

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE
PHONE (860) 848-8549 x379 Fax (860) 848-2354
MEETING MINUTES
May 8, 2012**

1. **Call to Order.** Chairman Pieniadz called the May 8, 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, Siragusa, and Toner. (7 regular members)
COMMISSION MEMBERS ABSENT: Commissioner Polhemus. (1 regular member)
STAFF PRESENT: Marcia A. Vlaun, Town Planner and Colleen Bezanson, Planner II.
4. **Executive Session:** none
5. **New Business:**
 1. **Action items:**
 - a.) **Tilcon Connecticut, Inc.:** An application for a Special Permit renewal with respect to earth products excavation and processing on the property located at 53 Caroline Road, Montville, CT As shown on Assessor's Map 59 Lot 7. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **SCHEDULE** the Public Hearing date for **June 12, 2012**. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**
 2. **Not ready for action:** 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 11 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-3. Chairman Pieniadz opened the Public Hearing at 7:02 p.m. **Staff:** Staff reminded the Commission that these two applications are for the same project as the last 7 Special Permit that were approved at their last meeting. Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 5/8/12 Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. Staff advised that attached to the Staff Report they would find the Town Engineer's letter dated 5/2/12 and the letter from Uncas Health dated 4/20/12. The Commission had no questions for either Staff or the applicant. **Public:** In favor: none. Opposed: none. A **MOTION** was made to **CLOSE** the Public Hearing on item 6.a., 11

Waters Drive by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 7-0-0 All in favor. **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 23 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-6. Chairman Pieniadz opened the Public Hearing. **Staff:** Staff entered the following into the record: Staff Exhibit 1. Staff Report dated 5/8/12. Staff Exhibit 2. Legal Notice (as published in the Day). Staff Exhibit 3. Commission Findings on Special Permit and Conditions. Applicant's Exhibit 1. Copy of the certified Mailing Receipts (from notices sent to abutters) and she also entered the entire file/folder into the record. The Commission had no questions for either Staff or the applicant. **Public:** In favor: none. Opposed: none. **A MOTION** was made to **CLOSE** the Public Hearing on item 6.b., 23 Waters Drive by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER.** Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

7. Old Business:

1. Action Items:

- 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. Staff advised that this was the application that the Town Attorney provided them clarification on as to who should proceed first ZBA or P&Z. The Staff Report was read. Staff informed the Commission that she recommends that the applicant/property owner provide the town with a sidewalk easement for possible future sidewalks. Attorney Heller, representing the applicant inquired as to the width of the requested sidewalk easement and staff advised five feet. At the current time, there is a SNET pole in the area and it would be cost prohibitive to have sidewalks installed at this time. Staff advised that she recommended approval with conditions. Discussion was held. **A MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: A Motion to approve the site plan application of the 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 as shown on the plans titled "Improvement Location Survey Prepared for Joseph Wyspianski 904 Connecticut Route 32 Montville, Connecticut Prepared by Mark Sullivan, L.S., C.P.S.S. Land Surveying and Environmental Consulting, LLC Lisbon CT. dated 12/27/11 and revised to 5/3/2012" with the following conditions:
1. A \$2,000.00 erosion and sediment control bond shall be posted prior to the start of construction.
 2. The Zoning Enforcement Officer shall be notified 48 hours in advance of the start of construction.
 3. Recommend that a five (5) foot easement along the frontage be granted to the town for a future sidewalk.

4. The comments of the Building Official regarding the handicap ramp/space must be addressed.
 5. The comments of the Fire Marshal regarding Fire Codes must be addressed.
- Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

2. Not Ready For Action:

- a.) **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 DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**
- b.) **Jay M. Haverson/Michael Samuels, Samuels, LLC:** An application for Site Plan review for Montville Plaza on the property located at 2268-2284 Norwich-New London Tpke. (Route 32), Montville, CT As shown on Assessor's Map 106 Lots 34, 35, & 36. Still before IWC. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **CONTINUE**. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** to move items 6.a and 6.8 to under Old Business. Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

7.3.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 11 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-3. A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **Motion to Approve 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 11 Waters Drive, Montville, CT As shown on Assessor's Map 90 Lot 84-3. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply. "Exhibit A" 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 appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, is in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and

similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

2. Complies with Zoning Regulations dated March 20, 2012.

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. The Applicant/Developer shall construct the road and associated infrastructure as shown on the plan titled "Legacy Associates, Inc. P.O. Box 11 Old Mystic CT 06372 Legacy Estates Woodland Drive Montville, CT. Project No. F.H.E Surveyor/Engineer E.S. /P.F.L. Scale: 1"= 40' Date: May 2007 Sheet No. 1 of 8 thru Sheet No. 8 of 8" prepared by Eric Seitz Land Surveying, Inc. and Development Solutions, L.L.C. Zoning Permits for dwelling units ***shall not*** be issued until such time as the road is accepted by the Montville Town Council and the wastewater pump station has been inspected and approved by the WPCA.

However, the Applicant/Developer may, at any time within the statutory completion time pursuant to C.G.S. §8-26c and any amendments thereto, post a Performance Bond for the completion of public improvements for the entire road and infrastructure which must be in compliance with The Town of Montville Subdivision Regulations Section 3.7 Completion of Public Improvements as amended effective 12/15/11 and Section 3.12 Performance Bond as amended effective 12/15/11.

These Bonding requirements supersede previous Bonding requirements approved by the Commission on June 12, 2007. All remaining conditions of the June 12, 2007 Subdivision approval remain in force.”

Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

7.3.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 23 Waters Drive, Montville, CT As shown on Assessor’s Map 90 Lot 84-6. **A MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER DESJARDINS** as follows: **Motion to Approve 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 23 Waters Drive, Montville, CT As shown on Assessor’s Map 90 Lot 84-6. The Commission has considered and determines that the Application conforms with the Special Permit findings in Exhibit A. This is a Conditional Approval, the Commission finds that all conditions as stated in Exhibit A shall apply.

"Exhibit A"

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 appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, is in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

2. Complies with Zoning Regulations dated March 20, 2012.

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.
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These Bonding requirements supersede previous Bonding requirements approved by the Commission on June 12, 2007. All remaining conditions of the June 12, 2007 Subdivision approval remain in force.”

Voice vote. 7-0-0 All in favor. **MOTION CARRIED.**

8. Zoning Matters:

1. Action Items: none

2. Non-Action Items:

9. Communications: Staff informed the Commission of a document that had been received in the Planning Office today which is the Environmental Impact Evaluation and Environmental Assessment for the Villages (proposed Affordable Housing Project.) Staff informed the Commission of the impact of the proposed Mohegan Core TCP that includes a large portion of town and her concerns regarding the same. Discussion was held. *Recording equipment malfunction. The Chairman advised of a letter received from Town of Ledyard on a regulation change.

10. Minutes:

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

11. Other business to come before the Commission: none

12. Adjourn: The meeting adjourned at 8:10 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**