

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

1. **Call to Order.** Chairman Marcus called the July 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, Mastrandrea Pieniadz, Polhemus, Siragusa and Toner. (9 regular members)
COMMISSION MEMBERS ABSENT: none
STAFF PRESENT: Thomas E. Sanders, Zoning Enforcement Officer
4. **Executive Session:** none
5. **New Business:**
 A **MOTION** was made to **MOVE** agenda item 5.1.b up to the next item on the agenda by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS.** Voice vote. 9-0 All in favor. **MOTION CARRIED.**

1. Action items:

B.) Village Apartments LLC: Request for the release of the bond in the amount of \$35,000.00 for the completion of work, including stabilization of stockpile area, construction, removal of storage trailers relative to the rebuilding of the apartments located on the property at 82 Jerome Road, Uncasville, CT As shown on Assessor’s Map 69 Lot 42. Staff gave the Commission an overview of the past history on the project and advised the Commission that both he and the Town Engineer had done an inspection at the site and recommended release \$30,000.00 of the bond, but to maintain a \$5,000.00 E&S Bond in order for the site to go through two growing seasons. **A MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER DESJARDINS to RELEASE** the bond to Village Apts., LLC release the \$35,000.00 Bond, Maintain a \$5,000.00 E&S Bond until it goes through the two growing seasons. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.**

A MOTION to take item(s) Public Hearing 7A up out of order was made by **COMMISSIONER PIENIADZ SECONDED** by **COMMISSIONER TONER.** All in favor. 9-0-0 **MOTION CARRIED.**

Town Engineer, Tom Fenton arrived at the meeting.

A MOTION to go back to item 5.1.a was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLEHMUS.** Voice vote. 9-0-0 All in favor. **MOTION CARRIED.**

- a.) **Public Safety Building:** Informal review of Site Plan for a proposed Public Safety Facility to be located at 909 Norwich-New London Turnpike, Uncasville, CT As shown on Assessor's Map 83 Lot 29. Tom Fenton, Town Engineer explained to the Commission the process that the plan must go through prior to referendum. Jim Sperry of Kaestle-Boos made a presentation to the Commission. Discussion was held.

6. Old Business:

1. Action Items:

a.) **The Past, LLC:** An application for a Site Plan Review for museum and retail facilities located on the property at 1630 Route 85, Oakdale, CT As shown on Assessor's Map 5 Lot 3. Staff report was distributed to the Commission. Harry Heller, 736 Route 32, Uncasville, CT representing the Applicant, made a presentation to the Commission. Tom Fenton, Town Engineer, reviewed the Staff Report with the Commission. Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ SECONDED** by **COMMISSIONER DESJARDINS** to **APPROVE** The Past, LLC: An application for a Site Plan Review for museum and retail facilities located on the property at 1630 Route 85, Oakdale, CT As shown on Assessor's Map 5 Lot 3 as depicted on the plans titled "Site Development Plan "Technology Museum" Prepared for The Past, LLC Hartford New London Turnpike (Ct Route # 85) Montville, Ct. Prepared by Boundaries LLC P.O. Box 184 179 Pachaug River Dr Griswold, Ct dated March 2010 revised to 7/20/10 and the application and narrative dated May 4, 2010. With the following conditions:

1. The applicant shall post a \$2,000 E&S Bond prior to the start of construction
2. The applicant shall notify the Zoning Enforcement Officer 48 hours prior to the start of construction.
3. Applicant must conform with any requirements of the DOT/STC.
4. Applicant must conform with any requirements of the State of Connecticut Department of Public Health.
5. Applicant must conform with any requirements of the Uncas Health District.
6. Applicant must conform with any requirements of the Fire Marshal.
7. (Applicant must) Set two more hard points on the property boundaries by the Surveyor.

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. Roll call vote: In favor: Commissioners Baron, Ferrante, Marcus, Mastrandrea Pieniadz, Polhemus, Toner, Siragusa and Desjardins. Opposed: none 9-0-0 All in favor. **MOTION CARRIED.**

2. Not Ready For Action: none

7. Public Hearings:

a.) **Christian and Hope Case:** An application for a Resubdivision (2 lots) on the property located at 41 Cook Road, Uncasville, CT As shown on Assessor's Map 99 Lot 11. Chairman Marcus opened the Public Hearing at 7:45 p.m. **STAFF:** Staff entered the following into the record: Staff Exhibits:

1. Staff Report dated 7/27/10

2. Application 210-SUB-1 dated 6/9/10
3. Plan titled 2 LOT RESUBDIVISION PREPARED FOR CHRISTIAN F.M. & HOPE M. CASE 41 COOK ROAD – MONTVILLE, CONNECTICUT JUNE 7, 2010 DUTCH & ASSOCIATES JOB NO. 10-107
4. Legal Ad as published in the New London Day on July 16 and July 23, 2010
5. Copy of Notice of Public Hearing sent to applicant via Certified Mail and receipt for the same.
6. Memo dated 6/15/10 from Tom McNally, Asst. Superintendent W.P.C.A. stating that the property has come before WPCA for approval to extend the sewer line. They have no issue.
7. Memo dated 6/18/10 from the Inland Wetlands Commission regarding their review which was done on June 17, 2010 and no wetlands were found on the property.
8. Copy of the portion of the minutes from the Zoning Board of Appeals meeting held on May 5, 2010 during which a frontage reduction from 100 to 65.1 feet was granted.

Staff informed the Commission of the ZBA approval that was received for a variance and of the Public Hearing that WPCA held on the extension of the sewer line. **APPLICANT:** Charlie Dutch of Dutch & Associates of 392 South Main Street, Colchester, CT representing the applicant asked if the Commission had any questions of him and they had none. **PUBLIC:** Favor: Howard Beetham of 60 Riverview Road, Uncasville, CT spoke in favor of the subdivision. Opposed: none. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER POLHEMUS** to **CLOSE** the PUBLIC HEARING. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.** The Public Hearing closed at 7:56 p.m.

b.) Hillcrest Montville, LLC/Chel & Company, LLC: An application for a Resubdivision (2 lots) on the property located at 5 Richard Brown Drive, Uncasville, CT As shown on Assessor's Map 55 Lot 33A. Chairman Marcus opened the Public Hearing at 7:57 p.m. **STAFF:** Staff entered the following into the record: Staff Exhibits:

1. Staff Report dated 7/27/10
2. Application dated 1/6/09
3. Plan titled LANDSDOWNE ESTATES RESUBDIVISION BOUNDARY SURVEY PROPERTY BELONGING TO HILLCREST MONTVILLE, LLC 5 RICHARD BROWN DRIVE MONTVILLE, CONNECTICUT TOTAL AREA: 35.21 ACRES NOVEMBER 24, 2008 PREPARED BY WILLIAM F. KENT.
4. Legal Ad as published in the New London Day on July 16 and July 23, 2010
5. Copy of Notice of Public Hearing sent to applicant via Certified Mail and receipt for the same.
6. Memo dated 6/18/10 from the Inland Wetlands Commission regarding their approval on the review which was completed on March 19, 2009.

Staff informed the Commission of the history of the property. **APPLICANT:** William Kent 86 Miner Lane Waterford, CT representing the applicant made a presentation to the Commission. He informed the Commission that this is to separate the healthcare facility from the balance of the property and that no further activity is proposed at this time. **PUBLIC:** no one from the public spoke either for or against the proposal. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER**

TONER to CLOSE the PUBLIC HEARING. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.** The Public Hearing closed at 8:10 p.m.

The Commission took a break from 8:10 – 8:20 when the meeting was called back to order.

c.) **Robert and Dixie Meyer:** An application for a Special Permit for an interior lot on the property located at 55 Fellows Road, Oakdale, CT As shown on Assessor's Map 37 Lot 21 Chairman Marcus opened the Public Hearing at 8:20 p.m. Staff advised the Commission that this project was for a subdivision not a resubdivision. **STAFF:** Staff entered the following into the record: Staff Exhibits

1. Staff Report dated 7/27/10
2. Application 210-SP-2 dated 6/4/10
3. Plan titled MAP LAYOUT SHEET MAP -037LOT -021 SUBDIVISION PREPARED FOR ROBERT G. MEYER & DIXIE L.MEYER 55 FELLOWS ROAD MONTVILLE CONNECTICUT NOVEMBER 2009 REV. 4-13-2010 PREPARED BY ERIC SEITZ LAND SURVEYING INC.
4. Legal Ad as published in the New London Day on July 16 and July 23, 2010
5. Copy of Notice of Public Hearing sent to applicant via Certified Mail and receipt for the same.
6. Copy of Notice of Public Hearing Letter sent to the abutters of the property via Certified Mail and receipts for the same.
7. Draft Warranty Deed to the Town of Montville for the road widening strip on Fellows Road.
8. Draft Declaration of Joint Driveway Easement and Maintenance Agreement between the owners of Lots 1 and 2.

Staff advised that the applicant had received a permit from the Inland Wetlands Commission. **APPLICANT:** Eric Seitz L.S.P.O. Box 156 Griswold, CT representing the applicant made a presentation to the Commission. Discussion was held. **PUBLIC:** Favor: Howard Beetham of 60 Riverview Road spoke in favor of the project. Opposed: none. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER to CLOSE the PUBLIC HEARING.** Voice vote. 9-0-0 All in favor. **MOTION CARRIED.** The Public Hearing closed at 8: 42 p.m.

d.) **Robert and Dixie Meyer:** An application for a Resubdivision (2 lots) on the property located at 55 Fellows Road, Oakdale, CT As shown on Assessor's Map 37 Lot 21. Chairman Marcus opened the Public Hearing at 8:43 p.m. **STAFF:** Staff entered the following into the record: Staff Exhibits

1. Staff Report dated 7/27/10
2. Application 210-SUB-2 dated 6/14/10
3. Plan titled MAP LAYOUT SHEET MAP -037LOT -021 SUBDIVISION PREPARED FOR ROBERT G. MEYER & DIXIE L.MEYER 55 FELLOWS ROAD MONTVILLE CONNECTICUT NOVEMBER 2009 REV. 4-13-2010 PREPARED BY ERIC SEITZ LAND SURVEYING INC.
4. Legal Ad as published in the New London Day on July 16 and July 23, 2010
5. Copy of Notice of Public Hearing sent to applicant via Certified Mail and receipt for the same.
6. Draft Warranty Deed to the Town of Montville for the road widening strip on Fellows Road.

7. Draft Declaration of Joint Driveway Easement and Maintenance Agreement between the owners of Lots 1 and 2.
8. Memo dated 6/18/10 from the Inland Wetlands Commission regarding their approval on the review and issuance of a permit which was completed on May 20, 2010.
9. Complete file from Robert and Dixie Meyer: An application for a Special Permit for an interior lot on the property located at 55 Fellows Road, Oakdale, CT As shown on Assessor's Map 37 Lot 21.

APPLICANT: Eric Seitz L.S.P.O. Box 156 Griswold, CT representing the applicant made a presentation to the Commission. Discussion was held regarding easements. **PUBLIC:** no one spoke either in favor or in opposition of the proposal. A **MOTION** was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER TONER** to **CLOSE** the PUBLIC HEARING. Voice vote. 9-0-0 All in favor. **MOTION CARRIED.** The Public Hearing closed at 8: 47 p.m.

8. Zoning Issues:

1. Action items:

- a.) **Richard C. Cullen :** An application for a Home Occupation Permit for tree service located on the property at 467 Chesterfield Road, Oakdale, CT As shown on Assessor's Map 20 Lot 3-4. Staff advised that this application is the result of a violation and that the applicant was not in attendance. A **MOTION** was made to **CONTINUE** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 9-0-0 All in favor. **MOTION CARRIED.**

9. **Communications:** Staff advised that No communications were received. The Chairman advised that he had received a note from the Mayor requesting the Commission's Annual Report.

10. Minutes:

- a.) Acceptance of the minutes from the Regular meeting of June 22, 2010. A **MOTION** to **APPROVE** the minutes as submitted was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 9-0 **MOTION CARRIED.**

11. New Business:

A **MOTION approval or non approval under New Business** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER** to **ADD** Items 11 a, b, c & d which correspond with Public Hearing items 7 a, b, c & d. Discussion was held. Voice vote. 9-0-0 **MOTION CARRIED.**

1.

- a.) **Christian and Hope Case:** An application for a Resubdivision (2 lots) on the property located at 41 Cook Road, Uncasville, CT As shown on Assessor's Map 99 Lot 11. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER SIRAGUSA** as follows: **MOTION** to **APPROVE** a two lot resubdivision of 41 Cook Road, Uncasville, Ct. As shown on Assessor's Map 99 Lot

11 as depicted on the plan titled “2 Lot ReSubdivision Prepared for Christian F.M. & Hope M. Case 41 Cook Road Montville Connecticut Prepared by Dutch & Associates Civil Engineers & Land Surveyors 392 South Main St, Colchester, Ct, dated June 7 2010.” with conditions:

1. A \$2000 E&S bond shall be posted for each lot prior to the issue of a zoning permit.

The Commission finds that this application complies with the Town of Montville Zoning Regulations and Subdivision 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. This approval expires five years from the date of the Commission’s approval. Roll call vote: In favor: Commissioners Baron, Ferrante, Marcus, Mastrandrea Pieniadz, Polhemus, Toner, Siragusa and Desjardins. Opposed: none 9-0-0 All in favor. **MOTION CARRIED.**

b.) Hillcrest Montville, LLC/Chel & Company, LLC: An application for a Resubdivision (2 lots) on the property located at 5 Richard Brown Drive, Uncasville, CT As shown on Assessor’s Map 55 Lot 33A. **MOTION to APPROVE** a two lot resubdivision of 5 Richard Brown Dr, Uncasville, Ct. As shown on Assessor’s Map 35 Lot 33A as depicted on the plan titled “Landsdowne Estates Resubdivision Boundary Survey Property Belonging to HillCrest Montville, LLC. 5 Richard Brown Drive Montville, Ct. Total Area 35.21 Acres Scale 1”=80’ prepared by William Kent dated November 24, 2008” was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER**. Discussion was held. Roll call vote: In favor: Commissioners Baron, Ferrante, Marcus, Mastrandrea Pieniadz, Polhemus, Toner, Siragusa and Desjardins. Opposed: none 9-0-0 All in favor. **MOTION CARRIED.**

c.) Robert and Dixie Meyer: An application for a Special Permit for an interior lot on the property located at 55 Fellows Road, Oakdale, CT As shown on Assessor’s Map 37 Lot 21. A **MOTION** was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **MOTION to APPROVE** An application for a Special Permit for an interior lot on the property located at 55 Fellows Road, Oakdale, CT As shown on Assessor’s Map 37 Lot 21. The Commission approves this special permit for an interior lot located at 55 Fellows Rd; Map 37, Lot 21 and the Commission 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,

no 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. This approval is subject to a condition requiring approval by the Commission, acting in its Zoning capacity of the Subdivision for this property.
2. The Warranty Deed to The Town of Montville for Road Widening Purposes along with the Declaration of Joint Driveway Easement and Maintenance Agreement are subject to approval by the Town Attorney.

This Special Permit is granted based on the following plan:

"Lot Layout Sheet Map 37 Lot 21 Subdivision Prepared for Robert G. Meyer & Dixie L. Meyer 55 Fellows Rd Montville, Ct Prepared by Eric Seitz Land Surveying, Inc. P.O. Box 156 Jewett City November 2009 as revised 4-13-10" Roll call vote: In favor: Commissioners Baron, Ferrante, Marcus, Mastrandrea Pieniadz, Polhemus, Toner, Siragusa and Desjardins. Opposed: none 9-0-0 All in favor. **MOTION CARRIED.**

- d.) Robert and Dixie Meyer:** An application for a Subdivision (2 lots) on the property located at 55 Fellows Road, Oakdale, CT As shown on Assessor's Map 37 Lot 21.

A **MOTION** to was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **MOTION** to **APPROVE** a Subdivision of 55 Fellows Rd; Map 37, Lot 21 shown on a plan titled "Lot Layout Sheet Map 37 Lot 21 Subdivision Prepared for Robert G. Meyer & Dixie L. Meyer 55 Fellows Rd Montville, Ct Prepared by Eric Seitz Land Surveying, Inc. P.O. Box 156 Jewett City November 2009 and revised to 4-13-10" with conditions:

1. A \$2000 E&S bond shall be posted for each lot prior to the issue of a zoning permit.
2. The Warranty Deed to The Town of Montville for Road Widening Purposes along with the Declaration Joint Driveway Easement and Maintenance Agreement are subject to approval by the Town Attorney.

The Commission finds that this application complies with the Town of Montville Zoning Regulations and Subdivision 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. This approval expires five years from the date of the Commission's approval. Roll call vote: In favor: Commissioners Baron, Ferrante, Marcus, Mastrandrea Pieniadz, Polhemus, Toner, Siragusa and Desjardins. Opposed: none 9-0-0 All in favor. **MOTION CARRIED.**

2. 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: Discussion was held regarding recent enforcement issues and ongoing litigation.

14. Adjourn: The meeting adjourned at 9:15 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