

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
January 13, 2009**

1. **Call to Order.** Chairman Marcus called the January 13, 2009 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 Marcus, Pieniadz, Polhemus, Mastrandrea, Baron Siragusa, Desjardins, Ferrante and Toner. (8 regular members and 1 alternate)
COMMISSION MEMBERS ABSENT: none
STAFF PRESENT: Thomas Sanders, Zoning Enforcement Officer and Marcia Vlaun, Town Planner.
Chairman Marcus seated Alternate Commissioner Desjardins in the vacant regular member slot.
4. **Executive Session:** none
5. **New Business:**
 1. **Action items:**
 - a) **Town of Montville Planning & Zoning Commission:** Text amendment to the Subdivision Regulations Section 6.11 Maintenance Bond. Copy of the proposed text was distributed to the Commission and the Commission will discuss it at their next meeting. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 9-0 All in favor. **MOTION CARRIED.**
 - b) **855 Route 32 Associates:** An application for Site Plan review for a retail/commercial facility located on the property at 855 Norwich-New London Turnpike, (Route 32), Uncasville, CT. As shown on Assessor's Map 83 Lot 33. Commissioner Pieniadz advised a conflict of interest and stepped down (written notice attached hereto) and left the meeting room. Staff Report was read into the record. Discussion was held. Attorney Harry Heller, representing 855 Route 32 Associates, was on hand to address the Commission's concerns relative to obtaining a sewer easement from his client. A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER**

DESJARDINS to **APPROVE** 855 Route 32 Associates: An application for Site Plan review for a retail/commercial facility located on the property at 855 Norwich-New London Turnpike, (Route 32), Uncasville, CT. As shown on Assessor's Map 83 Lot 33, with the condition that the applicant grant the Town of Montville an easement 10' off the center off the sewer line, subject to approval by the Town Attorney. Voice vote. 8-0 **MOTION CARRIED**. Commissioner Pieniadz returned to the room.

- c) **Niantic River Watershed Guided Summary Review**. Colleen Bezanson, Inland Wetlands Officer/Planner II, presented the Commission with an overview of the summary and asked the Commission for their comments on the same.

6. Zoning Issues:

- a) **Wei Qun Lin**: An application for a Home Occupation Permit for the making and sale of clothing on the property located at 23 Holly Hill Drive, Uncasville, CT As shown on Assessor's Map 109Lot 65. Discussion was held between the applicant and the Commission. The applicant was advised of the following: permit is good for one year, no employees, clothes will be custom made by appointment only with no direct sales, and that a sign can be no larger than 2 square feet, that it cannot impede the sight line and that they will have to meet and get approval from the ZEO and the Public Works Director for placement of the sign. A **MOTION** was made by **COMMISSIONER SIRAGUSA**; **SECONDED** by **COMMISSIONER POLHEMUS** to **APPROVE** the **APPLICATION** (Home Occupation Permit). Discussion was held. Voice vote. 9-0 **MOTION CARRIED**.

7. Public Hearings:

- a) **T&N Financial/Inez Mazzei**: An application for a 14 lot subdivision located on the property at 687 Old Colchester Road, Uncasville, CT As shown on Assessors Map 22 Lot 16. The Public Hearing was opened by Chairman Marcus at 7:40 p.m. A **MOTION** was made by **COMMISSIONER SIRAGUSA**; **SECONDED** by **COMMISSIONER POLHEMUS** to **CONTINUE T&N Financial/Inez Mazzei**: An application for a 14 lot subdivision located on the property at 687 Old Colchester Road, Uncasville, CT As shown on Assessors Map 22 Lot 16. Voice vote. 9-0 **MOTION CARRIED**.
- b) **Hastedt Brothers LLC/Lombardi Business Park, LLC**: An application for a Special Permit for a mobile asphalt plant located on the property at 375 Butlertown Road and 25 Sachatello Industrial Drive, Oakdale, CT. As shown on Assessor's Map 5 Lots 27-5 and 27-6. Staff advised that the application had been withdrawn and read a letter dated 1/12/09 from Ellen Bartlett of CLA Engineers. **WITHDRAWN**
- c) **9R Burlake Road, LLC**: An application for a Zone Change from R-40 to R-20 on the properties located at 76, 90, 94, and 120 Gay Hill Road, Montville, CT As shown on Assessor's Map 23 Lots 1, 2, 3 & 3A. Commissioner Siragusa had concerns relative to conflict of interest. Discussion was held. Recess was taken from 7:50 p.m. until 8:05

p.m. when the meeting was called back to order. Chairman Marcus read excerpts from "What's Legally Required" by Michael Zizka and CBA "Connecticut Land Use Law" relative to C.G.S. §8-11 and §8-21. Chairman Marcus opened the Public Hearing at 8:09 p.m.

STAFF: Staff entered the following into the record as Staff Exhibits: **Staff Ex. 1.:** Legal Ad as published in the New London Day, **Staff Ex. 2.:** Staff Report dated 1/13/09 **Applicant Ex. 1.:** Letter and Attachments dated 1/9/09 enclosing copies of the letters sent to property owners within 500' of the proposed zone change and certificates of mailing for the same. **Applicant Ex. 2.:** Zone Change Plan 76, 90, 94 & 120 Gay Hill Road by Tarbell, Heintz & Associates Dated 11/13/08. **Applicant Ex.3.:** Copy of the Zone Change Application. Conflict of interest form was presented on behalf of Commissioner Siragusa (written notice attached hereto). *Commissioner Siragusa had previously left the meeting room. Staff Report was read. Discussion was held. **APPLICANT:** Attorney Harry Heller, 736 Route 32 representing the applicant advised the Commission that the applicant, John George of 9R Burlake and Michael Tarbell, Surveyor/Engineer was available to answer any of their questions. Attorney Heller addressed key points of the criteria necessary for a zone change. (refer to the audio recording for a more exact information) **Applicant Ex. 4.:** State of Connecticut Locational Guide Map POCD for the Town of Montville. **Applicant Ex. 5:** Portions of the State of Connecticut Conservation and Development Policies Plan for Connecticut 2005-2010 by OPM. **Applicant Ex. 6.:** Town of Montville Zoning Map 4/16/90 revised to 9/13/90. He proceeded to make a presentation to the Commission which included a summary of the applicant's wetland application. Discussion was held.

PUBLIC: In favor: none Opposed: The following members of the Public spoke: Theodore Wisniewski his family owns 60-62 Gay Hill Road, Dennis Clark of 15 Gay Hill Road, Donald Beatrice of 15 Swanty Johnson Road, Keith Jensen, Vice President of Jensen's (said that he was neither for nor against) and submitted **Public Ex. 1.:** Letter from Keith Jensen dated 1/13/09 voicing his concerns, Gina Rodigou of 28 Swanty Johnson Road, Elmer Wittkofske of 18 Wynwood, Loraine Elliot of 90 Gay Hill Road, Ryan Videll of 76 Gay Hill Road, Rose Kovalik of 242B Maple Ave., Leo Chupaska of 68 Swanty Johnson Road, (Mr. Chupaska asked Staff to repeat the criteria section of the Staff Report for the benefit of the public that couldn't hear her previous presentation, and she obliged them), Carla Chacho of 239 Gay Hill Road, Rob St. Pierre of 16 Swanty Johnson Road, Ted Wisniewski 60-62 Gay Hill Road, Mrs. Positamo 35 Hillcrest Drive, Dennis Clark of 15 Gay Hill Road, John Poole of 19 Wynwood Road, Joyce Mederios of 15 Gay Hill Road, David Nelson of 94 Gay Hill Road, Lorraine Elliot of 90 Gay Hill Road, Joseph Conti of 9 Looking Glass, Virginia Marion of 29 Hillcrest, Elmer Wittkofske of 18 Wynwood, Roger Potvin of 7 Looking Glass, Gary Carter of 15 Looking Glass. Their concerns included, but were not limited to the following: an increase in density, postage stamp size lots, the number of homes currently on the market, mudslides, drainage, high water table, more children, traffic, bus stop safety, loss of rural character, animal (wildlife) welfare, water supply, clay soil, wetlands, safety, privacy and additional impact on schools and infrastructure. (Refer to the audio recording for a more complete record)

APPLICANT: Attorney Harry Heller responded the Public's concerns during his rebuttal. Among the items addressed, but not limited to, were the following: Density of

Hillcrest development and how it is a benefit to the community, the ability of anyone to file a Zone Change Application on any property throughout the State, lot sizes the same as Hunters Run and Pine Ridge, not a “low income project”, uses by right, traffic will have minimal impact, development applicant would have to address drainage, water, etc. when they submitted an application for the development. (refer to the audio recording for a more complete record).

A **MOTION** was made to **CLOSE** the Public Hearing by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Voice Vote. All in favor 8-0. **MOTION CARRIED**. The Public hearing closed at 10:30 p.m. Commissioner Siragusa did not return to the meeting.

The Commission took a recess from 10:30 until 10:42 p.m. when Chairman Marcus called the meeting back to order.

8. Old Business:

1. Action Items:

- a) **Budget: Fiscal year 09/10.** Staff reviewed the proposed budget with the Commission and discussion was held. A **MOTION** was made to approve the budget as proposed by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER**. All in favor. 8-0 **MOTION CARRIED**.

2. Not Ready For Action: none

9. **Communications: Staff:** Staff acknowledged receipt of the following and distributed copies of the same to the Commission; traffic counts for Mohegan Sun, an article regarding NRG, Draft of permanent driveway easement, shovel ready project grant applications for Fair Oaks and the Public Safety Building. **Commission:** Chairman Marcus informed the Commission that he had received the following: Newsletter from CT Fed. Agencies, Town & City Newsletter, Land Use Law Seminar Info and he read a letter that the Capital Improvement Committee had sent to the Mayor. Discussion was held.

10. Minutes:

1. Acceptance of the minutes from the Regular meeting of November 18, 2008. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER PIENIADZ** to **APPROVE** the minutes. 8-0 Voice vote. **MOTION CARRIED**.

11. New Business:

2. Non-Action items:

- a) **Vizion Enterprises/John Aldi:** An application for HOD Site Plan review for the property located at 1710-1856 Route 32, Uncasville, Ct. As shown on Assessor’s Map 94 Lot 29. A **MOTION** was made to **CONTINUE** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Voice vote. All in favor. 8-0 **MOTION CARRIED**.

12. Zoning Issues:

2. Non-Action Items: none

3. Zoning Officer's Report: ZEO informed the Commission of recent Initial Inquiries and Cease & Desist Orders that he had issued. ZEO Report was distributed and discussed.

13. Other business to come before the Commission:

a) Plan of Development

1) Housing

2) Economic Development

Discussion was held. Commission viewed a graph prepared by Staff outlining the foreclosure rates by age of dwelling.

14. Adjourn: The meeting adjourned at 11:10 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