

**TOWN OF MONTVILLE  
PLANNING & ZONING COMMISSION  
310 NORWICH NEW LONDON TPKE  
PHONE (860) 848-8549 x379 Fax (860) 848-2354  
MEETING MINUTES  
April 24, 2012**

1. **Call to Order.** Chairman Pieniadz called the April 10, 2012 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 Desjardins, Katske, Mastrandrea, Pieniadz, Polhemus, and Toner. (6 regular members)  
**COMMISSION MEMBERS ABSENT:** Commissioners Ferrante and Siragusa. (2 regular members)  
**STAFF PRESENT:** Marcia A. Vlaun, Town Planner and Colleen Bezanson, Planner II.
4. **Executive Session:** none
5. **New Business:**
  1. **Action items:**
    - a.) **Town of Montville Capital Improvement Plan.** Staff informed the Commission of the work and interdepartmental co-operation that went into preparing the plan and ensuring compliance with the Commission's Plan of Conservation and Development. Discussion was held regarding the availability of grants and the long range plans for the town. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to send a **POSITIVE RECOMMENDATION** to the Town Council on the Capital Improvement Plan. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**
    - b.) **Richard M. Archer:** An application for a Special Permit for a conversion to a multi-family dwelling on the property located at 417 Chapel Hill Road, Oakdale, CT As shown on Assessor's Map 92 Lot 10. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **SET** the Public Hearing date for May 22, 2012. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**
  2. **Not ready for action:**
    - a.) **Jay M. Haverson/Michael Samuels, Samuels, LLC:** An application for preliminary Site Plan review for Montville Plaza on the property located at 2268-2284 Norwich-New London Tpke. (Route 32), Montville, CT As shown on Assessor's Map 106 Lots 34, 35, & 36. Still before IWC. A **MOTION** was made by **COMMISSIONER DESJARDINS;**

**SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 6-0-0 All in favor. **MOTION CARRIED**.

**6. Public Hearings:**

Staff informed the Commission of the repetitiveness of the Special Permit applications that are scheduled for Public Hearings and provided them with an option for streamlining the process.

- a.) **Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 7 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-2. Chairman Pieniadz opened the Public Hearing at 7:18 p.m. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff report was read. She reminded the Commission that the Special Permit approval would not alleviate the Subdivision approval conditions – they all remain in effect. Staff read the following ('Exhibit A") into the record:

**Staff Exhibit 3**

**"Exhibit A**

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 appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, is in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

2. Complies with Zoning Regulations dated March 20, 2012.

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. The ZEO must be contacted 24 hrs prior to start of construction.
2. An E&S Bond in the amount of \$2,000.00 must be posted prior to the issuance of a Zoning Permit.
3. The Applicant/Developer shall construct the road and associated infrastructure as shown on the plan titled "Legacy Associates, Inc. P.O. Box 11 Old Mystic CT 06372 Legacy Estates Woodland Drive Montville, CT. Project No. F.H.E Surveyor/Engineer E.S. /P.F.L. Scale: 1"= 40' Date: May 2007 Sheet No. 1 of 8 thru Sheet No. 8 of 8" prepared by Eric Seitz Land Surveying, Inc. and Development Solutions, L.L.C. Zoning Permits for dwelling units ***shall not*** be issued until such time as the road is accepted by the Montville Town Council and the wastewater pump station has been inspected and approved by the WPCA.

However, the Applicant/Developer may, at any time within the statutory completion time pursuant to C.G.S. §8-26c and any amendments thereto, post a Performance Bond for the completion of public improvements for the entire road and infrastructure which must be in compliance with The Town of Montville Subdivision Regulations Section 3.7 Completion of Public Improvements as amended effective 12/15/11 and Section 3.12 Performance Bond as amended effective 12/15/11.

These Bonding requirements supersede previous Bonding requirements approved by the Commission on June 12, 2007. All remaining conditions of the June 12, 2007 Subdivision approval remain in force.”

Exhibit A shall serve as an exhibit to all motions involving tonight’s Special permit applications.

Staff explained to the Commission the options that are available to the applicant/developer. The Commission had no questions for either Staff or the applicant.

**Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She has concerns with residents coming & going.

**A MOTION** was made to **CLOSE** the Public Hearing on 7 Waters Drive by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

Discussion was held regarding procedures and organizational issues.

**A MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** to **MOVE** this as agenda item 7. (Old Business) and to make a blanket motion to vote on these items (Legacy Associates Special Permits) as we close them, (the Public Hearings), and vote on them. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

**A MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER MASTRANDREA** as follows: **MOTION** to **APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application

for the construction of a two family home on the property located at 7 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-2. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE AGENDA ITEMS 6 B. AND 6 g. (Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC: A Special Permit at 11 Waters Drive and 23 Waters Drive).** Voice vote. 6-0-0 **MOTION CARRIED.**

b.) **Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 11 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-3. (see above motion – CONTINUED)

c.) **Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 15 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-4. Chairman Pieniadz opened the Public Hearing. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that all comments, letters, etc. were the same as 7 Waters Drive. The Commission had no questions for either Staff or the applicant. **Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She said that her concerns are the same as for the last Public Hearing and that there will be more kids there.

A **MOTION** was made to **CLOSE** the Public Hearing on item 6.c. 15 Waters Drive by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **MOTION** to **APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 15 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-4. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

d.) **Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 16 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-11. Chairman Pieniadz opened the Public Hearing at 7:40 p.m. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and

Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that all comments, letters, etc. were the same as 7 Waters Drive. The Commission had no questions for either Staff or the applicant.

**Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She said that her concerns are the same as for the last Public Hearing and that there will be more kids there.

A **MOTION** was made to **CLOSE** the Public Hearing on item 6.d. 16 Waters Drive by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER DESJARDINS** as follows: **MOTION to APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 16 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-11. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

- e.) **Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 19 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-5. Chairman Pieniadz opened the Public Hearing at 7:46 p.m. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that all comments, letters, etc. were the same as 7 Waters Drive. The Commission had no questions for either Staff or the applicant.

**Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She said that her concerns are the same as for the last Public Hearing.

A **MOTION** was made to **CLOSE** the Public Hearing on item 6.e. 19 Waters Drive by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER DESJARDINS** as follows: **MOTION to APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 19 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-5. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

- f.) **Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 20

Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-10. Chairman Pieniadz opened the Public Hearing at 7:49 p.m. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that all comments, letters, etc. were the same as 7 Waters Drive. The Commission had no questions for either Staff or the applicant.

**Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She said that her concerns are the same as for the last Public Hearing.

A **MOTION** was made to **CLOSE** the Public Hearing on item 6.f. 20 Waters Drive by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER DESJARDINS** as follows: **MOTION to APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 20 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-10. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

g.) **Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 23 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-6. (see above motion – CONTINUED)

h.) **Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 24 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-9. Chairman Pieniadz opened the Public Hearing. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that all comments, letters, etc. were the same as 7 Waters Drive. The Commission had no questions for either Staff or the applicant.

**Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She said that her concerns are the same as for the last Public Hearing.

A **MOTION** was made to **CLOSE** the Public Hearing on item 6.h. 24 Waters Drive by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER DESJARDINS** as follows: **MOTION to APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 24 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-9. The Commission has considered

and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

- i.) **Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 28 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-8. Chairman Pieniadz opened the Public Hearing. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 4/24/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that all comments, letters, etc. were the same as 7 Waters Drive. The Commission had no questions for either Staff or the applicant. **Public:** In favor: none. Opposed: Paula Hess of 165 Woodland Drive spoke in opposition of the Special Permit. She said that she is opposed for the same reasons. A **MOTION** was made to **CLOSE** the Public Hearing on item 6.i. 28 Waters Drive by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.** A **MOTION** was made by **COMMISSIONER TONER; SECONDED by COMMISSIONER DESJARDINS** as follows: **MOTION to APPROVE** Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 28 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-8. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

## 7. Old Business:

1. **Action Items:** none

### 2. Not Ready For Action:

- a.) **Joseph Wyspianski/Pauline Millaras:** An application for a Site Plan Review for the renovation of an existing non-conforming dwelling house and garage to an office and garage for a used car dealer's and repairer's facility located on the property at 904 Norwich New London Tpke. (Route 32) Montville, CT As shown on Assessor's Map 83 Lot 7. Staff advised that the Town Attorney responded today to the Commission's request for an opinion as to how to proceed. Attorney Carey agreed with Attorney Heller's interpretation. Site Plan approval should be first. This item will be on the agenda for the Commission's next meeting for action. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER** to **CONTINUE.** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**
- b.) **Marriott Plaza, LLC/Charles Gager:** An application for Site Plan Review for the Development of a 120 room hotel facility on the property located at 1360 Norwich-New

London Tpke (Route 32), Montville, CT. As shown on Assessor's Map 88 Lot 22. Still before IWC. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

**8. Zoning Matters:**

- 1. Action Items:** none
- 2. Non-Action Items:**
- 3. Zoning Officer's Report:** ZEO Report was distributed to the Commission.

**9. Communications:** none.

**10. Minutes:**

- a.) Acceptance of the minutes from the regular meeting of April 10, 2012. A **MOTION** to **APPROVE** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** Voice vote. 6-0-0 All in favor. **MOTION CARRIED.**

**11. Other business to come before the Commission:** none

**12. Adjourn:** **MOTION** to **ADJOURN** by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER**. All in favor. 6-0-0 **MOTION CARRIED.** The meeting adjourned at 8:05 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**