

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE.
UNCASVILLE, CT 06382
PHONE (860) 848-6779 - FAX (860) 848-2354
MEETING MINUTES of
February 14, 2017**

1. **Call to order:** **CHAIRMAN PIENIADZ** opened February 14, 2017 Meeting at 7:00 pm.
2. **Pledge of Allegiance:** All rose to pledge the flag.
3. **Roll call and seating of Alternates:** **COMMISSIONERS PRESENT:** Bolles, Desjardins, McNally, Pieniadz, Pike (who sat for Hillsberg) Polhemus, Siragusa, and Toner. **COMMISSIONERS ABSENT:** Duchesneau and Hillsberg. **STAFF PRESENT:** Marcia Vlaun, Town Planner; Colleen Bezanson, Assistant Town Planner, and Elizabeth Burdick, Zoning Officer.
4. **Executive Session:** None
5. **Public Hearings/Applications:**

- a. **216 ZC 04 – Tara Crossley Oakdale, CT –** Application for Proposed Text Amendment to Zoning Regulations: Amend Sections 1.3 and 5.6.4 for the proposal regarding the keeping of hens. **CHAIRMAN PIENIADZ** opened **PUBLIC HEARING** at 7:02 p.m.

Staff entered the following Staff Exhibit List into the record for the Proposed Text Amendment to Zoning Regulations:

1. Copy of the legal ad as published in *The New London Day* on February 3rd and 10th 2017.
2. Notice to Town Clerk regarding Proposed Text Amendment to Zoning Regulations received in office of Town Clerk on January 17, 2017.
3. Notice of Proposed Text Amendment to Zoning Regulations sent by Certified/Return Receipt Requested Mail sent on January 4, 2017 (w/application attached) to the following:
 1. Connecticut Department of Energy and Environmental Protection
 2. Office of Long Island Sound Programs
 3. Town Clerk of Norwich
 4. Town Clerk of East Lyme
 5. Town Clerk of Bozrah
 6. Town Clerk of Preston
 7. Town Clerk of Salem
 8. Town Clerk of Waterford
 9. Town Clerk of Ledyard
 10. Town Clerk of New London
 11. Norwich Department of Public Utilities
 12. New London Department of Public Utilities

13. Montville WPCA
14. Norwich Water
15. CT Department of Public Health
16. SCCOG
17. Uncas Health
4. Letter from Samuel S. Alexander of SCCOG dated January 10, 2017.
5. Letter from Richard C. Serra of Town of Salem dated January 19, 2017.
6. Email from Patrick McCormack, Uncas Health dated February 6, 2017.
7. Email from Brian Lynch, Montville WPCA dated February 6, 2017.
8. Staff report and Map.
9. Entire project folder.

Town Planner read staff report with regard to Proposed Text Amendment to Zoning Regulations and entered into record the following Applicant Exhibit List:

Applicant Exhibits

1. Application to Amend Zoning Regulations from Tara Crossley.
2. Groton Regulation on Keeping of Hens.
3. East Lyme Regulation on Keeping of Hens.
4. New London Regulation on Keeping of Hens.

Staff entered the following Applicant Exhibit List into the record for the Proposed Text Amendment to Zoning Regulations:

Public Exhibits

1. Email from Howard Thomas, dated February 13, 2017.
2. Email from Ellen Hillman dated February 14, 2017.
3. Email from Jane Macierowski dated February 14, 2017.
4. Letter from Christian Swanson, Montville ACO.

CHAIRMAN PIENIADZ asked if the Applicant would like to speak. The following spoke:

1. Tara Crossley of 1326 Old Colchester Road, Oakdale spoke in favor of. Applicant read and entered into record letters from the following:
 1. Christian Swanson, Montville ACO.
 2. Jane Macierowski of 221 Massapeag Road, Montville.

CHAIRMAN PIENIADZ invited comments from public in favor of the application; the following spoke in favor:

1. Donald Dykes of 120 Lynch Hill Road, Montville.

2. Amy Jo Labbe of Canterbury; owner of the *Hatching House*, a micro hatchery.

After Amy Jo Labbe's discussion in favor of chickens; it was explained that chickens are only allowed to be purchased in lots of 6 at a time. Due to the fact the hens could decrease their egg production after only a few years, it would be beneficial to have 12 hens instead of 6 allowing for easier replacement. Discussion was held regarding increasing to 12 hens.

CHAIRMAN PIENIADZ invited comments from public in opposition of the proposed:

1. Steve McShane of 15 Forest Drive, Montville.

CHAIRMAN PIENIADZ asked **COMMISSIONERS** for questions of staff. **COMMISSIONER SIRAGUSA, PIKE** and **BOLLES** had questions, which were satisfactorily answered. **CHAIRMAN PIENIADZ** invited comments from public in favor of the application three times; there were none. **CHAIRMAN PIENIADZ** invited comments from the public in opposition of the application three times; there were none.

COMMISSIONER TONER made **MOTION**, seconded by **COMMISSIONER DESJARDINS** to close the public hearing. **VOICE VOTE 8-0-0. MOTION** passed. **PUBLIC HEARING** closed at 8:05 p.m.

COMMISSIONER McNALLY made **MOTION**, seconded by **COMMISSIONER PIKE** to approve the following changes to the Town of Montville Zoning Regulations and set an effective date for March 6, 2017.

Add to section 1.3 Farm Animal Definition: "The keeping of over 12 poultry shall be included in this definition."

Add New Section 4.15 as follows:

4.15 Keeping of Hens.

4.15.1 Purpose. This regulation provides for the keeping of hens as an accessory use to an owner-occupied, single-family residence for non-commercial, private home use with an approved zoning permit. It is not intended to the limit the keeping of poultry for agricultural uses where allowed.

4.15.2 No more than 12 hens will be kept on a property under 5 acres, but at least .50 acre as shown on the tax assessor's records, and shall be kept in a structure/enclosure at all times. No free range poultry are allowed.

4.15.3 All manure piles must be located no closer than 75 feet to any well. Verification must be provided by the Uncas Health District. The compost/manure pile must conform to the State of Connecticut's Best Management Practices for Agriculture.

- 4.15.4 No part of any structure or enclosure shall be located closer to the street than the rear of the primary residence and must meet the side and rear yard setbacks for the zone.
- 4.15.5 The structure/enclosure and all food products shall be kept as to prevent the presence of pests or predators. Any presence of pests or predators shall be considered a public health nuisance.
- 4.15.6 No Roosters are allowed.

The Commission determines that the proposal is consistent with the Plan of Conservation and Development and the Comprehensive Plan.

ROLL CALL VOTE: The following **COMMISSIONERS** voted in favor **DESJARDINS, PIENIADZ, POLHEMUS, SIRAGUSA, TONER, MCNALLY** and **PIKE**. **COMMISSIONER BOLLES** opposed. **VOICE VOTE 7-0-1. MOTION** carried.

COMMISSIONER PIENIADZ announced recess at 8:15 p.m. Meeting resumed at 8:25 p.m.

- b. **216ZC05 – Jensen’s Inc. – Application for Zoning Regulations Amendment:** Add new Section 6.3.16 to authorize by special permit manufactured home park development in the R-120 Zoning District. **CHAIRMAN PIENIADZ** opened **PUBLIC HEARING at 8:26 p.m.**

Town Planner read staff report into record.

Staff Exhibits:

1. Copy of the legal ad as published in *The New London Day* on February 3rd and 10th 2017.
2. Notice to Town Clerk regarding Proposed Text Amendment to Zoning Regulations received in office of Town Clerk on January 17, 2017.
3. Notice of Proposed Text Amendment to Zoning Regulations sent by Certified/Return Receipt Requested Mail sent on January 4, 2017 (w/application attached) to the following:
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 6. Town Clerk of Preston
 7. Town Clerk of Salem
 8. Town Clerk of Waterford
 9. Town Clerk of Ledyard
 10. Town Clerk of New London
 11. Norwich Department of Public Utilities

12. New London Department of Public Utilities
 13. Montville WPCA
 14. Norwich Water
 15. CT Department of Public Health
 16. SCCOG
 17. Uncas Health
4. Letter from Samuel S. Alexander, Planner II, from SCCOG dated January 19, 2017.
 5. Letter from David J. Kozak, Senior Coastal Planner DEEP Land and Water Resources Division dated January 17, 2017.
 6. Letter from Richard Serra, Town Planner Salem, dated January 19, 2017
 7. Email from Patrick McCormack, Uncas Health, dated February 6, 2017.
 8. Email from Brian Lynch, Montville WPCA, dated February 6, 2017.
 9. Staff report.
 10. Entire project folder.

Attorney Harry Heller, representing the applicant, gave presentation. **CHAIRMAN PIENIADZ** polled each **COMMISSIONER** for questions of the applicant's representative. **COMMISSIONER SIRAGUSA** and **COMMISSIONER PIKE** had questions which were answered satisfactorily.

CHAIRMAN PIENIADZ asked **COMMISSIONERS** for questions of staff. **COMMISSIONER SIRAGUSA, PIKE** and **BOLLES** had questions, which were answered satisfactorily. **CHAIRMAN PIENIADZ** invited comments from public in favor of the application three times; there were none. **CHAIRMAN PIENIADZ** invited comments from the public in opposition of the application three times; there were none.

COMMISSIONER DESJARDINS made **MOTION**, seconded by **COMMISSIONER POLHEMUS** to close the public hearing. **VOICE VOTE 8-0-0. MOTION** passed. **PUBLIC HEARING** closed at 8:55 p.m.

COMMISSIONER DESJARDINS made **MOTION**, seconded by **COMMISSIONER McNALLY** to approve the following changes to the Town of Montville Zoning Regulations and set an effective date for March 6, 2017- Add Section 6.3.16 "Manufactured Home Park- Must comply with Section 17.10 , but only if the project site interconnects to the Montville municipal sewer system and obtains a potable water supply from a municipal or community water system." Add to Section 17.10.1 "R120". The Commission finds that the proposed zoning text changes are in conformance with the Comprehensive Plan and the Plan of Conservation and Development, based on the findings and general discussion of the criteria contained in the staff report.

ROLL CALL VOTE: The following **COMMISSIONERS** voted in favor. **BOLLES, DESJARDINS, PIENIADZ, POLHEMUS, SIRAGUSA, TONER, McNALLY** and **PIKE. VOICE VOTE 8-0-0. MOTION** carried.

- c. **217SUB1 – Robert T. & Manuel J. Misarski** - 230 Butlertown Road (Map 1 Lot 14) Oakdale – Application for 3-Lot Resubdivision.

CHAIRMAN PIENIADZ opened **PUBLIC HEARING** at **8:56 p.m.**

Staff read report and entered into record the following Staff Exhibits:

Staff Exhibits

1. Copy of the legal ad as published in *The New London Day* on February 3rd and 10th 2017.
2. Letter to Robert T. & Manuel J. Misarski dated January 12, 2017.
3. Letter to James Butler, SCCOG, dated January 12, 2017.
4. Letter to David Campo, Town of Waterford, dated January 12, 2017.
5. Letter from Maureen FitzGerald, Town of Waterford, dated January 18, 2017.
6. Email from Michael Kirby, Uncas Health, dated January 19, 2017.
7. Letter from Samuel Alexander, SCCOG, dated January 19, 2017.
8. Letter from Liz Burdick, Town of Montville, dated January 23, 2017.
9. Staff report.
10. Entire project folder.

CHAIRMAN PIENIADZ invited comments from public in favor of the application three times; there were none. **CHAIRMAN PIENIADZ** invited comments from the public in opposition of the application three times; there were none. **CHAIRMAN PIENIADZ** asked if **COMMISSIONERS** had any questions of staff; there were none

COMMISSIONER DESJARDINS made **MOTION**, seconded by **COMMISSIONER McNALLY** to close the public hearing. **VOICE VOTE 8-0-0. MOTION** passed. **PUBLIC HEARING** closed at 9:01p.m.

COMMISSIONER DESJARDINS made **MOTION**, seconded by **COMMISSIONER TONER** that the Commission finds that the re-subdivision plan meets the requirements of Section 13 of the Zoning Regulations and the Subdivision Regulations and approves the plan of Robert T & Manuel J. Misarski as depicted on the plans titled “Record Resubdivision Map, Land of Robert T. & Manuel J. Misarski, Tax Map 1, Lot 14, Butlertown Road, Montville, CT, Prepared by Annino Survey, LLC, Dated September 19, 2016, Revised to 2/1/17” and a map entitled “Overall Site Development Plan, Prepared for Robert T. & Manuel J. Misarski, Butlertown Road, Map 1, Lot 14, Montville, CT, Prepared by Indigo Land Design, LLC, Revised to 2/1/17.”

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 hours prior to start of construction.
2. An E&S Bond in the amount of \$2,000 must be posted prior to the issuance of a Zoning Permit.
3. All Uncas Health Comments must be addressed prior to the issuance of any zoning permits.
4. Final plans shall be signed and sealed by a Licensed Land Surveyor and Professional Engineer.

ROLL CALL VOTE: The following **COMMISSIONERS** voted in favor. **BOLLES, DESJARDINS, PIENIADZ, POLHEMUS, SIRAGUSA, TONER, MCNALLY** and **PIKE**. **VOICE VOTE 8-0-0. MOTION** carried.

d. 217SUB2 – John MacNeil-Applicant and David P. & Joan T. Jetmore-Owners –
70 Velgouse Road (Map 46 Lot 49) Oakdale – Application for 2-Lot Resubdivision.

CHAIRMAN PIENIADZ opened **PUBLIC HEARING** at **9:04 p.m.**

Town Planner read report and entered into record the following Staff Exhibits:

Staff Exhibits

1. Copy of the legal ad as published in *The New London Day* on February 3rd and 10th 2017.
2. Letter received from Uncas Health dated January 17, 2017.
3. Letter to Norwich Water Department dated January 30, 2017.
4. Email received from Mark Decker, Norwich Water dated February 7, 2017.
5. Staff report.
6. Entire project folder.

CHAIRMAN PIENIADZ invited comments from public in favor of the application three times; there were none. **CHAIRMAN PIENIADZ** invited comments from the public in opposition of the application three times; there were none. **CHAIRMAN PIENIADZ** asked if **COMMISSIONERS** had questions of staff **COMMISSIONER SIRAGUSA** and **PIKE** had questions which were answered satisfactorily.

COMMISSIONER SIRAGUSA made **MOTION**, seconded by **COMMISSIONER TONER** to close the public hearing. **VOICE VOTE 8-0-0. MOTION** passed. **PUBLIC HEARING** closed at 9:13 p.m.

COMMISSIONER TONER made **MOTION**, seconded by **COMMISSIONER DESJARDINS** that the Commission finds that the subdivision plan meets the requirements of Section 7 of the Zoning Regulations and the Subdivision Regulations and approves the plan of David and Joan Jetmore titled "Jetmore Resubdivision Plan Prepared for David Jetmore Boundary, Lot Layout Soil and Erosion Control Plan 70 Velgouse Road Montville, Ct. Prepared by Rob Hellstrom Land Surveying Inc. dated January 11, 2017 and revised to 2/7/17.

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 hours prior to start of construction.
2. An E&S Bond in the amount of \$2,000 must be posted prior to issuance of a Zoning Permit.
3. All Comments of the Uncas Health District will be addressed prior to issuance of any zoning permits.
4. The following will be submitted and approved by the Town Attorney prior to issuance of any zoning permits:
 - a) Driveway Maintenance Agreement
 - b) Common Driveway Easement
5. A note must be added to Sheet 2 of 2 that states the driveway apron and guide railing adjustments shall be detailed and approved by the Director of Public Works as part of obtaining the driveway apron.
6. The applicant has to provide a 30' X 40' area, approved by the Public Works Director, for a snow plow turnaround.
7. Final Plans shall be signed and sealed by a Licensed Land Surveyor, Professional Engineer and Certified Soil Scientist.

ROLL CALL VOTE: The following **COMMISSIONERS** voted in favor. **BOLLES, DESJARDINS, PIENIADZ, POLHEMUS, SIRAGUSA, TONER, MCNALLY** and **PIKE. VOICE VOTE 8-0-0. MOTION** carried.

6. Old Business: None

7. New Business:

- a. **217SP1- Double Down LLC., Matthew Kobyluck-Applicant** - 1530 Route 85 (Map 5 Lot 29) Oakdale- Application for construction and operation of an earth materials processing facility.

COMMISSIONER SIRAGUSA made **MOTION, COMMISSIONER TONER** seconded, to set the Public Hearing for Tuesday, March 14, 2017. **VOICE VOTE: 8-0-0. MOTION** carried.

- b. **217SITE1- John Ellis-Applicant** – Butlertown Road (Map 1 Lot 14-4) Oakdale – Application for a 30X42 Single-Story, Warehouse/Office. Staff stated Applicant has not addressed all comments.

COMMISSIONER McNALLY made **MOTION, seconded by COMMISSIONER DESJARDINS** to **CONTINUE** this item. **VOICE VOTE 8-0-0-. MOTION** carried.

8. Zoning Matters:

- a. 54 Leffingwell Road (M 62 L 8) Uncasville – (Montville Auto). The **COMMISSION** discussed the pre-existing use of a (non DMV licensed) repair garage for service station equipment and two trailers. Montville Auto wants to purchase property and use to store and detail cars to be sold at the Route 32 facility. **COMMISSION** determined Montville Auto’s use is not an increase in activity. No signs are permitted. A Zoning Permit, showing auto storage area, fencing, etc., must be submitted to ZEO with zoning permit application for review and approval.
- b. Liz Burdick - December 2016 and January 2017 Zoning Reports.

9. Town Planner:

- a. Planner announced there will be a Public Hearing at the Town Council on March 13, 2017 at 6:30 p.m. for consideration of increasing fees on the Fees Schedule.

10. Communications:

- a. Appointment of a full time member and an alternate to the Regional Planning Commission (SCCOG). Staff requested a volunteer and an alternate from the **COMMISSION** for this Regional Planning Commission. There were no volunteers.

11. Minutes:

- a. **COMMISSIONER TONER** made **MOTION**, seconded by **COMMISSIONER DESJARDINS** to accept the December 20, 2016 regular meeting minutes. **VOICE VOTE 8-0-0. MOTION CARRIED.**

12. Other Business:

- a. Staff reiterated the **COMMISSION** continues to conduct meetings in accordance with Roberts Rules of Order. All should be commended on a job well done.

13. Adjourn:

- a. **COMMISSIONER DESJARDINS** made **MOTION**, seconded by **COMMISSIONER TONER** to adjourn the meeting. **VOICE VOTE- All in FAVOR** - Meeting adjourned at 10:01 p.m.

Respectfully submitted,
Michelle M. Giroux
Recording Secretary

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK’S OFFICE