

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
September 8, 2009**

1. **Call to Order.** Chairman Marcus called the September 8, 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 Desjardins, Marcus, Mastrandrea, Pieniadz, Polhemus, Siragusa, and Toner. (7 regular members)
COMMISSION MEMBERS ABSENT: Commissioners Baron and Ferrante. (2 regular members)
STAFF PRESENT: Marcia A. Vlaun, Planning Director and Zoning Enforcement Officer, Thomas Sanders
4. **Executive Session:** none
5. **Public Hearings:**
 - a.) **1865 LLC c/o/Brian Bonner:** An application for a Zone Change from Government to Commercial-1 on the property located at PTA Lane, Uncasville, CT. As shown on Assessor's Map 99 Lot 89A and Map 99 Lot 89B. Chairman Marcus opened the Public hearing at 7:02 p.m. **Staff:** Staff entered the following into the record as Staff Exhibits:
 - Ex. 1. Staff Report
 - Ex. 2. Zone Change Application
 - Ex. 3. Zone Change Map
 - Ex. 4. Date Stamped Copy of application filed with the Town Clerk Aug. 24, 2009
 - Ex. 5. Copy of the Legal Notice as published in the New London Day 8/28/09 & 9/4/09
 - Ex. 6. Public Notice Registry Notifications were sent to the following:
Audrey Wasik, Jeffrey Paquette, Mark Suprenant, James Orzechowski and David Evans
 - Ex. 7. Certificate of Mailing Receipts from the notices that were sent to property owners within 500' of the zone change propertyStaff informed the Commission of the history of the property and advised that the zone should be changed to C-1 zone now that it is no longer owned by the town.

Applicant: Clint Brown of DiCesare-Bentley appeared on behalf of the applicant. **Public:** No comments were received from the public either for or against.

A **MOTION** was made to **CLOSE** the Public Hearing by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER POLHEMUS**. Voice vote. All in favor. 7-0 MOTION CARRIED.

6. New Business:

1. Action items:

- a. **9R Burlake:** An application for a 40 Lot Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. (see below item 6.1.c)
- b. **9R Burlake:** An application for a Special Permit for a 40 Lot Cluster Subdivision located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. (see below item 6.1.c)
- c. **9R Burlake:** An application for a Special Permit for proposed interior lots located on the property at 120 Gay Hill Road, Uncasville, CT As shown on Assessor's Map 23 Lot 3. The Chairman advised that all three Public Hearings would be bundled together. A **MOTION** was made to **SET** the Public Hearing date for (all three agenda items) ITEMS 6.1.A, 6.1.B, AND 6.1.C **9r BURLAKE**, for **October 27th** by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER**. Voice vote 6-0-1 with Commissioner Siragusa abstaining. **MOTION CARRIED.**

7. Zoning Issues:

1. **Action items:** Village Apartments, Jerome Road – Certificate of Compliance. ZEO advised that during the course of an inspection, deficiencies were found including stockpiled material that was supposed to be temporary and it was noted that a retaining wall was built that was not on the plan either. Discussion was held. Attorney John Casey of Robinson & Cole, representing the property owner was on hand to address the Commission's concerns along with Norton Wheeler and Clint Brown of DiCesare-Bentley. Discussion was held between owner and Commission regarding stockpiles being left in place for possible future project use. Tom Fenton, Town Engineer addressed the Commission and he had them refer to his September 2, 2009 letter. Discussion was held relative to requiring that the owner provide the Commission with the following prior to issuance of a temporary CUC: compliance with Town Engineer's 9/2/09 letter, revised site plan, stock piles (all material) to be removed from the site, engineer to provide certification of the wall, receipt of a \$35,000.00 bond for completion of work, construction and storage trailers to be removed from the site and all work is to be completed within 30 days. Discussion was held since the owner was asking for 40 days rather than 30. A consensus was taken and the Commission determined that 30 days was sufficient.

A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER MASTRANDREA** as follows: A **MOTION** to **Grant** a Temporary Certificate of Compliance regarding the site plan (for 30 days) with the following conditions to be met:

Grading on the north side of the building is not consistent with the approved plan. The constructed building has a below grade walkout and modular block retaining wall adjacent to the access drive. This wall is not shown on the approved plan and, to our knowledge, there has been no documentation submitted as to inspections during construction. Further, we have safety concerns given the location of wall immediately adjacent to the access drive and proximate to the building. In this regard, the owner should provide a revised site plan showing the location of the wall and revised grading, and include a rail system above the wall. In addition, certification by a licensed professional engineer that the wall was constructed in accordance with manufacturer's requirements must be provided.

Silt fence should be removed from all stabilized areas.

The area on the north side of the access drive at the existing culvert should be fully restored. Small stone and sand should be removed and the area behind the curb restored. With the exception of the stone leak-off, curbs should be backfilled to the top of curb with topsoil, and seeded and mulched.

The area around the pump station at the existing building should be restored and fenced.

The construction trailer and storage containers should be removed and these areas topsoiled and seeded.

Earth and rock materials stockpiled to the north of the site should be removed and the area restored. The approved site plan has no indication that this area was to be disturbed or designated for long term stockpiling of materials.

And that assurance of a \$35,000.00 Bond to complete the above within 30 calendar days. Discussion was held.

Roll call vote as follows: In favor: Commissioners Marcus, Mastrandrea, Pieniadz, Siragusa, and Toner. Opposed: Commissioner Desjardins and Polhemus. 5-2-0. **MOTION CARRIED.**

8. Old Business:

1. Action Items:

2. Not Ready For Action:

a) **Cornerstone Baptist Church:** An application for Site Plan Review for the construction of an addition on the property located at 900 Route 163, Oakdale, CT. As shown on Assessor's Map 46 Lot 2. A **MOTION** was made to **CONTINUE** by **COMMISSIONER DESJARDINS; SECONDED by COMMISSIONER TONER.** Voice vote. 7-0. **MOTION CARRIED.**

9. Communications: Staff: no correspondence. **Commission:** Chairman Marcus informed the Commission that he had received the following: CCM Magazine and notice of an upcoming

convention that they will be sponsoring.

10. Minutes:

a.) Acceptance of the minutes from the Regular meeting of July 28, 2009. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER SIRAGUSA** to **ACCEPT** the minutes. Voice vote. 6-0-1 with Commissioner Mastrandrea abstaining. **MOTION CARRIED.**

11. New Business:

1. Non-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. No action taken.

12. Zoning Issues:

2. Non-Action Items: none

3. Zoning Officer's Report. Report was distributed to the Commission for the months of July and August. Discussion was held regarding recent complaints that had been received in the office.

A **MOTION** was made to **ADD** to the **AGENDA** as **item 8.1.A; 1865 LLC c/o/Brian Bonner:** An application for a Zone Change from Government to Commercial-1on the property located at PTA Lane, Uncasville, CT. As shown on Assessor's Map 99 Lot 89A and Map 99 Lot 89B, by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER.** Voice vote. 7-0 **MOTION CARRIED.**

Item 8.1.a: 1865 LLC c/o/Brian Bonner: An application for a Zone Change from Government to Commercial-1on the property located at PTA Lane, Uncasville, CT. As shown on Assessor's Map 99 Lot 89A and Map 99 Lot 89B. A **MOTION** was made to **APPROVE 1865 LLC c/o/Brian Bonner:** An application for a **Zone Change** from Government to Commercial-1on the property located at PTA Lane, Uncasville, CT. As shown on Assessor's Map 99 Lot 89A and Map 99 Lot 89B, noting that the application meets all of the Zone Change Criteria by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER.** Roll call vote as follows: In favor: Commissioners Marcus, Mastrandrea, Pieniadz, Siragusa, Desjardins, Polhemus, and Toner. Opposed: none. 7-0 **MOTION CARRIED.** A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER TONER** to set the effective date (of the zone change) as October 1, 2009. Voice vote. All in favor. 7-0. **MOTION CARRIED.**

13. Other business to come before the Commission:

a.) Plan of Conservation and Development. Discussion was held.

14. Adjourn: The meeting adjourned at 8:15 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