

Town of Montville
Zoning Board of Appeals
Regular Meeting Minutes for Wednesday, October 7, 2015
7:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order

Chairman MacNeil called the Regular Meeting of the Zoning Board of Appeals meeting to order at 7:00 p.m.

2. Roll Call

Present were Board Members Douglas Adams, Carl Freeman (alternate), John MacNeil, and Wills Pike. Absent were Board Members Joe Aquitante III and Ellen Lakowsky. Board Member Freeman was seated.

3. New Business: *none*

4. Public Hearings:

- a.) **Doreen M. Mrowka:** An application for a Certificate of Location Approval for a Used Cars Dealer's and Repairer's Facility to be located on the property at 96 Route 163, Montville, CT As shown on Assessor's Map 73 Lot 55A.

Chairman MacNeil stated that all certified mail and their respective receipts to the abutting property owners have been checked and are in order. The Board reviewed the application and plans for the property.

Attorney Harry Heller, 736 Route 32, Uncasville, representing the applicant/property owner, stated that the application is for a Certificate of Location Approval under the Motor Vehicle Statute. As such, the Board would not be sitting as the ZBA under the Zoning Statutes but as the special agency for the State of Connecticut under the Motor Vehicle Statutes, making a determination as to whether the location is suitable for a used car dealer's and repairer's facility given its road characteristics, traffic, and location of schools, churches, and other places of public gathering. The property is located across the street from B&D Autobody and, if approved, will be developed in conjunction with the existing auto repair business. The property was formerly approved as a single-family dwelling house that was demolished following the purchase of the property. The owners are proposing one point of access to the property located in the northeasterly portion of the site and will have sight line of approximately 600 feet in both directions, exceeding the distance required by the State's D.O.T. (Department of Transportation) for the posted speed limit. The building, which will include a three-bay garage with a side door, will be depressed approximately six (6) feet along the street elevation and the only access will be

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through the three bays located in the rear of the building. The property will have 11 (eleven) parking spaces. There are no churches or schools in the area and should not conflict with the Firehouse across the street. In addition, the bifurcation of the functions of the business may, potentially, reduce traffic.

Though not under the Board's purview, Chairman MacNeil questioned the necessity of an oil/water separator on the property to prevent any potential contamination into the river. Atty. Heller stated that there is an infiltration trench and both the applicant's and Town's Engineers have reviewed the plan and neither felt an oil/water separator would be necessary. The application is also currently before the Inland Wetlands Commission for review. Chairman MacNeil confirmed that the application will also require the approval of the State of CT's K-93 Form and the State Department of Energy and Environmental Protection (DEEP) so that any environmental issues/concerns should be raised at that time.

In response to Board Member Pike, Atty. Heller provided a brief history to the reasoning behind the application being presented to the Board for approval. Until approximately ten years ago, all such applications were presented to the ZBA and specific standards were in place under the Statute. The Legislature has since made changes to the Statute and the property owner now has the option of presenting the application to either the ZBA or the Planning & Zoning Commission and no standards are currently in place. Because there are no existing standards, Atty. Heller has opted to adhere to the originally defined standards.

Chairman MacNeil asked if there was anyone present who would like to speak in favor of or in opposition to the application or if there were any questions or comments.

Motion made by Chairman MacNeil, seconded by Board Member Adams, to close the Public Hearing for 215-ZBA-5. Discussion: None. Voice vote, 4-0, all in favor. Motion carried.

5. Old Business

Doreen M. Mrowka: An application for a Certificate of Location Approval for a Used Cars Dealer's and Repairer's Facility to be located on the property at 96 Route 163, Montville, CT As shown on Assessor's Map 73 Lot 55A.

Motion made by Chairman MacNeil, seconded by Board Member Adams, to approve application 215-ZBA-5, an application for a Dealer's and Repairer's Location as required by Section 14-54 in the Connecticut General Statutes and to authorize the Chairman to sign the plans to be included in the application to the Department of Motor Vehicles (DMV) for the property located at 96 Route 163, Montville, CT as shown on Assessor's Map 73 Lot

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- 55A. Roll Call vote, 4-0, all in favor. Voting in Favor: Board Members Adams, Freeman, MacNeil, and Pike. Voting in Opposition: None. Motion carried.
6. Minutes: Approval of the minutes of May 6, 2015, May 27, 2015, and June 3, 2015
Motion made by Board Member Freeman, seconded by Chairman MacNeil. Discussion: None. Voice vote, 4-0, all in favor. Motion carried.
8. Communications: *none*
9. Other Business and Applications to come before the Zoning Board of Appeals: *none*
10. Adjourn:
Motion made by Chairman MacNeil, seconded by Board Member Adams, to adjourn the meeting at 7:25 p.m. Discussion: None. Meeting adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville

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