

TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE.
UNCASVILLE, CT. 06382
PHONE (860) 848-8549 x379 Fax (860) 848-2354

MEETING MINUTES

Tuesday, September 8, 2015 7:00 p.m.

LOCATION: TOWN HALL – Council Chambers

1. **Call to order.** Chairman Pieniadz opened the September 8, 2105 meeting at 7:00 pm
2. **Pledge of Allegiance.** All rose to pledge the flag
3. **Roll call and seating of Alternates: COMMISSION MEMBERS PRESENT:** Commissioners Yeitz, Siragusa, Ferrante, Pieniadz, Polhemus, Desjardins, Bolles and Hillsberg. **COMMISSION MEMBER ABSENT:** Toner. **STAFF PRESENT:** Marcia Vlaun, Town Planner, Colleen Bezanson, Assistant Town Planner.
4. **Executive Session:** None
5. **New Business:**
 - a.) **Donald Radicioni:** A 2 lot subdivision on the property located at 564 Chesterfield Road, Oakdale, CT. As shown on Assessor's Map 20 Lot 13A. The Town Planner stated two frontage variances were previously granted in the early 1990's. The applicant was under impression this completed the subdivision process. After review it was determined this Subdivision was never approved. Staff recommends approval of this application to rectify the situation. Discussion held. A **MOTION** was made by COMMISSIONER HILLSBERG and seconded by COMMISSIONER POLHEMUS to approve the application of Donald Radicioni for a 2 lot subdivision on the property located at 564 Chesterfield Road, Oakdale, CT. As shown on Assessor's Map 20 Lot 13A. As depicted entitled "Plan Showing Division of Land of Donald B. And Eileen E. Radicioni with Zoning Variance Request 564 Chesterfield Road, Oakdale, CT prepared by Edmond D. Sitty dated August, 1994."with the following CONDITIONS 1. Individual site plans shall be submitted prior to the issuance of the zoning permit.
Voice Vote 8-0-0. **MOTION CARRIED**
6. **Public Hearings:**
 - a.) **LVK, LLC/Seymour Adelman:** A Special Permit application for the processing and crushing of gravel on the property located at 127 Leffingwell Road, Uncasville, Ct. As shown on Assessor's Map 62 Lot 16. The Town Planner entered the following exhibits into the record:
 1. Copy of the legal ad as published in the New London Day on May 1st and May 8, 2015
 2. Letter From the Inland Wetlands Commission dated May 7, 2015
 3. Letter From the Inland Wetlands Commission dated June 4, 2015
 4. Copy of the legal ad as published in the New London Day on May 29th and June 5, 2015
 5. Copy of the legal ad as published in the New London Day on June 12th and June 19, 2015
 6. Letter to City of Norwich dated April 6, 2015

7. Project File Folder
8. Letter to City of Norwich dated August 25, 2015
9. Inland Wetlands Notice of Decision dated August 21, 2015
10. Town Engineer's comments August 27, 2015
11. Copy of Section 13 (LI) of the Town of Montville Zoning Regulations
12. Copy of Section 17.8 (Special Permits- Excavation/Filling Operations)
13. Copy of the Staff Report dated September 8, 2015

It was noted the Inland Wetlands Commission fees have not been paid. If fees are not paid within 90 days; the Wetlands Permit would become null and void. A condition was added that applicant shall comply with the Inland Wetland Permit #215 IWC 24. The Town Planner stated that this Light Industrial site has been excavated and used as a processing location for over 25 years. It is the access to the site and the conduct of the applicant that is problematic. To help the residence with the issues of dust, noise and excessive truck speeds, staff has recommended conditions be added to the approval. The rerouting of the trucks onto Montville Road should alleviate the excessive traffic flow on Leffingwell Road. The addition of water trucks on-site during operation hours will improve dust control. Staff explained how the Local Traffic Authority (Mayor) could require no thru truck traffic signs be placed on Leffingwell Road and have the police monitor the truck speed limits.

Chairman Pieniadz asked if there was anyone opposed to the project. The following spoke in opposition.

- Philip Wawrzynowicz of 132 Leffingwell Rd spoke against. He submitted one item into the record (Public Exhibit 3).
- Rose-Marie McKenna of 140 Leffingwell Rd spoke against.
- Linda Wawrzynowicz of 123 Leffingwell Rd spoke against and submitted two items into the record (Public Exhibits 4 & 5).
- Lee Hoelck of 233 Leffingwell Rd spoke against.

Chairman Pieniadz asked 3 times was anyone in favor of the project. No one spoke. He then again asked if there was anyone opposed and no one spoke. Discussion was held regarding the traffic flow and general enforcement of the permit. A MOTION was made by COMMISSIONER SIRAGUSA and Seconded by COMMISSIONER YEITZ to close the public hearing. Voice Vote 8-0-0. The public hearing was closed at 7:45pm.

A **MOTION** was made by COMMISSIONER HILLSBERG and seconded by COMMISSIONER DESJARDINS to move the Special Permit application for LVK, LLC to other business to item 11a. Voice Vote 8-0-0. **MOTION CARRIED.**

7. Old Business: None

8. Zoning Matters:

- a.) Colleen Bezanson was promoted to Assistant Planner. The closing date for applications for the ZWO position is 9/11/15 and position should be filled by end of September, 2015.

9. Communications: None

10. Minutes:

- a.) Acceptance of the minutes from the meeting of June 23, 2015. A **MOTION** was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER DESJARDINS to Approve the meeting minutes of the June 23, 2015 meeting. Voice Vote 8-0-0. **MOTION CARRIED**

11. Other business to come before the Commission:

Town Planner would like to extend an invitation to Economic Development Commission to have a joint meeting regarding recommendations to activate business, streamline permitting process and changes to Zoning Regulations. Discussion was held. Chairman Pieniadz stated he would draft a letter on behalf of the Commission to the Local Traffic Authority regarding access to Leffingwell Road.

- a.) LVK, LLC/Seymour Adelman: A Special Permit application for the processing and crushing of gravel on the property located at 127 Leffingwell Road, Uncasville, Ct. As shown on Assessor's Map 62 Lot 16. Discussion was held. A **MOTION** was made by COMMISSIONER HILLSBERG and seconded by COMMISSIONER DESJARDINS to Approve the Special Permit application/site plan for LVK, LLC/Seymour Adelman for the processing and crushing of gravel on the property located at 127 Leffingwell Road, Uncasville, Ct. As shown on Assessor's Map 62 Lot 16 as depicted on the plans titled "Proposed Aggregate Processing Operation Leffingwell Road and Montville Road, Montville, Connecticut Prepared For LVK, LLC., Prepared by Provost & Rovero, Inc., Revised to 8/15/15 and the application and narrative dated 4/1/15."

In doing so the Commission has removed the Cease and Desist order dated April 10, 2015 and also considered the application, the staff report, the public testimony and the expert testimony and finds that:

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:

1. The ZEO must be contacted 24 hours 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 anti-tracking pad and access shown coming from Leffingwell Road onto the site must be removed from the plans and closed on the site. A fence shall be erected in accordance with Condition #8.
4. Any access road within the area of operations shall have a dustless surface which is maintained at all times. Provisions shall also be made to prevent dust from blowing onto neighboring properties during operations. There shall be a water truck on site when processing, excavating, or depositing of materials is occurring. Any remaining stock piles shall be stabilized by applying a Contractor's Seed Mix.
5. All truck traffic to and from the site shall be from the northerly side of Montville Road. The turning radius to the south at the site entrance shall be deleted and a radius directing traffic northerly constructed in its place so that both radii direct traffic northerly. A "No Left Turn" sign shall be appropriately installed at the access drive.
6. The operational times shall only be conducted between the hours of 7:00 A.M. and 6:00 P. M. No excavations or processing shall take place on Sundays or on the following Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Hour and Day restrictions do not apply in the case of Municipal, State or Federal Emergencies.
7. There is recent excavation work on the south end of the site near Leffingwell Road. This area must be stabilized. No excavation shall be within 50 feet of Leffingwell Road or Montville Road.
8. Where an excavation will have a depth of ten or more feet and or slopes of one to one or greater, there shall be a suitable fence at least six feet (6') in

height and such fence shall be located fifty feet (50') or more from the active edge of the excavation.

9. Based on the report from the Inland Wetlands Commission; the applicant shall comply with the Inland Wetland Permit #215 IWC 24.
10. All above conditions must be included on a revised site plan prior to the Chairman's signature.
11. This Special Permit shall be valid for one (1) year subject to review. The Commission may renew the permit for an additional five (5) year period.

A Roll Call Vote 8-1-0. COMMISSIONER SIRAGUSA OPPOSED. MOTION CARRIED.

12. **Adjourn:** The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Michelle M. Giroux
Recording Secretary

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE