

**TOWN OF MONTVILLE  
PLANNING & ZONING COMMISSION  
310 NORWICH NEW LONDON TPKE  
PHONE (860) 848-8549 Fax (860) 848-2354  
MEETING MINUTES  
March 24, 2009**

1. **Call to Order.** Chairman Marcus called the March 24, 2009 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 Marcus, Pieniadz, Polhemus, Desjardins, Mastrandrea, Ferrante, Siragusa\* and Toner. (\*Commissioner Siragusa arrived late – see below at 7:09 p.m.). (8 regular members)  
**COMMISSION MEMBERS ABSENT:** Commissioners Baron. (1 regular member)  
**STAFF PRESENT:** Marcia A. Vlaun, Town Planner.
4. **Executive Session:** none
5. **Public Hearings:**
  - a) **Town of Montville Planning & Zoning Commission:** Text amendment to the Subdivision Regulations Section 6.11 Maintenance Bond. The Public Hearing opened at 7:02 pm. **Staff:** Staff entered the following into the record: Ex. 1. Legal Notice published 3/13/ and 3/20/09. Ex. 2. Notice of Hearing sent to parties on the Public Notice Registry. Ex. 3. Notice and proposed Text change posted with the Town Clerk 3/11/09. Ex. 4. Text amendment. Staff introduced the Town Engineer, Tom Fenton of Nathan, Jacobson. Mr. Fenton reminded the Commission of the P&Z meeting that he and the Public Works Director had attended last month and gave the Commissioners an overview of the reasons why the text amendment is necessary. **Public:** no comments either for or against were received. (\*Commissioner Siragusa arrived late – at 7:09 p.m.) **A MOTION was made to CLOSE the Public Hearing by COMMISSIONER POLHEMUS; SECONDED by COMMISSIONER TONER. Voice vote. 8-0 MOTION CARRIED.**
6. **New Business:**
  1. **Action items:**
    - a) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 35-37 Platoz Drive, Uncasville, CT As shown on Assessor’s Map 33 Lot 17H. **A MOTION was made by COMMISSIONER**

**PIENIADZ; SECONDED** by **COMMISSIONER TONER** to **SET the Public Hearing** date for **4/14/09**. Voice vote. All in favor. **8-0 MOTION CARRIED.**

- b) **ABCO Realty /Harry W. Colonis:** An application for a Special Permit for a two-family home located on the property at 39-41 Platoz Drive, Uncasville, CT As shown on Assessor's Map 33 Lot 17H-1. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS** to **SET the Public Hearing** date for **4/14/09**. Voice vote. All in favor. **8-0 MOTION CARRIED.**
- c) **Michael McKay:** An application for a Special Permit for a two-family home located on the property at 1552 Norwich-New London Tpke, (Route 32), Uncasville, CT As shown on Assessor's Map 91 Lot 10. A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER TONER** to **SET the Public Hearing** date for **4/28/09**. Voice vote. All in favor. **8-0 MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER MASTRANDREA**, to **MOVE UP**, (on the agenda), add as item 6.1.d: **Advanced Associates, LLC:** An application for Site Plan review for a building in the light industrial zone on the property located at 410 Maple Avenue, Montville, Ct. As shown on Assessor's Map 31 Lots 2A & 3-3. Voice vote. 7-0-1 with Commissioner Pieniadz abstaining. **MOTION CARRIED.**

Commissioner Pieniadz provided the Chairman with a Conflict of interest form (attached hereto) and left the room.

- d) **Advanced Associates, LLC:** An application for Site Plan review for a building in the light industrial zone on the property located at 410 Maple Avenue, Montville, Ct. As shown on Assessor's Map 31 Lots 2A & 3-3. Staff advised that a woodworking building was proposed for the site and that the IWC had granted a permit for a crossing. Staff Report dated 3/24/09 was distributed to the Commission and read into the record. Discussion was held. A **MOTION** was made by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER TONER** to **APPROVE** (the Site Plan review) with the following conditions: 1. A \$2,000.00 erosion and sediment control bond shall be posted. 2. The applicant's Engineer shall certify as to the stability of the constructed wall. Voice vote. 7-0 **MOTION CARRIED.**

Commissioner Pieniadz returned to the meeting room.

## 7. Zoning Issues:

### 1. Action items:

A **MOTION** was made by **COMMISSIONER TONER; SECONDED** by **COMMISSIONER FERRANTE** to **MOVE #7.**, Zoning Issues to after item **#8**. Voice vote. 8-0 **MOTION CARRIED.**

- a. **Monique Hoznor:** An application for a Home Occupation Permit for jewelry making on the property located at 410 Fire Street, Oakdale, CT As shown on Assessor's Map 14 Lot 1. (see below)

## 8. Old Business:

### 1. Action Items:

- a.) **9R Burlake Road, LLC:** An application for a Zone Change from R-40 to R-20 on the properties located at 76, 90, 94, and 120 Gay Hill Road, Montville, CT As shown on

Assessor's Map 23 Lots 1, 2, 3 & 3A. Commissioner Siragusa left the meeting room due to a conflict of interest – previous notice on file) Discussion was held. **COMMISSIONER PIENIADZ** made a **MOTION** to **APPROVE the ZONE CHANGE** ("option B of what we have"), Having considered the testimony and documentation received during the public hearing, and according to such testimony and documentation the weight and credibility that the Commission determines to be reasonable under the circumstances the Commission makes the following findings:

1. The Comprehensive Plan (the Zoning Regulations) allows for reasonable uses of the lots under sections 8.2 and 8.3 of the Regulations;
2. The original zoning classification of R-40 given to the primary parcel, while not inappropriate, is better suited to the more dense zoning classification of R-20;
3. A change of Zoning District from R-40 to R-20 will have a benefit to the community as a whole in the form of additional tax revenue;
4. The area is suitable for uses permitted in the R-20 Zoning District; and
5. A modification of the zoning for this area from an R-40 Zoning classification to an R-20 Zoning District for these parcels does not represent spot zoning.

Therefore, the Commission approves the 9R Burlake Road, LLC application for a Zone Change from R-40 to R-20 on the properties located at 76, 90, 94 and 120 Gay Hill Road, Montville, CT as shown on Assessor's Map 23 Lots 1, 2, 3 & 3A. Roll call vote as follows: In favor: Mastrandrea, Pieniadz, and Ferrante. (3) Opposed: Marcus, Polhemus, Desjardins and Toner (4) 3-4-0 **MOTION FAILED**. Zone change denied. Discussion was held. Commissioner Siragusa returned to the meeting room.

**b.) T&N Financial/Inez Mazzei:** An application for a 14 lot subdivision located on the property at 687 Old Colchester Road, Uncasville, CT As shown on Assessors Map 22 Lot 16. Commissioner Ferrante advised that he had listened to the recording and was now eligible to vote.

\*\*The Commission took a break from 7:35 p.m. to 7:45 p.m. when Chairman Marcus called the meeting back to order.

Discussion was held. A **MOTION** was made by **COMMISSIONER PIENIADZ; SECONDED** by **COMMISSIONER POLHEMUS** as follows: A **MOTION** to **APPROVE: T&N Financial/Inez Mazzei:** An application for a 14 lot subdivision located on the property at 687 Old Colchester Road, Uncasville, CT As shown on Assessors Map 22 Lot 16, with the following conditions:

1. A professional engineer must design the septic system for each lot.
2. A \$2000.00 erosion and sediment control bond shall be posted for each lot prior to the start of construction on the individual lot.
3. The developer shall post a performance bond for public improvements in the amount of \$387,912.00.
4. A current copy of the General Permit Registration Form for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities shall be filed in the Planning Office.
5. Add a note to the plan on lots 3, 4, & 5, that states that Metrocast may have a possible prescriptive easement.
6. The Applicant/Developer must comply with MPZC Condition of approval A-1. (Attached)

7. The developer must request a preconstruction meeting no later than 2 weeks before the start of Construction.

The Commission finds that this application complies with the Town of Montville Zoning Regulations. This is a conditional approval. Each and every condition is an integral part of the Commission's 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 for review. The permit is valid for five years from the date of approval.

Roll call vote as follows: In favor: Pieniadz Marcus, Polhemus, Desjardins, Toner, and Ferrante. (6) Opposed: none. Abstain: Mastrandrea and Siragusa. 6-0-2 **MOTION CARRIED.**

**7.1.a Zoning Issues: Monique Hoznor:** An application for a Home Occupation Permit for jewelry making on the property located at 410 Fire Street, Oakdale, CT As shown on Assessor's Map 14 Lot 1. Ms. Hoznor advised the Commission that her sales were through craft shows, hospital gift shops, etc., none at her home. Discussion was held. A **MOTION** was made to **APPROVE** by **COMMISSIONER SIRAGUSA; SECONDED** by **COMMISSIONER DESJARDINS.** Voice vote. 8-0 **MOTION CARRIED.**

## **2. Not Ready For Action:**

a) **Vizion Enterprises/John Aldi:** An application for HOD Site Plan review for the property located at 1710-1856 Route 32, Uncasville, Ct. As shown on Assessor's Map 94 Lot 29. A **MOTION** was made to **CONTINUE** by **COMMISSIONER DESJARDINS; SECONDED** by **COMMISSIONER POLHEMUS.** Voice vote. 8-0. **MOTION CARRIED.**

**9. Communications: Staff:** Staff advised the Commission that she had received a copy of the Mayor's revised budget and informed the Commission of the additional cuts that were being made.

## **10. Minutes:**

1. Acceptance of the minutes from the Regular meeting of February 24, 2009. A **MOTION** was made by **COMMISSIONER POLHEMUS; SECONDED** by **COMMISSIONER TONER** to **APPROVE** the minutes. Voice vote. 6-0-2 with Commissioners Siragusa and Mastrandrea abstaining. **MOTION CARRIED.**

## **11. New Business:**

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

## **12. Zoning Issues:**

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

3. Zoning Officer's Report. No report given.

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

a) Plan of Development. Discussion was held. Timetables were discussed.

**14. 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