

Meeting Minutes of  
Tuesday, October 26, 2021 Regular Meeting & Public Hearing

1. Call to Order: Chairman 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 Dushesneau. Also present were Planning Director Liz Burdick, Assistant Planner Colleen Bezanson and Zoning Enforcement Officer Tiffany Williams. Absent were Commissioners Estelle and Kobyluck.
4. Executive Session: None.
5. Public Hearing:
  - a. 221 ZC 3 – Applicant: Old Colchester Road, LLC Proposed Zoning Regulation Text Amendment to Section 16.10.6 to amend text to add after the word zone “however, that lots in the R-40 zone may be developed in accordance with the following bulk requirements if served by public sewer and water: Lot frontage: 80 feet, Front yard setback: 30 feet, Rear yard setback: 30 feet, Side yard setback: 10 feet”

Chairman Pieniadz opened the Public Hearing on September 28, 2021

The Planning Director entered and read the following staff exhibits into record:

11. Staff Report dated October 26, 2021, supporting the application

The Assistant Town Planner entered and read the following public exhibits into record:

2. Letter from Richard A. Gladue dated October 25, 2021

3. Letter from Jon B. Chase dated October 25, 2021

Attorney Harry Heller spoke on behalf of the applicant. 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 in favor. Richard George of 974 Old Colchester Rd and Gary O Bern of 20 Dock Rd spoke in opposition. In addition, the letters read by staff from Richard Gladue and Jon Chase were in opposition. Discussion was held.

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

ALL in FAVOR 7-0-0 **Motion Carried** – Public Hearing closed at 7:05 p.m.

- b. Discussion and Decision: 221 ZC 3 – Applicant: Old Colchester Road, LLC Proposed Zoning Regulation Text Amendment to Section 16.10.6 to amend text to add after the word zone “however, that lots in the R-40 zone may be developed in accordance with the following bulk requirements if served by public sewer and water: Lot frontage: 80 feet, Front yard setback: 30 feet, Rear yard setback: 30 feet, Side yard setback: 10 feet” and delete “and no rear or front yard setback shall be less than twenty five feet (25’).”

A MOTION was made by COMMISSIONER LONGTON and seconded by

COMMISSIONER LUNDY to APPROVE Application #221ZC3 to amend Zoning Regulations Section 16.10.6 to add the following: “provided, however, that lots in the R-40 zone may be developed in accordance with the following bulk requirements if

served by public sewer and water: Lot frontage: 80 feet, Front yard setback: 30 feet, Rear yard setback: 30 feet, Side yard setback: 10 feet. In no case shall any side yard be less than ten-feet (10’)” and delete “and no rear or front yard setback shall be less than twenty-five feet (25’). Applicable height restrictions shall remain in effect. The proposal is consistent with the Plan of Conservation & Development and the Comprehensive Plan in that the amendments reduce infrastructure costs, minimize the impact on the natural resources of the community & preserve open space, promote reasonable housing costs and encourage housing investment areas, cluster development and diverse housing.

Roll Call Vote SIX in FAVOR, ONE in Opposition (Commissioner Siragusa) 6-1-0  
**Motion Carried**

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER DESJARDINS to amend the above motion to include Effective Date 11/15/2021.

ALL in FAVOR 7-0-0 **Motion Carried**

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER DESJARDINS to approve the amended motion

ALL in FAVOR 7-0-0 **Motion Carried**

Commissioner Lundy requested a recess from 7:14 pm to 7:20 pm

- c. **Public Hearing: PZ 221 5** – Application of Montville PZC to Opt Out of Public Act 21-29 Reduced Parking Requirements.

Chairman Pieniadz opened the Public Hearing at 7:22 pm

The Planning Director entered the following staff exhibits into record:

1. September 28, 2021 Meeting Minutes
2. Copy of legal ad published on the Town Website on October 15, 2021
3. Copy of legal ad published in The Day on October 15, 2021 & October 22, 2021
4. Staff Report dated October 26, 2021
5. The entire project folder.

The Planning Director read the staff report (exhibit 4) into record. She explained the opt out process and discussion was held. 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.

A MOTION was made by COMMISSIONER LUNDY and seconded by COMMISSIONER LONGTON to close the public hearing.

ALL in FAVOR 7-0-0 **Motion Carried** – Public Hearing closed at 7:28 p.m.

- d. **Discussion and Decision: PZ 221 5** – Application of Montville PZC to Opt Out of Public Act 21-29 Reduced Parking Requirements.

A MOTION was made by COMMISSIONER LUNDY and seconded by COMMISSIONER SIRAGUSA to **APPROVE** Application #221ZC5 to Opt-Out of PA21-29 (Reduced Parking Requirements) as follows: 1. The Planning & Zoning Commission is in favor of more traditional requirements for parking as currently exist in Zoning Regulations Section 18 (Off-Street Parking Regulations); and 2. Montville has minimal transit-oriented development & relies on autos for transportation, thus creating the need for parking.

ALL in FAVOR 7-0-0 **Motion Carried**

6. Old Business: None

7. New Business:

a. **C.G.S. §8-24 Review** for report to the Town Council regarding discontinuance of road at the end of Fort Shantok Rd (1.69 acres) & Sunny Hill Dr. (1.85 acres).

The Planning Director read the staff report and explained the Tribe is the owner, in trust, of all land abutting the roads and that the roads or portions thereof, have no functional use to the Town. She also informed the commission of the agreement regarding snow removal on Shantok Heights Rd and that the Tribe is responsible for maintenance of all infrastructures in said roads. Attorney Harry Heller spoke on behalf of the tribe and discussion was held.

A MOTION was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER LONGTON to forward a Favorable Report in accordance with C.G.S. §8-24 to the Town Council for Discontinuance of Fort Shantok Rd. (East), Sunny Hill Dr. and a portion of Shantok Heights Rd. (“Easterly Appendage”) and to Quit-Claim said roads to the Mohegan Tribe of Indians (Tribe”) for the following reasons:

1. The Tribe owns, in Trust, all lands abutting said roads.
2. Fort Shantok Road (referenced in Map #2 below) has no functional use to the Town.
3. Sunny Hill Drive and that portion of Shantok Heights Road (referenced in Map #1 below) now have no functional use to the Town and provisions have been made in the 8/13/21 Agreement, (Referenced in #3 below) for snow removal, winter sanding & de-icing by the Tribe and emergency access by the Town.

References:

1. Map entitled “Right of Way Acquisition Survey, Sunny Hill Drive & Shantok Heights Road, Mohegan Tribe of Indians, Land to be Conveyed from the Town of Montville to the United States of America for the Mohegan Tribe of Indians of Connecticut, Prepared by Steven R. Marien, LS, CFedS, Dated 9/25/2019, Revised 11/7/2019.”
2. Map entitled “Survey Plan – Fort Shantok Rd, Showing Land of the Town of Montville (Fort Shantok Rd), Montville, CT to be released to the Mohegan Tribe of Indians of Connecticut, Prepared by Steven R. Marien, LS, CFedS, Dated 9/12/2019, and revised 9/16/2019.”
3. “Agreement Concerning Road Discontinuance, Property Transfer, and Snow Removal” between the Town of Montville and the Mohegan Tribe of Indians, dated August 13, 2021.”

ALL in FAVOR 7-0-0 **Motion Carried**

b. **PZ# 221-1 POCD** – Application of the Montville Planning & Zoning Commission for 2021 Proposed Amendments to the 2010 Montville Plan of Conservation and Development. (*PH set for 12/14/21 – No Action Required*).

The Planning Director gave an update as to whom received copies of the draft for comments.

8. Zoning Matters:

- a. The Zoning Officer distributed the October Zoning Officer Report and is available for comments or concerns.
9. Town Planner: She spoke about various projects and grants she is working on. As well as, a text amendment change the commission might want to consider to clarify the intent of Conex Box usage on farms.
10. Other Business:
  - a. Proposed Operating Budget for FY22/23  
A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER SIRAGUSA to APPROVE the Operating Budget for FY22/23  
**ALL in FAVOR 7-0-0 Motion Carried**
11. Correspondence: Planning Director explained the following letters were received in the office, however, the public hearings had already taken place.
  - a. Letter dated October 5, 2021 to Katie Sandberg, Town Clerk, from Samuel S. Alexander, Bozrah Town Planner/SCCOG, regarding application from GotSpace Data Partners proposed Zoning Regulation Amendments – add new Section 9A (Technology Park District)
  - b. Letter dated October 6, 2021 to Montville Town Clerk from Kathy B Warzecha, Preston Town Planner, regarding proposed Zoning Regulation Amendments – Regarding Short Term Rentals
12. Minutes:
  - a. A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER SIRAGUSA to accept the meeting minutes of the September 28, 2021 Public Hearing/Regular Meeting  
**ALL in FAVOR 7-0-0 Motion Carried**
13. Adjourned 8:20 pm

Respectfully submitted,

*Meredith Badalucca*, Recording Secretary