

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 Fax (860) 848-2354
MEETING MINUTES
February 14, 2012**

1. **Call to Order.** Chairman Pieniadz called the February 14, 2012 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, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (7 regular members)
COMMISSION MEMBERS ABSENT: Commissioners Ferrante. (1 regular member)
STAFF PRESENT: Colleen Bezanson, Inland Wetlands Officer/Planner II.
4. **Executive Session:** none
5. **New Business:**
 1. **Action items:** none
6. **Public Hearings:**
 - a.) **Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC:** A Special Permit application for the construction of a two family home on the property located at 3 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-1. The Public Hearing was reopened at 7:03 p.m. by Chairman Pieniadz. **STAFF:** Staff entered the following into the record: Staff Exhibits:
 1. Special Permit Application for the construction of a two family home on the property located at 3 Waters Drive, Assessor's Map 90 Lot 84-1.
 2. Legal Notice as submitted and published in the New London Day on December 30, 2011 and January 6, 2012.
 3. Staff Report – Public Hearing Date 1/10/12.
 4. Plan titled "Lot 1 Street Address #3 Legacy Estates Waters Drive Montville, CT Special Permit Application to Permit Two-Family Dwelling Prepared by Development Solutions revised to 1/4/12."
 5. Certified Mailing receipts for the Public Hearing Notifications.

APPLICANT: Pat Lafayette of Development Solutions, representing the Applicant made a presentation to the Commission. He gave them a brief history of the subdivision that had been previously approved by the Commission. Bruce Williams, owner of the property, discussed the economic value of the proposal. Discussion was held. **STAFF:** Staff read the Staff Report into the record. Parking areas were discussed. Staff advised the omission that the previous conditions that were part of the approval for the subdivision remain in place. **PUBLIC:** In favor: none. Opposed: none. **A MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER**

POLHEMUS to CLOSE the PUBLIC HEARING on item 6a. Voice vote. All in favor. 7-0-0 MOTION CARRIED.

b.) Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 12 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-12. The Public Hearing was reopened by Chairman Pieniadz. **STAFF:** Staff entered the following into the record: Staff Exhibits:

1. Special Permit Application for the construction of a two family home on the property located at 12 Waters Drive, Assessor's Map 90 Lot 84-12.
2. Legal Notice as submitted and published in the New London Day on December 30, 2011 and January 6, 2012.
3. Staff Report – Public Hearing Date 1/10/12.
4. Plan titled "Lot 12 Street Address # 12 Legacy Estates Waters Drive Montville, CT Special Permit Application to Permit Two-Family Dwelling Prepared by Development Solutions revised to 1/4/12."
5. Certified Mailing receipts for the Public Hearing Notifications.

APPLICANT: Pat Lafayette of Development Solutions, representing the Applicant informed the Commission that this request is for the same situation as the previous Public Hearing except it is for property that is across the street. Bruce Williams, owner of the property, discussed the economic value of the proposal. Discussion was held. **STAFF:** Staff read the Staff Report into the record. Discussion was held. **PUBLIC:** In favor: none. Opposed: none. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **CLOSE** the **PUBLIC HEARING** on item 6b. Voice vote. All in favor. 7-0-0 **MOTION CARRIED.**

7. Zoning Issues: none

1. Action items:

8. Old Business:

1. Action Items:

2. Not Ready For Action: none

9. Communications: Foreclosure tracking report was distributed to the Commission. Discussion was held. A recent CT Supreme Court decision was also distributed to the Commission. Discussion was held.

10. Minutes:

a.) Acceptance of the minutes from the regular meeting of January 24, 2012. A **MOTION** to **ACCEPT** (approve the minutes) was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 6-0-1 with Commissioner Polhemus abstaining. **MOTION CARRIED.**

11. New Business:

2. Not Ready For Action: none

A **MOTION** was made to **ADD** to the Agenda item **11.3 Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC**: A Special Permit application for the construction of a two family home on the property located at 3 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-1 was made by **COMMISSIONER TONER**; **SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 7-0-0 **MOTION CARRIED**.

A **MOTION** was made to **ADD** to the Agenda item **11.4 Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC**: A Special Permit application for the construction of a two family home on the property located at 12 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-12 was made by **COMMISSIONER DESJARDINS**; **SECONDED** by **COMMISSIONER POLHEMUS**. Voice vote. 7-0-0 **MOTION CARRIED**.

11.3 Beech Hill Partners, LLC and Bruce Williams / Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 3 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-1. A **MOTION** was made by **COMMISSIONER TONER**; **SECONDED** by **COMMISSIONER DESJARDINS** as follows:

The Planning & Zoning Commission **APPROVES** this special permit of Legacy Associates, LLC for the construction of a two-family dwelling on the property located at 3 Waters Drive, Montville, Ct. As shown on Assessor's Map 90 Lot 84-1 and as depicted on the plan titled "Lot 1 Street Address #3 Legacy Estates Waters Drive Montville, CT Special Permit Application to Permit Two-Family Dwelling Prepared By Development Solutions revised to 1/4/12". In doing so the Commission has considered the application, the staff report, the public testimony and the expert testimony and finds the following:

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.

1. 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.

2. 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. 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. Conditions of Uncas Health Letter dated 12/21/11.

Roll call vote. In favor: Commissioners Desjardins, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (7) Opposed: none. All in favor. 7-0-0 **MOTION CARRIED.**

11.4 Beech Hill Partners, LLC and Bruce Williams /Legacy Associates, LLC: A Special Permit application for the construction of a two family home on the property located at 12 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-12. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows:

The Planning & Zoning Commission **APPROVES** this special permit of Legacy Associates, LLC for the construction of a two-family dwelling on the property located at 12 Waters Drive, Montville, Ct. As shown on Assessor's Map 90 Lot 84-12 and as depicted on the plan titled "Lot 12 Street Address #12 Legacy Estates Waters Drive Montville, CT Special Permit Application to Permit Two-Family Dwelling Prepared By Development Solutions revised to 1/4/12". In doing so the Commission has considered the application, the staff report, the public testimony and the expert testimony and finds the following:

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 the following:

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. Conditions of Uncas Health Letter dated 12/21/11.

Roll call vote. In favor: Commissioners Desjardins, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (7) Opposed: none. All in favor. 7-0-0 **MOTION CARRIED.**

12. Zoning Issues:

2. Non-Action Items: none

3. Zoning Officer's Report: none

13. Other business to come before the Commission:

14. Adjourn: The meeting adjourned at 8:00 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.**