

**TOWN OF MONTVILLE  
PLANNING & ZONING COMMISSION  
310 NORWICH NEW LONDON TPKE  
PHONE (860) 848-8549 x379 Fax (860) 848-2354  
MEETING MINUTES  
April 10, 2012**

1. **Call to Order.** Chairman Pieniadz called the April 10, 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, Ferrante, Katske, Mastrandrea, Pieniadz, Polhemus, Siragusa and Toner. (8 regular members)  
**COMMISSION MEMBERS ABSENT:** none  
**STAFF PRESENT:** Marcia A. Vlaun, Town Planner and Attorney Beth Critton, Acting Town Attorney.
  4. **Executive Session:** none
  5. **New Business:**
    1. **Action items:** none
  6. **Public Hearings:** none
  7. **Zoning Matters:**
    1. **Action Items:** none
  8. **Old Business:**
    1. **Action Items:** none
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2. **Not Ready For Action:**
    - a.) **Joseph Wyspianski/Pauline Millaras:** An application for a Site Plan Review for the renovation of an existing non-conforming dwelling house and garage to an office and garage for a used car dealer's and repairer's facility located on the property at 904 Norwich New London Tpke. (Route 32) Montville, CT As shown on Assessor's Map 83 Lot 7. Attorney Harry Heller, representing the applicant addressed the Commission with his concerns over a procedural issue with this application – essentially an issue over which application should be made first ZBA or P&Z. Discussion was held. Staff advised that the Town Attorney should be consulted. Atty. Heller agreed to send a letter to Attorney Carey outlining the issues. Discussion was held. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**

- b.) **Marriott Plaza, LLC/Charles Gager:** An application for Site Plan Review for the Development of a 120 room hotel facility on the property located at 1360 Norwich-New London Tpke (Route 32), Montville, CT. As shown on Assessor's Map 88 Lot 22. Still before IWC. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER DESJARDINS** to **CONTINUE**. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**

9. **Communications:** none.

10. **Minutes:**

- a.) Acceptance of the minutes from the regular meeting of March 27, 2012. A **MOTION** to **APPROVE** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER DESJARDINS**. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**

11. **New Business:**

2. **Not Ready For Action:** none

12. **Zoning Issues:**

2. **Non-Action Items:** none

3. **Zoning Officer's Report:**

13. **Other business to come before the Commission:**

- a.) Commission may vote to **VOID** the **Horizon Estates Subdivision** located at 687 Old Colchester Road, Montville, CT, approved by the Commission with conditions on March 24, 2009 and represented by a mylar filed July 7, 2009, by reason of the applicant's failure to comply with requirement of Montville Subdivision Regulation §3.7, which requires that, prior to endorsement of the subdivision plan by the Commission, the applicant shall file a performance bond as required by the Commission. Staff distributed a packet of information to the Commission members which included the Subdivision Regulations effective 4/12/07, a copy of the letter that Atty. Beth Critton sent to interested parties and copies of hand written correspondence received via the Town Attorney from Les Nathan. The Commission read over the packets. Staff refreshed the Commission's memory of the location of the subdivision. She informed them that it was brought to the office's attention that there was an administrative error made according to Section 3.7 of the Subdivision Regulations (in effect at time of application and approval) in that the bond was not posted when the mylars were signed and filed. This item has been advertised by way of a legal ad in the newspaper on 3/30/12 and 4/6/12 and a notice was sent by the Town Attorney (Attorney Beth Critton) to interested parties (list read). Attorney Beth Critton, acting as Town Attorney in this mater, informed the Commission of her involvement with the issue. She agreed with Staff that nothing would stop an applicant from re-filing for subdivision approval should the Commission choose to void this subdivision. Discussion was held. The Chairman asked for comments for the Public and asked that they be limited to the issue at hand. Public: David Apanashk of 658 Old Colchester Road voiced his concerns over the subdivision approval because he never saw

it advertised before. Kathy Jenkins of 668 Old Colchester Road also voiced her concerns about the original subdivision approval. Discussion was held (for further information, please refer to the audio recording). Attorney Critton advised that a Notice will need to go on the Land Records (if the Commission voids the subdivision). A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **MOTION** to **VOID** the **Horizon Estates Subdivision** located at 687 Old Colchester Road, Montville, CT, approved by the Commission with conditions on March 24, 2009 and represented by a mylar filed July 7, 2009, by reason of the applicant's failure to comply with requirement of Montville Subdivision Regulation §3.7, which requires that, prior to endorsement of the subdivision plan by the Commission, the applicant shall file a performance bond as required by the Commission. Voice vote. 8-0-0 All in favor. **MOTION CARRIED.**

14. **Adjourn: MOTION** to **ADJOURN** by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER.** All in favor. 8-0-0 **MOTION CARRIED.** The meeting adjourned at 7:50 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**