

**TOWN OF MONTVILLE
PLANNING & ZONING COMMISSION
310 NORWICH NEW LONDON TPKE.
UNCASVILLE, CT 06382
PHONE (860) 848-6779 - FAX (860) 848-2354**

MEETING MINUTES of

April 25, 2017

1. Call to order: CHAIRMAN PIENIADZ opened the April 25, 2017 Meeting at 7:00 pm.
2. Pledge of Allegiance: All rose to pledge the flag.
3. Roll call and seating of Alternates: COMMISSIONERS PRESENT: Desjardins, Duchesneau, Hillsberg, McNally, Pieniadz, Pike (who sat for Bolles), Polhemus and Siragusa. COMMISSIONERS ABSENT: Bolles, Estelle and Toner. STAFF PRESENT: Colleen Bezanson, Assistant Town Planner, and Elizabeth Burdick, Zoning/Wetlands Officer.
4. Executive Session: None
5. Public Hearing/Applications:
 - a. **217SP1 - Matthew Kobyluck - Double Down LLC, 1530 Route 85 (Map 5 Lot 29) Oakdale.** Application for construction and operation of an earth materials processing facility. CHAIRMAN PIENIADZ indicated this was the continuance of the PUBLIC HEARING from April 11, 2017 as he reopened the public hearing at 7:49 pm... Colleen Bezanson, Assistant Planner read Staff Exhibits into record.

Staff Exhibits:

1. Copy of the legal ad published in *The New London Day* on March 3rd and 10th 2017.
2. Copy of letter from Edward H. Wenke III, PE to Joseph Lanzafame, New London Department of Public Utilities dated January 21, 2017.
3. Copy of letter from Edward H. Wenke III, PE to Kimberly Hamley, Uncas Health District, dated January 21, 2017.
4. Copy of letter from Edward H. Wenke III, PE to CONNDOT District 2, Permits, dated January 21, 2017.
5. Copy of Email sent to CT DHS Watershed Notification w/Watershed or Aquifer Area Project Notification Form attached, dated January 21, 2017.
6. RRR/Certified Mail Receipts for 200' Abutters Received March 6, 2017.
7. Copy of Meeting Cancellation Notice posted on Town of Montville website dated March 14, 2017.
8. Copy of legal ad published in the *New London Day* on March 31, 2017 and April 5, 2017.

9. RRR/Certified Mail Receipts for 200' Abutters Received April 5, 2017.
10. Staff report.
11. Entire project folder

CHAIRMAN PIENIADZ polled COMMISSIONERS for questions of staff. There were none.

Elizabeth Burdick, ZWO read into record the Staff Report. CHAIRMAN PIENIADZ polled COMMISSIONERS for questions of staff. There were questions from COMMISSIONER Siragusa, Hillsberg, McNally, Duchesneau, and Pike which were answered satisfactorily. CHAIRMAN PIENIADZ invited comments from public in favor of the application three times; there were none. CHAIRMAN PIENIADZ invited comments from the public in opposition of the application. David Miner of Miner *Deer Run, LLC.* and Attorney Lynne Moss Miner both of 842 Chesterfield Road, Oakdale; spoke in opposition of application. CHAIRMAN PIENIADZ again invited comments from public in favor of application three times. Jeff Rogers of 146 Forsyth Road spoke in favor of the application. MOTION was made by COMMISSIONER HILLSBERG; seconded by COMMISSIONER DESJARDINS to close the PUBLIC HEARING. VOICE VOTE 8-0-0. PUBLIC HEARING closed at 8:09 p.m.

b. Discussion and Decision – 217SP1 – Matthew Kobyluck – *Double Down LLC.* 1530 Route 85 (Map 5 Lot 29) Oakdale. MOTION was made by COMMISSIONER HILLSBERG; and was seconded by COMMISSIONER DESJARDINS that the Commission finds the special permit /site plan of Double Down LLC meets the requirements of Section 13, Section 17 and Section 18 of the Zoning Regulations and approves the plan titled “Special Use Permit Application, Proposed Earth Materials Processing Facility Site Plan, Tax Assessor Parcel I.D. #005-029-000, 1530 CT Route 85 (Hartford - New London Tpke), Oakdale - Town of Montville, New London County Connecticut, LI (Light Industrial Zoning District, Drawings No. S-01 to S-17, Prepared for Surveyor: James Bernardo Land Surveying, LLC, Dated December 2016 and Revised to 4/3/17.” 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 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. Final plans must be signed and sealed by LPE, LLS, & CSS prior to signing by the Planning and Zoning Chairman.
2. The ZEO must be contacted 24 hours prior to start of construction.
3. Soil Erosion & Sediment Controls shall be installed and inspected by the ZEO prior to the start of work with the issuance of an approved Zoning Permit.
4. An E&S Bond in the amount of \$20,700 shall be posted prior to the issuance of a Zoning Permit for Phase I.
5. An E&S Bond in the amount of \$5,700 shall be posted prior to the issuance of a Zoning Permit for Phase II.
6. The Owner/Operator shall maintain equipment onsite for controlling dust.
7. Materials bins containing stone dust shall be treated to prevent airborne dust.
8. Daily Site Watering/Dust Control logs shall be kept on site and submitted to the Town of Montville bi-annually or upon request.
9. Owner shall prepare and submit annual written E & S Maintenance report to the Town starting after the construction work as depicted on these plans is completed.
10. Owner shall submit reports to the Town of Montville for all inspections required per Sheet S-11 "Sediment Basin Maintenance Requirements."
11. Evidence of final DEEP-WPED-GD-014 – General Permit for Discharge of Storm Water & Dewatering Associated with Industrial Activities shall be submitted to the Town prior to the issuance of a zoning permit to commence work.
12. Evidence of Final CT DOT Encroachment Permit shall be submitted prior to the issuance of a zoning permit to start work.

13. It is the Owner's responsibility to acquire all federal and state permits prior to the start of operation. No Zoning Permit shall be issued until all said permits have been obtained.
14. This Special Permit, per Section 17.8.12 of the Zoning Regulations, is valid for one (1) year and may be renewed for a period of up to five (5) years if it can be shown that the operation has been conducted in compliance with the provisions of the Regulations.

CHAIRMAN PIENIADZ polled COMMISSIONERS for questions of staff. COMMISSIONERS Siragusa, Hillsberg, McNally, Duchesneau, Polhemus and Pike had questions which were all answered satisfactorily.

ROLL CALL VOTE: COMMISSIONER DESJARDINS – in favor; COMMISSIONER DUCHESNEAU– in favor; COMMISSIONER HILLSBERG – in favor; COMMISSIONER McNALLY– in favor; COMMISSIONER PIENIADZ – in favor; COMMISSIONER PIKE – in favor; COMMISSIONER POLHEMUS – in favor; COMMISSIONER SIRAGUSA – in favor; ROLL CALL VOTE: 8-0-0 MOTION CARRIED.

6. Old Business:

- a. **217SITE2 - Gary Winalski - Patterson Brothers Properties LLC. - 14 Enterprise Lane (Map 2 Lot 5D) Oakdale.** Application for a Modified Site Plan. Applicant requests the 1st 35-day Extension of time to June 6, 2017. COMMISSIONER HILLSBERG made MOTION; seconded by COMMISSIONER DESJARDINS to continue this Application to the May 9, 2017 meeting. VOICE VOTE 8-0-0 MOTION CARRIED.

7. New Business:

- a. **Town of Montville – Proposed 2018 – 2020 Capital Improvement Plan.** Discussion was held; Town Council liaison Joseph Rogulski spoke to Commission about changing the manner in which the Capital Improvement Plan is completed and presented to the Planning & Zoning Commission. The Commission had concerns regarding the untimely submission to them for review and no explanations being included regarding expenses have been provided by any departments. COMMISSIONER HILLSBERG made MOTION; seconded by COMMISSIONER McNALLY to send a letter to the Town Council rejecting the Proposed 2018-2020 Capital Improvement Plan. VOICE VOTE 7-0-1 COMMISSIONER POLHEMUS abstained.

8. Zoning Matters: None

9. Town Planner: None

10. Communications: None

11. Other Business:

- a. **217ZC1 – Shawn Meaike – 45 Oakland Drive (Map 51 Lot 11) Oakdale. Application for Zone Change from R-120 to R-80.** Public Hearing is scheduled for May 9, 2017.
- b. **217ZC2 – Elizabeth Occhionero – 1 Richard Brown & Fitch Hill Road (Map 55 Lots 33B & 36) Oakdale. Application for Zone Change from C3 to R-20-M.** Public Hearing is scheduled for May 9, 2017.

12. Minutes:

COMMISSIONER McNALLY made MOTION, seconded by COMMISSIONER SIRAGUSA to accept the April 11, 2017 meeting minutes. VOICE VOTE 8-0-0. MOTION CARRIED.

13. Adjourn:

CHARIMAN PIENAIIDZ adjourned the meeting at 8:51 pm.

Respectfully submitted,

Michelle M. Giroux
Recording Secretary