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Article published Feb 14, 2010

Ponemah plan rises from dead

By [Megan Bard](#) Day Staff Writer

Norwich - A large housing project that went from a proposal with great potential to dead in one year could be reborn.

The developer of a 90-unit active-adult housing subdivision between 154 Hunters Road and 115 Merchants Ave. has given a check to the planning department as a precursor to submitting an application for a new site-plan permit for the project.

"We expect to be heard at the commission's March meeting," attorney William Sweeney said on behalf of his clients, brothers Kevin and Joseph McMahon, principals of Ponemah Villa Estates LLC.

The developers thought time had expired for them to obtain financing to post a bond for the project and that the proposal was dead.

On Monday, Sweeney discovered that when the City Council approved an ordinance in February 2009 that repealed the zoning regulations that allowed developers to build active-adult communities in residential zones, the notice of the repeal was not published as required by law in the newspaper.

Sweeney said because of this, and another technicality he plans to argue, the regulations are still in place and his clients can ask the Commission on the City Plan to reapprove their plan.

"We've resubmitted our request before the legal notice about the repeal of the regulations was published," Sweeney said.

Sweeney submitted his letter and application fee check on Tuesday; the legal notice announcing the repeal of the regulations was printed on Wednesday.

Prior to his discovery about the ordinance publication mishap, Sweeney said his primary reason for thinking the Ponemah project should be reapproved is that in January 2009 the planning commission approved a special permit to allow the development. Special permits are recorded on the city's land records and Sweeney said they have no expiration.

Friday afternoon, City Corporation Counsel Michael Driscoll said he had not yet received Sweeney's letter regarding the developer's intention to resubmit the application.

Driscoll said the City Charter requires that an ordinance be published within two weeks of its enactment. The question is whether the repeal of an ordinance must follow the same process, Driscoll said.

If Sweeney's arguments are upheld, the McMahon brothers could have another year to obtain the financing they need to post a bond for the work, something that eluded the developer during the past year.
