

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
November 29, 2011

1. **Call to Order.** Chairman Pieniadz called the November 29, 2011 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, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (7 regular members)
COMMISSION MEMBERS ABSENT: Commissioner Ferrante. (1 regular member)
STAFF PRESENT: Colleen Bezanson, Inland Wetlands Officer/Planner II and Marcia A. Vlaun, Town Planner. Also present was Attorney Ronald Ochsner.
4. **Executive Session:** none
5. **New Business:**
 1. **Action items:**
 - a.) **Walter Lynick, Michael Lynick & John Lynick, Jr.:** A request for a 90 day extension of the statutory filing deadline of the approved subdivision mylars for the Lynick Subdivision on the property located at 97 Jerome Road, Montville CT As shown on Assessor's Map 10 Lot 4. Discussion was held. A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER DESJARDINS** to **APPROVE** the 90 day extension to file the mylars. Voice vote. 7-0-0 **MOTION CARRIED.**
6. **Public Hearings:**
 - a.) **Getty Granite Company/Getty Real Estate, LLC:** An application for a Special Permit for Excavation of Earth Materials on the property located at 89 Cherry Lane, Montville, CT. As shown on Assessor's Map 60 Lot 22a. Chairman Pieniadz opened the Public Hearing at 7:02 p.m. **Staff:** Staff entered the following into the record: Staff exhibits. 1. The entire file. 2. Certified mailing receipts. 3. Notification to Norwich DPU. 4. Legal ad as published in the New London Day. 5. Staff Report. Staff recommended approval for a 5 year term. **Applicant:** Attorney Harry Heller, 736 Route 32, Uncasville representing the applicant made a presentation to the Commission which included a history of the site. **Public: In favor:** Bill Hyrack's comments included that Getty has been a "good neighbor" for 17 years and addressed any issued immediately. Archer Moorecroft had concerns about expansion to the east. **Opposed:** none. A **MOTION** was made to **CLOSE** the PUBLIC HEARING by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**
 - b.) **Town of Montville Planning & Zoning Commission: Revisions to the Town of Montville Zoning Regulations:** Section 1.3 Add Final Plan, Lot Width, Performance Bond and Public Improvements; 4.13.6 Delete the word Frontage and Add the words Lot

Width, Revise lot width and Add new lot widths 76 to 85 ft. and 86 to 95 ft.; 9A.1.21 Revise Bonding of Public Improvements shown on Final Plan and Subdivision Plan; 10.A.2.4 Delete the word excluding; Add the word including; 11.A.2.4 Revise: Delete located internally on a lot which contains another principal use other than a restaurant and Add including drive-up or drive-thru; 16.3.3 Revise; 16.5.5 Revise; 16.12. Add Project Security; 17.8.7 Revise; and 18.5.10 Revise. The Public hearing was opened at 7:18 p.m. **STAFF:** Staff entered the following into the record: **Staff Exhibits:**

1. Legal ads as published in the New London Day on October 28, 2011 and November 4, 2011 and republished on November 18th and November 26th.
2. Copy of the Town Clerk date stamped page of the proposed Zoning Regulations filed with her office on October 28, 2011.
3. Copy of the Agenda for the Public Hearing as filed with the Town Clerk on November 23, 2011 @ 10:49 a.m.
4. Municipal Notifications (proof of mailing and return receipts) sent as follows:
 - a. Bozrah Town Clerk.
 - b. East Lyme Town Clerk.
 - c. Ledyard Town Clerk.
 - d. Norwich City Clerk.
 - e. Preston Town Clerk.
 - f. Salem Town Clerk.
 - g. Waterford Town Clerk.
 - h. Southeastern Connecticut Council of Governments Regional Planning Commission.
 - i. Office of Long Island Sound –OLIS DEEP.
 - j. Department of Energy and Environmental Protection - Commissioner Esty.
 - k. Chairman Montville WPCA.
 - l. Southeastern Connecticut Water Authority.
 - m. Norwich Public Utilities.
 - n. Norwich Water Department
 - o. Department of Public Health Commissioner Mullen.
 - p. New London Public Utilities.
5. Response letter from SCCOG dated September 28, 2011 signed by James Rabbit, AICP.
6. Response letter from the State of Connecticut Department of Public Health dated October 27, 2011 signed by Eric McPhee of the Drinking Water Section.
7. Notifications sent pursuant to Public Notice Registry as follows:
 - a. Audrey Wasik for Ct Assoc. of Realtors (email and regular mail)
 - b. Mark Suprenant (regular mail)
 - c. Jeffrey C. Paquette (email only)
 - d. James Orzechowski (regular mail)
 - e. Eastern Connecticut Association of Realtors (regular mail)
 - f. Dave Evans for Ct. Assoc. of Realtors (email only)

8. Complete copy of the proposed Zoning Regulations.
9. Illustrations showing proposed house locations on the properties located at 3 Old Colchester Road (a), 649 Route 82 (b) and 117 Forsyth Road (c) to be utilized as examples for the proposed lot width changes (Section 4.13.6).
10. Errata sheet: Section 1.3 & Section 16.12.1 thru 16.12.6.
11. Public Act 11-79.
12. Staff informed the Commission of the changes that were necessary due to P.A. 11-79 and the other changes that were being incorporated in the regulations at this time. Attorney Ronald Ochsner, representing the Commission, explained the revisions section by section and discussed options available in order to protect the town. Discussion was held. Staff, along with assistance from Attorney Harry Heller explained the proposed changes regarding lot width on non-conforming lots. Staff exhibit #9 (three plans) were shown to the Commission scenarios were presented that showed how the current regulations vs. proposed regulations treat parcel owners. Staff reviewed proposed revisions regarding drive-thru restaurants in the C-1 and C-2 zones. For further detail, please refer to the audio recording. Discussion was held. **PUBLIC:** In favor: none. Opposed: none. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** to **CLOSE** the Public Hearing. Voice vote. 7-0-0 **MOTION CARRIED.**

The Commission took a break from 8:25 p.m. to 8:35 p.m. when Chairman Pieniadz reopened the meeting.

c.) Town of Montville Planning & Zoning Commission: Revisions to the Town of Montville Subdivision Regulations: Section 3.5.1 Add the words Energy and; 3.7 Revise Completion of Public Improvements and Bonding; 3.7.1 Revise Separate Sedimentation and Erosion Control Bond; 3.7.2 Add Conditional Approval; 3.7.3 Add In computing the amount of Erosion and Sediment Control Bond; 3.11.1 Add subdivision is to be developed in phases, the subdivider may post an Erosion and Sediment Control Bond; 3.12 Add Performance Bond; 4.3.13 Delete the Inland Wetlands and Watercourses Commission; 4.5 Add the words Energy and; 5.8 Revise Flood Zone; 6.10 Revise Erosion and Sediment Control Bond Release; 6.11 Delete Maintenance Bond; Add Appendix B: Restrictive Covenants for Conditional Approval of Subdivisions. Chairman Pieniadz opened the Public Hearing at 8:35 p.m. **Staff:** Staff entered the following into the record:

1. Legal ads as published in the New London Day on October 28, 2011 and November 4, 2011 and republished on November 18th and November 26th.
2. Complete copy of the Exhibits as submitted for the previous Public Hearing on the Zoning Regulations.
3. Copy of the Town Clerk date stamped page of the proposed Subdivision Regulations filed with her office on October 28, 2011.
4. Complete copy of the proposed Subdivision Regulations.
5. Errata sheet: Section 3.7.

Attorney Ochsner explained the changes to the Subdivision Regulations that were proposed due to P.A. 11-79. Discussion was held. **PUBLIC:** In favor: Attorney Harry Heller spoke neither in favor or opposed but advised the Commission that the changes would benefit the “big players” and would hurt local developers as it would make their projects unbankable. Opposed: none. Discussion was held, which included but was not limited to developer agreements as part of possible conditional approvals. For further detail, please refer to the audio recording. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** to **CLOSE** the Public Hearing. Voice vote. 7-0-0 **MOTION CARRIED.**

Getty Granite Company/Getty Real Estate, LLC: An application for a Special Permit for Excavation of Earth Materials on the property located at 89 Cherry Lane, Montville, CT. As shown on Assessor’s Map 60 Lot 22a. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: The Commission **APPROVES** this special permit for the continued use of a quarry operation on the property located at Cherry Lane as shown on Assessor’s Map 60 Lot 22A with conditions. In doing so the Commission has considered the application, the staff report, the public testimony and the expert testimony and finds that:

1. 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 value.
2. 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 or 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.
3. 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.

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. The applicant may re-file another application review. The conditions of approval are:

1. That ingress to the proposed quarry operation is limited to Noble Hill Road only and that egress is limited to Cherry Lane only.
2. The vehicle trips per day are limited to four (4) trips to the site and four (4) trips exiting the site.
3. That hours of operation be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 2:00 p.m. on Saturday and that no operations occur on Sunday or legal holidays and that truck traffic be coordinated with the school bus coordinator

for the Town of Montville.

4. That truck size utilized in the quarrying operation be limited to a tri-axle dump truck with a capacity not to exceed twenty (20) tons.
5. That this special permit be granted for a five (5) year term.

This Special Permit is granted based on the following plan:

“Proposed Excavation Plan Prepared for Getty Granite Company Cherry Lane Montville, Ct. Prepared by Chandler, Palmer & King 110 Broadway Norwich, Ct. dated April 23, 1993.”

Roll call vote: In favor: Baron, Desjardins, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. Opposed: none. Abstain: none. All in favor. 7-0-0 **MOTION CARRIED.**

Town of Montville Planning & Zoning Commission: Revisions to the Town of Montville Zoning Regulations: A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER SIRAGUSA** as follows: It is hereby **MOVED to APPROVE** the Town of Montville Zoning Regulations as filed with the Montville Town Clerk’s office on October 28, 2011 to include errata sheets (amendments) submitted as Exhibit #10 (Exhibit A as attached to these minutes).

Roll call vote: In favor: Baron, Desjardins, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. Opposed: none. Abstain: none. All in favor. 7-0-0 **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER** as follows: **I hereby move that the effective date of adoption of these Regulations (zoning) is December 15, 2011.**

Roll call vote: In favor: Baron, Desjardins, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. Opposed: none. Abstain: none. All in favor. 7-0-0 **MOTION CARRIED.**

Town of Montville Planning & Zoning Commission: Revisions to the Town of Montville Subdivision Regulations: A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER SIRAGUSA** as follows: It is hereby **MOVED to APPROVE** The Town of Montville Subdivision Regulations as filed with the Montville Town Clerk’s office on October 28, 2011 to include errata sheets (amendments) submitted as Exhibit # 5 (Exhibit B as attached to these minutes).

Roll call vote: In favor: Baron, Desjardins, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. Opposed: none. Abstain: none. All in favor. 7-0-0 **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER** as follows: **I hereby move that the effective date of adoption of these Regulations (subdivision) is December 15, 2011.**

Roll call vote: In favor: Baron, Desjardins, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. Opposed: none. Abstain: none. All in favor. 7-0-0 **MOTION CARRIED.**

7. Zoning Issues: none

1. Action items:

8. Old Business:

1. Action Items:

2. Not Ready For Action:

- 9. Communications:** Staff: Staff advised that we had received the following: a letter from the Town of Ledyard regarding regulation changes for restaurants or inns with live-in managers or innkeepers.

10. Minutes:

- a.) Acceptance of the minutes from the Regular meeting of October 25, 2011. A **MOTION** to **APPROVE** (the minutes) was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 7-0-0 **MOTION CARRIED**.

11. New Business:

- 2. **Not Ready For Action:**

12. Zoning Issues:

- 2. **Non-Action Items:** none
- 3. **Zoning Officer’s Report:**

13. Other business to come before the Commission:

- a.) Approval of 2012 meeting calendar. (as attached) A **MOTION** to **APPROVE** the 2012 meeting calendar was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 6-0-1 with Commissioner Baron abstaining. **MOTION CARRIED**.

The Commission and Staff discussed the problems associated with P.A. 11-79 and they hope that the legislation will be soon amended.

14. Adjourn: The meeting adjourned at 9:25 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.

**Exhibit A
Zoning Regulations Errata sheet**

Proposed Zoning Regulations

SECTION 1.3 DEFINITIONS

FINAL PLAN

Any plan submitted by an applicant for approval by the Commission to conduct activities under these Regulations which is finally approved by the Commission ~~and not appealed;~~ which plan reflects all conditions or modifications of approval; which is accompanied by all deeds and other documents required by these Regulations; which has not been appealed or which appeal has been dismissed by a court of competent jurisdiction; and which plan is otherwise ready to be filed with the Montville Town Clerk and a Zoning Permit issued.

PUBLIC IMPROVEMENTS

Any improvements to existing public facilities or construction of new public facilities which are approved by the Commission as part of a Final Plan. These include but are not limited to public streets or roadways, drainage structures, utilities and any other installations which provide a benefit to the general public or constitute required amenities on the site, such as

landscaping, stormwater management systems, lighting, pedestrian walkways, and street furniture. "Public Improvements" shall not include private buildings or leasable/saleable structures..

SECTION 16.12.1 Performance Bonds

Subsection 16.12.1 (c) (1)

c) As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Final Plan public improvements and utilities:

- 1) Cash in the form of a certified check, or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in New London County. ~~This shall be the only method of bonding permitted for erosion and sedimentation control measures;~~

Subsection 16.12.1 (e)

e) If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact; or may void the approved Final Plan in accordance with the provisions of these Regulations; or may deny a request for a Certificate of Zoning Compliance.

§16.12.5 Warranty of Improved Town Roads

The applicant shall, when notified by the Public Works Director promptly and at its own expense, repair all defects, settlements and irregularities in the construction and operation of any improvements for an improved town road and its appurtenant structures, including drainage system pipes, mains or conduits, curbs, gutters, sidewalks, road surfaces, land turfing and bridges-which may arise during a period of one year after acceptance by the Town.

§16.12.6 Certificate of Compliance

Before release of any bond, the applicant shall present a statement and a copy of the "as built" construction plans, each signed and sealed by a professional engineer licensed to practice in the State of Connecticut, which statement shall certify that the Public Improvements, including but not limited to streets, ditches, watercourses, head walls, storm drains, sanitary sewers, catch basins manholes, sidewalks, gutters, curbs, bridges, culverts and other structures and improvements have been installed in the location and at the elevation or grade shown on the construction plans. Any revisions of the approved construction plan must be approved and initialed by the Selectmen or their agent. Such revision shall be incorporated on the "as built" construction plans.

Exhibit B Subdivision Regulations Errata Sheet

Proposed Amendments to Subdivision Regulations

Section 3.7

3.7 Completion of Public Improvements and Bonding. For completion of public improvements, conditional approval in accordance with Subsection 4 3.7.2 below shall be the only method for assurance of completion of such public improvements.

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION

310 NORWICH NEW LONDON TPKE
UNCASVILLE, CT. 06382
PHONE (860) 848-8549 Fax (860) 848-2354

LOCATION:
MONTVILLE TOWN HALL
COUNCIL CHAMBERS
310 Norwich-New London Turnpike,
Uncasville, Connecticut

MEETING DATES 2012

<u>Meeting date</u>	<u>Time</u>
Tuesday, January 10, 2012	7:00 pm
Tuesday, January 24, 2012	7:00 pm
Tuesday, February 14, 2012	7:00 pm
Tuesday, February 28, 2012	7:00 pm
Tuesday, March 13, 2012	7:00 pm
Tuesday, March 27, 2012	7:00 pm
Tuesday, April 10, 2012	7:00 pm
Tuesday, April 24, 2012	7:00 pm
Tuesday, May 8, 2012	7:00 pm
Tuesday, May 22, 2012	7:00 pm
Tuesday, June 12, 2012	7:00 pm
Tuesday, June 26, 2012	7:00 pm
Tuesday, July 24, 2011	7:00 pm
Tuesday, August 28, 2012	7:00 pm
Tuesday, September 11, 2012	7:00 pm
Tuesday, September 25, 2012	7:00 pm
Tuesday, October 9, 2012	7:00 pm
Tuesday, October 23, 2012	7:00 pm
Tuesday, November 13, 2012	7:00 pm
Tuesday, December 11, 2012	7:00 pm
