

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
April 28, 2009**

1. **Call to Order.** Chairman Marcus called the April 28, 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, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa, Toner, and Baron. (8 regular members)
COMMISSION MEMBERS ABSENT: Commissioner Pieniadz. (1 regular member)
STAFF PRESENT: Marcia A. Vlaun, Town Planner and Thomas Sanders, Zoning Enforcement Officer.
4. **Executive Session:** none
5. **Public Hearings:**
 - a) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 35-37 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H. Chairman Marcus **re-opened the Public Hearing at 7:04 p.m.** and also **re-opened item 5.b below at the same time.** Both Public Hearings were held at the same time. The Applications were from the same property owner; abutting parcels, same approval applied for. (see below)
 - b) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 39-41 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H-1. **STAFF:** Staff Report was read and entered into the record. Discussion was held. **APPLICANT:** William Kent of 86 Miner Lane in Waterford was the applicant's representative. He addressed Commissioner Baron's concerns regarding the contours on the plan. Discussion was held. **PUBLIC:** no one spoke either for or against the proposals. **A MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS to CLOSE** the Public Hearings on (agenda items) 5 a. and 5b. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

- c) **Michael McKay:** An application for a Special Permit for a two-family home located on the property at 1552 Norwich-New London Tpke, (Route 32), Uncasville, CT As shown on Assessor's Map 91 Lot 10. Discussion was held. Public Hearing notice will be re-published.
6. **New Business:**
- 1. **Action items:**
 - a) **Robert Sachs, Trustee:** Conceptual Review for a cluster subdivision to be located on the property at 316 Chapel Hill Road, Oakdale, Ct As shown on Assessor's Map 35 Lot 1. Discussion was held. Applicant withdrew the plan.
 - b) **Carl Bourne:** An application for a two lot re-subdivision on the property located at 1588 Route 163, Oakdale, CT. As shown on Assessor's Map 57 Lot 22. Previously approved re-subdivision, but the approved mylar wasn't filed by the applicant in the Land Records on time, so it must go through the entire approval process again. Discussion was held. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **schedule a Public Hearing** date for **May 12, 2009**. Voice vote. 8-0 All in favor **MOTION CARRIED**.
 - c) **§8-24 Review:** To determine if the Town should sell the property located at **1455 Route 32**, Uncasville, CT As shown on Assessor's Map 91 Lot 50. Staff report was given. Discussion was held. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS** for a favorable §8-24 Review. Voice vote 7-1-0 with Commissioner Siragusa voting against the motion. **MOTION CARRIED**.
 - d) **§8-24 Review:** To determine if the Town should sell the property located at **314 Route 163**, Uncasville, CT. As shown on Assessor's Map 82 Lot 62. Staff report was given. Discussion was held. A **MOTION** was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER POLHEMUS** for a favorable §8-24 Review for the property located at 314 Route 163, Uncasville, CT, as shown on Assessor's Map 82 Lot 62. Voice vote. 8-0 All in favor **MOTION CARRIED**.
 - e) **§8-24 Review:** To determine if the Town should sell the property located at **275 Maple Avenue**, Uncasville, CT As shown on Assessor's Map 82 Lot 51. Discussion was held. The Commission and Staff voiced their hope that some reclamation work would be done with the existing home once the property is sold. A **MOTION** was made by **COMMISSIONER BARON; SECONDED** by **COMMISSIONER DESJARDINS** to forward a favorable §8-24 Review to the Town Council for the property located at 275 Maple Avenue, Uncasville, CT, as shown on Assessor's Map 82 Lot 51. Voice vote. 8-0. All in favor **MOTION CARRIED**.
 - f) **§8-24 Review:** To determine if the Town should sell the property located at **123 Oxoboxo Cross Road**, Oakdale, CT As shown on Assessor's Map 108 Lot 205. (see below, item h)
 - g) **§8-24 Review:** To determine if the Town should sell the property located at **125 Oxoboxo Cross Road**, Oakdale, CT As shown on Assessor's Map 108 Lot 206. (see below, item h)
 - h) **§8-24 Review:** To determine if the Town should sell the property located at **Cedar Road**, Oakdale, CT As shown on Assessor's Map 108 Lot 204. Staff advised the

Commission that all three of these lots are abutting and if combined, could possibly have some future benefit to the town. Discussion was held. WPCA will be contacted to discuss future use as a possible pump station location or staging area and to get their comments. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE** all 3 (123 Cedar Road, 125 Cedar Road and Cedar Road). Discussion was held. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

- i) **Montville Land Development:** A request for the release of the Erosion and Sedimentation Bond in the amount of \$42,850.00 on the property located at Williams Rd and Old Colchester Rd, Uncasville, CT (Montville Estates) As shown on Assessor's Map 44 Lot 15. Staff advised that he & the Town Engineer inspected the site and it is stabilized. Discussion was held. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** to **RELEASE** the Erosion and Sedimentation Bond. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

7. Zoning Issues:

- 1. **Action items:** none

8. Old Business:

- 1. **Action Items:**

- a) see below

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

- a) **Labossiere Builders LLC:** A request for the release of the Erosion and Sedimentation Bond #S-265649, on the property located at 1985 & 2005 Norwich-New London Turnpike, (Route 32) and 12 Occum Lane, Uncasville, Ct. As shown on Assessor's Map 99 Lots 58,59, & 60 (CVS) in the amount of \$2,000.00. A **MOTION** was made to **CONTINUE** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

The Commission took a break at 8:00 and the meeting was called back to order at 8:10 p.m.

A **MOTION** was made to **AMEND the AGENDA** adding items 5.a and 5b to the agenda as item: **8.1.a ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 35-37 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H and as item **8.1.b ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 39-41 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H-1 by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

8. Old Business:

- 1. **Action Items:**

- a.) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 35-37 Platoz Drive, Uncasville, CT As shown on

Assessor's Map 33 Lot 17H. A **MOTION** to **APPROVE** was **MADE** by **COMMISSIONER POLHEMUS; SECONDED by COMMISSIONER TONER** as follows: A **MOTION** to **APPROVE ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 35-37 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H. The site plan complies with sections 9.3.13; ~~17.9~~ (**see below motion to amend*); and 18 of the Zoning Regulations. This is a conditional approval. Each and every condition is an integral part of the Commission's 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 for review. This special permit is valid for a period of 5 years. The Commission approves this special permit and finds that:

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 values.

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 of 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.

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.

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. Property line construction fence to be staked by a licensed land surveyor and is to be set along the westerly property line prior to construction to ensure that there will be no encroachment onto the abutting property.

Discussion was held.

Roll call vote as follows: In favor: Commissioners Marcus, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa, Toner, and Baron. Opposed: none. 8-0 All in favor.

MOTION CARRIED.

b.) ABCO Realty /Harry W. Colonis: An application for a Special Permit for a two-family home located on the property at 39-41 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H-1. Discussion was held. A **MOTION** to **APPROVE** was **MADE** by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER** as follows: A **MOTION** to **APPROVE ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 39-41 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H-1.

The site plan complies with sections 9.3.13; ~~17.9~~ (**see below motion to amend*); and 18 of the Zoning Regulations. This is a conditional approval. Each and every condition is an integral part of the Commission's 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 for review. This special permit is valid for a period of 5 years.

The Commission approves this special permit and finds that:

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 values.

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 of 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.

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.

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 \$2,500.00 must be posted prior to the issuance of a Zoning Permit.
3. Property line construction fence to be staked by a licensed land surveyor and is to be set along the westerly property line prior to construction to ensure that there will be no encroachment onto the abutting property.

Discussion was held. Section 17.9 will be removed from the motion since 17.9 doesn't apply. Motion was **AMENDED** to REMOVE 17.9 from the motion by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.**

Roll call vote as follows: In favor: Commissioners Marcus, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa, Toner, and Baron. Opposed: none. 8-0 All in favor. **MOTION CARRIED. Then the original MOTION was voted on as follows:**

Roll call vote: In favor: Commissioners Marcus, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa, Toner, and Baron. Opposed: none. 8-0 All in favor. **MOTION CARRIED.** Discussion was held.

***A MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **REMOVE** "(section) 17.9" from 8.1.a. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

- 9. Communications: Staff:** Staff advised the Commission the following had been received: A letter from the Mayor with a copy of a letter from Attorney Griffis relative to the Montville Center Congregational Church. Discussion was held. This matter will be discussed at the next Commission meeting after Staff has met with the Town Historian. No other communications were received.

10. Minutes:

- a) Acceptance of the minutes from the Regular meeting of April 14, 2009. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **APPROVE** the minutes from the April 14th meeting. Voice vote. 8-0 All in favor. **MOTION CARRIED.**

11. New Business:

- 1. Non-Action items:** none

12. Zoning Issues:

- 2. Non-Action Items:**
- 3. Zoning Officer's Report.** Staff advised that his report will be ready for the next Commission meeting.

13. Other business to come before the Commission:

- a) Plan of Conservation and Development.** Environmental/Natural Resources section in draft form was distributed to the Commission along with the cover. Staff reviewed the section and provided the Commission with information relative to the maps and text. Discussion was held.

14. Adjourn: The meeting adjourned at 9:00 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