

**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
May 23, 2017**

- 1. Call to order:** CHAIRMAN PIENIADZ opened the May 23, 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: **Duchesneau, Estelle** (who sat for McNally) **Hillsberg, Pieniadz, Pike** (who sat for Desjardins), **Polhemus, Siragusa** and **Toner**. STAFF PRESENT: Colleen Bezanson, Assistant Town Planner.
- 4. Executive Session:** None
- 5. Public Hearing/Applications:**
 - a. 217 ZC 1 – Shawn Meaike - 45 Oakland Drive (Map 51 Lot 11) Oakdale.** Application for Zone Change from R-120 to R-80. CHAIRMAN PIENIADZ stated that Application was continued from previous meeting at 7:02 pm. COMMISSIONER DESJARDINS entered the meeting at 7:03 pm.

CHAIRMAN PIENIADZ invited comments from the public in favor of the application two times; there were none. CHAIRMAN PIENIADZ invited comments from the public in opposition of the Application. Attorney Bill Sweeney of *TCORS Law*, 43 Broad Street, New London; gave presentation as legal representation in the absence of Attorney Tobin; for John & Susan Wronowski, 55 Oakland Drive, Oakdale. Attorney Sweeney submitted the following into public record:

- 1.** Town of Montville Zoning Map dated to 11/26/16.
- 2.** Future Land Use Map Large Poster.
- 3.** Town of Montville POCD.

CHAIRMAN PIENIADZ invited comments from the public in favor of the application, Attorney Harry Heller of *Heller, Heller & McCoy* of 736 Norwich New London Turnpike, Uncasville; spoke in favor of the Application. CHAIRMAN PIENIADZ invited comments from the public in favor AND in opposition of the application two more times, there were none. COMMISSIONER POLHEMUS made MOTION, seconded by COMMISSIONER TONER to close the PUBLIC HEARING. VOICE VOTE: 9-0-0. MOTION CARRIED. PUBLIC HEARING closed at 7:35 pm.

b. Discussion and Decision – 217 ZC 1 – Shawn Meaike - 45 Oakland Drive (51 Lot 11) Oakdale. COMMISSIONER HILLSBERG made MOTION, seconded by COMMISSIONER DESJARDINS to CONTINUE the vote on this Application to the next meeting of June 13, 2017 to allow Staff verification of petition. VOICE VOTE: 9-0-0. MOTION CARRIED.

c. 217 SP 2 – Tilcon Connecticut, Inc. – 53 Caroline Road (Map 59 Lot 7) Montville. Application for Continuation of Earth Products Excavation & Processing Operation. CHAIRMAN PIENIADZ opened the PUBLIC HEARING at 7:39 pm. Assistant Planner presented Staff Report and read Staff Exhibit List into record:

1. Copy of the legal ad published in *The New London Day* on May 12th and May 19th, 2017.
2. Copy of letter to Bozrah Town Clerk Dated May 1, 2017.
3. Copy of letter to SCCOG dated May 1, 2017.
4. Copy of letter from SCCOG, Samuel S. Alexander dated May 4, 2017.
5. Certified Mail Receipts to Abutters.
6. Staff Report.
7. Entire project folder.

CHAIRMAN PIENIADZ invited comments from the public in favor of the application, Attorney Harry Heller of *Heller, Heller & McCoy* of 736 Norwich New London Turnpike, Uncasville; spoke in favor of the Application. CHAIRMAN PIENIADZ invited comments from the public in favor of the Application two times, there were none. CHAIRMAN PIENIADZ invited comments from the public in opposition of the application, there were none.

COMMISSIONER POLHEMUS made MOTION, seconded by COMMISSIONER DESJARDINS to close the PUBLIC HEARING at 7:44 pm. VOICE VOTE: 9-0-0. MOTION CARRIED.

d. 217 SP 2 – Tilcon Connecticut, Inc. – 53 Caroline Road (Map 59 Lot 7) Montville. Application for Continuation of Earth Products Excavation & Processing Operation.

COMMISSIONER TONER made MOTION, COMMISSIONER SIRAGUSA seconded; that the Commission finds that the special permit /site plan meets the requirements of Section 13 and Section 18 of the Zoning Regulations and approves the application of Tilcon Connecticut, Inc., as depicted on the plans titled “Site Development Plan Proposed Excavation Prepared For Tilcon Connecticut, Inc. Caroline Rd. Montville Ct. Boundary and Existing Conditions Prepared by CME Associates dated March 23, 2017” and in the narrative titled “Narrative Description of Construction Sequencing and Erosion and Sediment Control Plan Relative to the Continuation of an Excavation and Earth Product Processing Operation on Property Located at 53 Caroline Road, Montville, CT, Updated April 24, 2017.”

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. In no event shall actual excavation operations be commenced with respect to any activity for which a permit is granted under this Application until such time as the ZEO has reviewed and approved the installation sediment and erosion control measures in each successive phase.
2. The ZEO must be contacted at least 15 days prior to start of the operation of each phase of work to conduct sediment and erosion control measures inspections.
3. The Erosion and Sediment control bond (Bond #14-014-547 Liberty Bond Services) in the amount of \$42,150 shall remain in place.
4. This permit is valid for 5 years.
5. The applicant is responsible for obtaining a State of Connecticut General Stormwater Quality Permit if required.

ROLL CALL VOTE: The following COMMISSIONERS voted in favor: DUCHESNEAU, ESTELLE, HILLSBERG, PIENIADZ, POLHEMUS, SIRAGUSA, TONER and PIKE. COMMISSIONER DESJARDINS ABSTAINED. VOICE VOTE 8-0-1. MOTION carried.

6. Old Business: None

7. New Business:

- a. 217 SITE 4 – 240 & 252 Butlertown Road – (Map 1 Lots 14/5 & 14/6) Oakdale.**
Applicant - Eric Lombardi – Application for construction of gravel staging area & storage for power company. Assistant Planner presented Staff Report.

COMMISSIONER DESJARDINS made MOTION, seconded by COMMISSIONER SIRAGUSA that the Commission finds that the site plan meets the requirements of Section 13 and Section 18 of the Zoning Regulations and approves the plan of Eric Lombardi for the property located at 252 Butlertown Rd (Map 1 Lot 14-5) and 240 Butlertown Rd (Map 1 Lot 14-6) as depicted on the plan titled “Existing Conditions Property Survey On the Property of Manuel J. Misarski & Robert T. Misarski Prepared for Eric Lombardi 256 Butlertown Rd Montville, Ct. Prepared by Gerwick-Mereen LLC. dated April 7, 2017 and revised to May 17, 2017.”

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. Final plan set shall be revised as follows:
 - a) Show correct lots addresses (240 Butlertown Rd & 250 Butlertown Rd, Oakdale, CT) on existing conditions survey.
 - b) Revise Zoning Compliance Table to show proposed future building setbacks & heights on Site Plan Sheet 1 of 2.
 - c) Show required van-sized handicap space approved by the Building Official on Site Plan Sheets 1 & 2.
2. Property must be combined by the filing of a Lot Line Revision Plan with a revised address on the land records prior to the issuance of a zoning permit.
3. An E&S Bond in the amount of \$2,000 must be posted prior to the issuance of a Zoning Permit.
4. The ZEO must be contacted 24 hours prior to start of construction.
5. Post-Construction Requirements note shall be added to the plans that reads as follows:

After construction is completed and accepted by the Owner, it shall be the responsibility of the Owner to maintain all drainage structures. In addition, the following inspection and maintenance guidelines shall be the responsibility of the Owner, beginning the first year period following construction completion and acceptance, and shall be followed each year thereafter:

1. Drainage and other Paved Areas: Inspect on a regular basis not to exceed weekly for litter and debris.

VOICE VOTE: All in favor 9-0-0. MOTION CARRIED.

8. Zoning Matters: None

9. Town Planner: None

10. Communications: None

11. Other Business: None

12. Minutes:

COMMISSIONER SIRAGUSA made MOTION, seconded by COMMISSIONER TONER to accept the May 9, 2017 Meeting Minutes. VOICE VOTE: 7-0-2. MOTION CARRIED.

13. Adjourn:

CHARIMAN PIENIADZ adjourned the meeting at 8:10 pm.

Respectfully submitted,

Michelle M. Giroux

Recording Secretary