

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
April 27, 2010

1. **Call to Order.** Chairman Marcus called the April 27, 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, Marcus, Pieniadz, Polhemus, Siragusa and Toner. (8 regular members)
COMMISSION MEMBERS ABSENT: Commissioner Mastrandrea. (1 regular member)
STAFF PRESENT: Marcia A. Vlaun, Town Planner and Thomas Sanders, ZEO.
4. **Executive Session:** none
5. **Public Hearings:**
 - a. **Robert A. Milefski:** An application for a Zone Change from R-20 (Residential) to C-2 (Commercial) for the property located at 160 Raymond Hill Road, Uncasville, CT As shown on Assessor's Map 85 Lot 1. The Chairman opened the Public Hearing at 7:02 p.m. Commissioner Pieniadz stepped down and provided the Chairman with a Conflict of Interest Disclosure Form (attached hereto) and left the meeting room. **Staff:** Staff read into the record a letter sent to Thomas Sanders dated 4/26/10 from the applicant advising that due to the time limit, he was unable to send out notices to the required property owners that were within 500 feet of the property and he requested an extension. Staff advised that the office sent a letter to the applicant that went via certified mail that the applicant received and signed for on March 15, 2010 advising him of the notice provision along with the application deficiencies that needed to be provided prior to the Public Hearing opening. Staff further advised that the applicant only provided a one page application (along with the required fee) but did not provide the required mapping, list of abutters, etc. Staff recommended that the Commission not grant the extension request since the applicant had sufficient time to provide notices as he was informed in the March letter and also during discussions with the Zoning Enforcement Officer. The application is incomplete and the Public Hearing was improperly noticed. Discussion was held. **Public:** Joseph Jankowski Jr. of 181 Raymond Hill Road spoke in opposition to the zone change request. His concerns included a reduction in property values and opening the door for more commercial zoned properties. Staff read into the record the following: A letter from Jennifer Baker addressed to the ZEO voicing concerns with the business operating there and a letter from the Baker Household at 170 Raymond Hill Road voicing objections due to wetlands, traffic, noise, property values, etc. They asked that the property be left as residential. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED BY COMMISSIONER POLHEMUS to CLOSE the**

PUBLIC HEARING. Voice vote. 7-0 (Commissioner Pieniadz was still out of the room) All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER POLHEMUS SECONDED** by **COMMISSIONER DESJARDINS** to amend the agenda to **ADD** agenda item **7.1.a** Discussion of **Robert A. Milefski: A Cease & Desist order** on the property located at 160 Raymond Hill Road and item **8.1.a Robert A. Milefski:** An application for a **Zone Change** from R-20 (Residential) to C-2 (Commercial) for the property located at 160 Raymond Hill Road, Uncasville, CT As shown on Assessor's Map 85 Lot 1. Voice vote. 7-0. All in favor. (Commissioner Pieniadz was out of the room due to conflict.) **MOTION CARRIED.**

Commissioner Pieniadz returned to the meeting room.

6. New Business:

1. Action Items:

- a.) **Fairway Greens of Montville, LLC/John Aldi:** Bond release request in the amount of \$274,135.00 (Bond in the original amount of \$291,135.00 leaving a balance of \$20,000.00) on the property located at 35 Old Fitch Hill Road, Montville, Ct. As shown on Assessor's Map, 110 Lot 8. Discussion was held. Staff advised that inspections were made by Staff and the Town Engineer, and that there are still deficiencies there. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER PIENIADZ** to not release the bond until the punchlist items are completed and then the **MOTION** and the **SECOND** were amended as follows: **MOTION NOT TO RELEASE** the bond because the punchlist items are not completed. Voice vote 8-0-0 All in favor. **MOTION CARRIED.**
- b.) **§8-24 Review:** At the request of the Montville Town Council to determine if the Town should sell and convey the property located at 12 New York Road a.k.a. Nevada Road, Oakdale, CT As shown on Assessor's Map 92 Lot 92. Discussion was held. A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER PIENIADZ** to send a **FAVORABLE §8-24 Review** to **ABANDON, SELL AND/OR CONVEY** with two (2) qualifications: 1. That if not previously done, the Town Council hold a Town Meeting to abandon(discontinue) the road. 2. This is not an approved building lot. Discussion was held. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**
- c.) **§8-24 Review:** At the request of the Montville Town Council to determine if the Town should convey its remaining interest in the portion of Walker Road beginning at a point from CL&P Pole Number 2618 which is approximately 900 feet from the intersection of Walker Road with Caroline Road and running to the end of Walker Road at the Bozrah Town Line to the owners of properties abutting the discontinued road from their respective property lines to the center line of the discontinued road. The Commission had concerns with the legal description provided since there are no CL&P poles located out there, only Bozrah Light and Power. Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER DESJARDINS** to send a **FAVORABLE** (positive) **§8-24 Review** to **ABANDON, CONVEY OR SELL** the Town's remaining interest in the portion of Walker Road beginning at a point which is approximately 900 feet from the intersection of Walker Road with Caroline Road and running to the end of Walker Road at the Bozrah Town Line to

the owners of properties abutting the discontinued road from their respective property lines to the center line of the discontinued road and to make note that the description provided appears to have an error in denoting CL&P pole. Discussion was held. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**

7. Zoning Issues:

1. Action items:

- a.) **Robert A. Milefski: A Cease & Desist order** on the property located at 160 Raymond Hill Road. Commissioner Pieniadz left the room. Discussion was held. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER SIRAGUSA** directing the Zoning Enforcement Officer to forward the Cease & Desist Order to the Town Attorney for action. Voice vote. 7-0 **MOTION CARRIED.** Commissioner Pieniadz remained out of the meeting room.

8. Old Business:

1. Action Items:

- a.) **Robert A. Milefski:** An application for a Zone Change from R-20 (Residential) to C-2 (Commercial) for the property located at 160 Raymond Hill Road, Uncasville, CT As shown on Assessor's Map 85 Lot 1. Commissioner Pieniadz was still out of the room. Discussion was held. A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **DENY** because the application was incomplete and the applicant provided defective notice. Discussion was held. Roll call vote as follows: In favor: Commissioners Baron, Desjardins, Ferrante, Marcus, Polhemus, Siragusa and Toner. Opposed: none 7-0 All in favor. **MOTION CARRIED.** Zone change request was denied. Commissioner Pieniadz returned to the meeting room.

2. Not Ready For Action:

- a) **Robert Sachs, Trustee:** Conceptual Review for a cluster subdivision to be located on the property at 316 Chapel Hill Road, Oakdale, Ct As shown on Assessor's Map 35 Lot 1. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER** to **CONTINUE Robert Sachs, Trustee:** Conceptual Review for a cluster subdivision to be located on the property at 316 Chapel Hill Road, Oakdale, Ct As shown on Assessor's Map 35 Lot 1. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

9. **Communications:** Staff advised that the last member of the Town's Conservation Commission had resigned. The Town Council will now act as the Commission until new members can be appointed. Discussion was held. The Planning Department had prepared a map outlining areas of concern regarding the possible placement of a sexual offender facility in town that was distributed throughout the town and to the Commissioners. Discussion was held. The Chairman advised that he had received a notice of a conference Green Cities/Blue Water.

10. Minutes:

- a) Acceptance of the minutes from the Regular meeting of April 13, 2010. A **MOTION** to **APPROVE** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER POLHEMUS.** Voice vote. 6-0-2 with Commissioners Baron and Pieniadz abstaining. **MOTION CARRIED.**

11. New Business:

1. **Non-Action items:** none
12. **Zoning Issues:**
 2. **Not Ready For Action:** none
 3. **Zoning Officer's Report:** Report was distributed to the Commission.
13. **Other business to come before the Commission:**
 - a.) Capital Improvement Plan. Discussion was held. It was determined that the Chairman would invite either the Mayor or the Finance Director to attend the Commission's next meeting in order to provide the Commission with more information.
14. **Adjourn:** The meeting adjourned at 8:35 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