

Town of Montville
Planning and Zoning Commission
310 Norwich New London Turnpike
Uncasville, CT 06382

Meeting Minutes of
Tuesday, March 23, 2021 Hybrid Regular Meeting

1. Call to Order: Commissioner Pieniadz called the meeting to order at 6:00 p.m.
2. Pledge of Allegiance: All rose to salute the flag
3. Roll Call: Present were Commissioners Pieniadz, Pike, Siragusa, Desjardins, Longton, Lundy and Kobyluck. Also present were Town Planner Marcia Vlaun, Zoning Enforcement Officer Tiffany Williams and Assistant Planner Colleen Bezanson. Absent were Commissioners Estelle and Duchesneau.
4. Executive Session: None
5. Public Hearing/Application:
 - a. 221 SP 1 – Owner: Robert Sachs Trustee Applicant: Robert Sachs, 280 (035-001-016), 284 (035-001-015), 288 (035-001-014), 292 (035-001-013), 296 (035-001-012), 300 (035-001-011), 304 (035-001-010), 308 (035-001-009) and 316 Chapel Hill Rd (035-001-000) A Special Permit Application for a 32 lot cluster subdivision.

Public Hearing Opened at 6:04 p.m.

The Town Planner entered the following exhibits into the record.

Staff Exhibits:

1. Copy of legal ad published on the Town Website on February 12, 2021
 - a. Copy of legal ad published on the Town Website on March 12, 2021
2. Copy of legal ad published on The Day on March 12th & March 19th, 2021
3. Application and Plans titled “Town of Montville Planning and Zoning Commission Submission for Proposed Residential Subdivision 316 Chapel Hill Rd Montville, Ct Prepared for Robert Sachs Prepared by BL Companies Pages 1-59 dated November 10, 2020 and revised to February 22, 2021”
4. Copy of Letter sent to Salem Town Hall dated January 27, 2021
5. Copy of Letter sent to SCCOG dated January 27, 2021
 - a. Copy of Letter from SCCOG dated February 22, 2021
6. Copy of Letter sent to Conservation Commission dated January 27, 2021
 - a. Copy of Letter from Conservation Commission dated February 19, 2021
7. Copy of the Uncas Health email dated February 10, 2021
8. Copy of the Department of Public Health notification dated August 7, 2012
9. Copy of the email sent to the City of New London Department of Utilities dated January 20, 2021
 - a. Copy of email from the City of New London Director of Public Utilities dated March 22, 2021
10. Copy of Town Engineer comments dated March 8, 2021
11. Inland Wetlands letter to Planning & Zoning Commission of Approval
12. Copy of Notice Cancellation for the February 23, 2021 Planning & Zoning Commission Meeting

13. Staff Report dated March 23, 2021
14. Complete Project Folder

The Town Planner read the staff report and response letters (exhibits 5a, 6a & 9a) into the record. She explained the process of reviewing a cluster subdivision. Chairman Pieniadz asked three times if there was anyone from the public who would like to speak in favor of or opposition to this application. There were none. Discussion was held.

A MOTION was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER PIKE to close the public hearing.

ALL in FAVOR 7-0-0 **Motion Carried** - Public Hearing closed at 6:35 p.m.

- b. Discussion and Decision: 221 SP 1 Owner: Robert Sachs Trustee Applicant: Robert Sachs, 280 (035-001-016), 284 (035-001-015), 288 (035-001-014), 292 (035-001-013), 296 (035-001-012), 300 (035-001-011), 304 (035/001-010), 308 (035-001-009) and 316 Chapel Hill Rd (035-001-000) A Special Permit Application for a 32 lot cluster subdivision.

Discussion was held.

A MOTION was made by COMMISSIONER PIKE and seconded by COMMISSIONER DESJARDINS that The Commission finds that the special permit /site plan meets the requirements of Sections 5, 16.10, 4.11.4 and Section 17 of the Zoning Regulations and approves the application and plan of Robert Sachs as shown on the plans titled "Town of Montville Planning and Zoning Commission Submission for Proposed Residential Subdivision 316 Chapel Hill Rd Montville CT Prepared for Robert Sachs Prepared By BL Companies Sheets 1-59 dated November 10, 2020 and Revised to February 22, 2021"

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. The ZEO must be contacted 24 hrs prior to start of construction. A Zoning Permit must be filed for prior to start of construction.
2. A Performance Bond in the amount of \$1,412,180.00 must be posted prior to the issuance of a Zoning Permit.
3. An Erosion and Control Bond in the amount of \$272,090.00 must be posted prior to the issuance of a Zoning Permit.
4. The applicant shall bring additional approved fill on lots 8, 22, 26, 27, 28 and 29.
5. All septic systems are to be designed by a licensed engineer.
6. Road and site line improvements and associated drainage on Chapel Hill must be completed prior to the Issuance of a Certificate of Compliance
7. The applicant shall obtain an encroachment permit for work along Chapel Hill from the Public Works Department and comply with the Town of Montville Road Standards and Improvement Detail dated 2018 as revised.
8. A note shall be added to Sheet GU-1 on each of lots 27-30 noting that grading in the Lot will be pitched away from the stream as much as possible to prevent direct surface runoff from directly entering the stream.
9. Prior to signing of the mylars by the Chairman the applicant shall provide the lot numbers and street numbers as approved by the Town Assessor. These numbers and addresses shall be added to the plan sheets.
10. Prior to the signing of the mylars by the Chairman the applicant shall provide offers of deed, in a form satisfactory to the Town's legal counsel and the Commission, of all land, including streets, recreation areas, drainage and utility easements and other public uses not specifically reserved by the developer for the use of the future owners of the lots and retained under deed by same.
11. Prior to signing of the mylars by the Chairman the applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.
12. Prior to the signature of the Chairman the applicant shall submit digital data to the office as required by Section 3.9 of the Subdivision Regulations
13. This approval is valid for five (5) years from the date of approval. The applicant may request extensions for a period not exceeding ten (10) years from date of approval.

Roll Call Vote ALL in FAVOR 7-0-0 Motion Carried

6. Old Business:

- a. 221 SUB 1 – Owner: Robert Sachs Trustee Applicant: Robert Sachs, 280 (035-001-016), 284 (035-001-015), 288 (035-001-014), 292 (035-001-013), 296 (035-001-012), 300 (035-001-011), 304 (035-001-010), 308 (035-001-009) and 316 Chapel Hill Rd (035-001-000) An application for a 32 lot cluster subdivision.

The Town Planner stated that the previous staff report read into the record during the public hearing includes details regarding the subdivision. She indicated that the commission would also be approving the two new proposed roads, Squire Lane and Benowitz Drive. Discussion was held.

A MOTION was made by COMMISSIONER LUNDY and seconded by COMMISSIONER DESJARDINS that the Commission finds that the subdivision plan meets the requirements of Sections 5, 4.11.4 , 16.10 and 17 of the Zoning Regulations, Subdivision Regulations, Town of Montville Road Standard and Improvement Details dated March 14, 2018 and approves the road names “Squire Lane and Benowitz Drive” and approves the cluster subdivision plan application of Robert Sachs as shown on the plans titled “Town of Montville Planning and Zoning Commission Submission for Proposed Residential Subdivision 316 Chapel Hill Rd Montville CT Prepared for Robert Sachs Prepared By BL Companies Sheets 1-59 dated November 10, 2020 and Revised to February 22, 2021”

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. A Zoning Permit must be filed for prior to start of construction.
2. A Performance Bond in the amount of \$1,412,180.00 (not a duplicate bond) must be posted prior to the issuance of a Zoning Permit.
3. An Erosion and Control Bond in the amount of \$272,090.00 (not a duplicate bond) must be posted prior to the issuance of a Zoning Permit.
4. The applicant shall bring additional approved fill on lots 8, 22, 26, 27, 28 and 29.
5. All septic systems are to be designed by a licensed engineer.
6. Road and site line improvements and associated drainage on Chapel Hill must be completed prior to the Issuance of a Certificate of Compliance
7. The applicant shall obtain an encroachment permit for work along Chapel Hill from the Public Works Department and comply with the Town of Montville Road Standards and Improvement Detail dated 2018 as revised.
8. A note shall be added to Sheet GU-1 on each of lots 27-30 noting that grading in the Lot will be pitched away from the stream as much as possible to prevent direct surface runoff from directly entering the stream.

9. Prior to signing of the mylars by the Chairman the applicant shall provide the lot numbers and street numbers as approved by the Town Assessor. These numbers and addresses shall be added to the plan sheets.
10. Prior to the signing of the mylars by the Chairman the applicant shall provide offers of deed, in a form satisfactory to the Town's legal counsel and the Commission, of all land, including streets, recreation areas, drainage and utility easements and other public uses not specifically reserved by the developer for the use of the future owners of the lots and retained under deed by same.
11. Prior to signing of the mylars by the Chairman the applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.
12. Prior to the signature of the Chairman the applicant shall submit digital data to the office as required by Section 3.9 of the Subdivision Regulations
13. This approval is valid for five (5) years from the date of approval. The applicant may request extensions for a period not exceeding ten (10) years from date of approval.

Roll Call Vote ALL in FAVOR 7-0-0 Motion Carried

7. New Business:

- a. §8-24 Review: For recommendation of sale and conveyance of the property located at 611 Route 163, Uncasville, CT as shown on Assessor's Map 30 Lot 18. The Assistant Town Planner read the staff report and explained that the property and structure are pre-existing non-conforming. There is a stream that bisects the property. Discussion was held.

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER DESJARDINS To send a favorable review to the Town Council for the sale and conveyance of the property located at 611 Route 163, Uncasville, CT As shown on Assessor's Map 30 Lot 18.

ALL in FAVOR 7-0-0 Motion Carried

- b. 221 ZP 15 – Owner: Krisdee Rheume Applicant: William J Rheume, 115 Moxley Rd (017-007-000) An application for a 30' x 36' Steel Garage The Assistant Town Planner read the staff report and stated the garage meets all the requirements of Section 8 (R-40 Zone). Discussion was held.

A MOTION was made by COMMISSIONER KOBYLICK and seconded by COMMISSIONER DESJARDINS that The Commission finds that the proposed garage location meets the requirements of Section 8 of the Zoning Regulations and authorizes the Zoning Officer to sign Permit Number 221 ZP 15 the application of William Rheume for the construction of a 30' x 36' garage on the property located at 115 Moxley Rd – Assessor's Map 17 Lot 7 as hand drawn on the plan titled "Improvement Location Survey – Record Prepared for KrisDee Rheume 115 Moxley Rd Montville, CT"

ALL in FAVOR 7-0-0 Motion Carried

- c. 221 SITE 1 – Owner/Applicant: Lindo Construction, LLC, 90 Maple Avenue (017-015-000) An application for 87 Apartment Units
Chairman Pieniadz stated that the applicant was not ready to move forward and requested a Special Meeting for April 13, 2021.
A MOTION was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER DESJARDINS to set a Special Meeting for April 13, 2021

ALL in FAVOR 7-0-0 Motion Carried

A MOTION was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER DESJARDINS to continue to April 13, 2021.

ALL in FAVOR 7-0-0 Motion Carried

8. Zoning Matters:
 - a. The Zoning Officer read her January & February Zoning Officer Reports to the Commission.
 - b. The Zoning Officer explained a recent inquiry made on the property located at 1856 Route 32 (099-002-000). The Town Planner explained the state case laws regarding Intensification and Expansion of Businesses, as well as, the Planning Department's procedures on handling inquiries.
9. Town Planner: Town Planner explained that the Town was having a mini housing boom.
10. Other Business: None
11. Minutes:

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER DESJARDINS to accept the meeting minutes of the January 26, 2021 meeting.

ALL in FAVOR 7-0-0 Motion Carried

12. Adjourned 7:25 p.m.

Respectfully submitted,

Meredith Badalucca
Recording Secretary