planning office at least 21 days prior to the start of construction.
  15. The developer shall have all E&S measures inspected prior to the start of construction. The developer shall notify the planning office 72 hours in advance of requested inspection day.
  16. In accordance with section 3.7.1 of the Subdivision Regulations the developer shall post a construction inspection fee in the amount of \$11, 752.00 for Phase I and \$17,140.00 for Phase 2 of the project. Any portion of the fee not used shall be refunded to the developer.
  17. No construction vehicles shall access the site from Swanty Johnson Road. Emergency vehicles only shall be permitted to use the Swanty Johnson Road access.
  18. Each unimproved lot will be required to post a \$2,000.00 E&S bond at the time of development.

19. This permit is granted based on the following plan:

Plan titled "Gay Hill Road Subdivision Prepared for 9R Burlake, LLC #120 Gay Hill Road Montville, Connecticut Owner: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Applicant: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Engineers and Surveyors: Tarbell, Heintz & Associates., Inc. 1227 Burnside Ave Suite 31 East Hartford, Ct. revised to 12/03/09 Sheets 1-24". Discussion was held.

Roll call vote as follows: In favor: Commissioners Baron, Ferrante, Mastrandrea, Marcus, Pieniadz, and Toner. Opposed: Commissioner Desjardins. 6-1-1 (Commissioner Siragusa was out of the room) **MOTION CARRIED.**

**b.) 9R Burlake, LLC:** An application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Staff read the draft motion into the record as follows: The Commission approves this special permit for interior lots located at 120 Gay Hill Road; Map 23, Lot 3 with conditions. In doing so the Commission has considered the application, the staff report, the public testimony, the expert testimony submitted including; hydrologic and drainage studies; groundwater supply studies; traffic studies and neighborhood impact study and finds that:

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 values.

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 of 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.

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 nor impact a public water supply.

The Commission finds that this application complies with the Town of Montville Zoning Regulations post conditions. This is a conditional approval. Each and every condition is an integral part of the Commission's 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 for review.

The conditions of approval are:

1. Lot number 10 is to be eliminated and combined with lot number 11.
2. The building square for lot 11 is to be moved to the front setback line.
3. The conservation easement on lot 11 shall be extended parallel to the rear lot lines of lots 8 and 9.

4. This approval is subject to a condition requiring approval by the Commission, acting in its Zoning capacity of the Special Permit for a Cluster Subdivision for this property.

This Special Permit is granted based on the following plan:

Plan titled "Gay Hill Road Subdivision Prepared for 9R Burlake, LLC #120 Gay Hill Road Montville, Connecticut Owner: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Applicant: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Engineers and Surveyors: Tarbell, Heintz & Associates., Inc. 1227 Burnside Ave Suite 31 East Hartford, Ct. revised to 12/03/09 Sheets 1-24".

Discussion was held.

A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER BARON** to **APPROVE** item 8.1.b motion as read for An application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3.

Roll call vote as follows: Roll call vote as follows: In favor: Commissioners Baron, Desjardins, Ferrante, Mastrandrea, Marcus, Pieniadz, and Toner. Opposed: none. 7-0-1 (Commissioner Siragusa was out of the room) **MOTION CARRIED.**

- c.) **9R Burlake, LLC:** An application for a 40 Lot Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. Staff advised that the Commission would need to vote on two motions – one for the waiver and 1 for the subdivision. Discussion was held. Draft motion was read as follows: The Commission grants a waiver of 31 feet for Glenn Close (road) as shown on Plan titled "Gay Hill Road Subdivision Prepared for 9R Burlake, LLC #120 Gay Hill Road Montville, Connecticut Owner: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Applicant: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Engineers and Surveyors: Tarbell, Heintz & Associates., Inc. 1227 Burnside Ave Suite 31 East Hartford, Ct. revised to 12/03/09 Sheets 1-24". **COMMISSIONER PIENIADZ made a MOTION;** as follows: **Approve** the Motion as read (for part one) An application for a 40 Lot Subdivision (condition makes it 39 lots) located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3 this is for the cul-de-sac waiver for 31 feet for Glen Close Road. **MOTION** was **AMENDED** by Commissioner Pieniadz Motion as read with a modification that the reason for the cul-de-sac waiver is a dry hydrant is being installed to provide fire protection the cul-de-sac length in the Regulation is limited because of the Fire Protection which is why we are installing the dry hydrant for and the ambiguity on the cul-de-sac length. **SECONDED by COMMISSIONER BARON**  
Roll call vote as follows: In favor: Commissioners Baron, Ferrante, Mastrandrea, Marcus, Pieniadz, and Toner. Opposed: Commissioner Desjardins. 6-1-1 (Commissioner Siragusa was out of the room) **MOTION CARRIED.**  
Draft motion was read by Staff as follows:

The Commission approves this thirty nine lot subdivision located at 120 Gay Hill Road; Map 23, Lot 3 as shown on

1. Plan titled "Gay Hill Road Subdivision Prepared for 9R Burlake, LLC #120 Gay Hill Road Montville, Connecticut Owner: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Applicant: 9R Burlake, LLC #567 Vauxhall St. Ext. Waterford, Ct. Engineers and Surveyors: Tarbell, Heintz & Associates., Inc. 1227 Burnside Ave Suite 31 East Hartford, Ct. revised to 12/03/09 Sheets 1-24".
2. This approval is valid for five (5) years from the date of approval. The applicant may request extensions for a period not exceeding ten (10) years from date of approval.

**COMMISSIONER PIENIADZ** made a **MOTION** to approve the motion as read on item 8.1.c An application for a 40 Lot Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3 with a condition which reduces it to 39 lots; **SECONDED** by **COMMISSIONER BARON**. Roll call vote as follows: In favor: Commissioners Baron, Ferrante, Mastrandrea, Marcus, Pieniadz, and Toner. Opposed: Commissioner Desjardins. 6-1-1 (Commissioner Siragusa was out of the room) **MOTION CARRIED**.

Commissioner Siragusa returned to the meeting room.

**2. Non-Action items:**

- a.) **Halifax Realty, LLC:** An application for a Site Plan Review for the construction of a one story 7,200 sq. ft. retail/office building and related site improvements located on the property at 1951 & 1957 Route 32, Uncasville, CT As shown on Assessor's Map 99 Lots 69 & 70. A **MOTION** was made to **CONTINUE** by **COMMISSIONER PIENIADZ**; **SECONDED** by **COMMISSIONER SIRAGUSA**. Voice vote. All in favor. 8-0-0 **MOTION CARRIED**.

**Not Ready For Action:**

9. **Communications: Staff:** Communications received were a request for a continuance on the Halifax matter and the ZEO Report.

**10. Minutes:**

- a) Acceptance of the minutes from the Regular meeting of January 12, 2010. A **MOTION** to **APPROVE** was made by **COMMISSIONER BARON**; **SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 7-0-1 with Commissioner Siragusa abstaining. **MOTION CARRIED**.
- b) Acceptance of the minutes from the Special workshop meeting of January 19, 2010. **MOTION** to **APPROVE** was made by **COMMISSIONER SIRAGUSA**; **SECONDED** by **COMMISSIONER TONER**. Voice vote. 7-0-1 with Commissioner Pieniadz abstaining. **MOTION CARRIED**.

**11. New Business:** none

**12. Zoning Issues:** none

**13. Zoning Officer's Report:** ZEO Report was distributed to the Commission.

**14. Other business to come before the Commission:** Staff reminded the Commission of the POCD Public Workshop to be held during their regular meeting on Feb. 23, 2010. Staff also

informed the Commissioners of the “State of Montville” talk sponsored by the Chamber that she would be a speaker at on Friday. Discussion was held.

**15. Adjourn:** The meeting adjourned at 7:50 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