

Town of Montville Planning & Zoning Commission
REGULAR MEETING
November 8, 2022 - 6:00 p.m.
Town Council Chambers – Town Hall
310 Norwich-New London Turnpike, Uncasville, CT 06382

Town of Montville has lifted the mask mandate effective Monday, February 28, 2022 throughout Town facilities in coordination with our schools. Although the mask mandate has been lifted, Uncas Health strongly recommends that all individuals, both vaccinated and unvaccinated, continue to wear masks indoors.

MEETING MINUTES

1. **Call to Order.** Chairman Sara Lundy called the meeting to order at 6:00 pm.
2. **Pledge of Allegiance.** All rose for the Pledge of Allegiance.
3. **Roll Call.** Chairperson Sara Lundy, Vice Chairman Wills Pike, Secretary John Desjardins and Commissioners Chuck Longton, Anthony Siragusa, Joshua Kobyluck, and John Poole. **Absent:** Commissioners Bruce Duchesneau and John Estelle. **Also Present:** Director of Land Use & Development Liz Burdick and Zoning Officer Meredith Badalucca.
4. **Additions or Changes to the Agenda.** None.
5. **Minutes:** MOTION to APPROVE the minutes of the October 25, 2002 meeting (Siragusa/Longton). All in favor (5-0-2). Abstain: (Pike & Poole).
6. **Public Hearings/Applications:** None.
7. **Old Business:**
 - a. **22 SUB 4 - 1108 Old Colchester Road (M/B/L 036-005-002)** - Applicant/Owner: Watch Hill Builders, LLC for a 3-Lot Subdivision. *(Submitted 9/9/22, Date of Receipt 9/27/22, DRD 11/30/22. Tabled from 10/25/2022 meeting).*

MOTION to take the application off the table. (Longton/Desjardins). All in favor (7-0-0). Motion carried.

Liz Burdick summarized her staff report to the Commission. She stated that the IWC, at its 11/17/22 meeting, forwarded a favorable report for the subdivision and the Applicant, on 11/8/22, request the application be tabled and granted the Commission a 35-day extension of time to make the decision. Attorney Harry Heller of Heller, Heller & McCoy was present on behalf of the applicant to answer questions.

MOTION to TABLE (Poole/Desjardins) Application PZ #22SUB4 to the December 13, 2022 regular meeting of the commission. All in favor (7-0-0). Motion carried.

- b. **22 SITE 7 – 50 Cook Drive (M/B/L 099-009-001)** – Applicant, Montville Water Pollution Control Authority (WPCA) – Owner, Town of Montville for construction of a new water tower and associated site improvements. *(Submitted 9/13/22, Date of Receipt 09/27/22, DRD 11/30/22. Tabled from 10/25/2022 meeting).*

MOTION to take the application off the table. (Desjardins/Longton). All in favor (7-0-0). Motion carried.

Liz Burdick addressed the Commission and stated that the applicant proposes a project that will include the construction of a new 531,200-gallon glass-fused-to-steel water storage tank that will be constructed adjacent to the existing 590,000-gallon welded steel tank built in 1999. The existing tank will remain in place pending a future project to demolish the tank and construct a dedicated antenna tower and equipment building on site.

Barry Parfitt, P.E., of Wright Pierce spoke on behalf on the Applicant to the Commission and

detailed plans for the project and stated that before moving forward with the project it needs approval from State of CT Department of Public Health. Derek Albertson, WPCA Superintendent was in attendance to answer questions.

A MOTION was made (Siragusa/Longton) to APPROVE Application PZ #22Site7 - 50 Cook Drive (M/B/L 099-009-001)- Applicant, Montville Water Pollution Control Authority (WPCA) – Owner, Town of Montville for construction of a new water tower and associated site improvements in accordance with the application, supporting documentation and plan set entitled “Town of Montville, Connecticut, Contract Drawings for Cook Hill Tank Replacement Project, Montville Water Supply, Prepared by Wright Pierce, dated November 2022” with the following conditions:

1. The construction of the water tank must be approved by the CT Department of Public Health’s Drinking Section.
2. Applicant shall meet all of the requirements of the Montville Building Department for permitting and inspections.
3. All drainage structures proposed for the project shall be constructed and maintained post construction in accordance with the approved Plan.
4. Final revised plan sets, along with a digital copy of the final plan, shall be submitted to the Planning Dept. & shall be signed and sealed with original signatures by P.E. & L.S
5. An approved Zoning Permit is required prior to the start of any work.
6. The ZEO must be contacted and a pre-construction meeting shall be held at least 24-hours prior to start of any work. Soil Erosion and Sediment Controls shall be installed and inspected by the ZEO prior to the start of any work.
7. After work has commenced, any substantive changes to the approved site plan require review and approval by the Planning Director and/or the Planning & Zoning Commission.

Roll call vote. All in favor (7-0-0). Motion carried.

c. 22 SITE 8 – 125 Depot Road (MBL 071-007-000) Applicant: Gateway Montville, LLC – Owner: Uncasville LLC/Gateway Montville, LLC (Lessee) – Agent: Attorney Harry Heller, Esq., Heller, Heller & McCoy for Site Plan/Coastal Site Plan review for Utilization of the Phase II area (see prior application #22SITE5) for a shipping and receiving terminal known as “Montville Gateway Terminal” for uses detailed in the application file. *(Submitted 10/11/2022, Date of Receipt 10/25/2022, DRD 12/28/2022. Tabled from 10/25/2022 meeting).*

MOTION to take the Application off the table. (Desjardins/Longton). All in favor (7-0-0). Motion carried.

Liz Burdick addressed the Commission regarding the proposal for utilization of the Phase II (see prior application) for a shipping and receiving terminal, including receiving materials imported to the site by rail or truck and leaving by ship, including, by not limited to, the on-site storage of materials customarily utilized in commerce, industry, and trade and moved by ship, rail or truck at a complete intermodal facility. Typical materials to be handled in this phase of development may include aggregate, rebar, lumber, timber and other construction materials. Applicant states “Phase 3-current proposal: Construct circulation driveway on the 125 Depot Road for delivery of material for temporary storage on-site prior to shipping by truck, rail or barge. Accept delivery and storage in designated areas.”

In an email dated 10/24/2022, David McKay, P.E., of Boundaries, LLC stated, in part, “The changes made to Phase 2 area include the following:

- Modify the proposed limits of the material/cargo stockpile areas. The originally proposed

limits are shown on the color presentation figure in yellow and the new proposed limits are shown in red.

- Add a 24-foot wide compacted millings circulation driveway that loops through the site for truck access to the proposed material storage area. The outline of the proposed driveway is shown in red. The turning movements shown on sheets 5 and 6 of the site plans are for a WB-67 tractor trailer.
- Added five employee parking spaces on the existing concrete pad to the east of the railroad tracks. The line striping is shown in red. Liz Burdick showed the commission the changes on the map.

Attorney Harry B. Heller, Heller of Heller & McCoy spoke on behalf of the Applicant, Gateway Montville LLC (Lessee) and reviewed the Phase 3 work. David C. McKay, P.E., Boundaries, LLC also spoke and was available for questions and comments.

Commissioner Longton asked what organic material was found under the fill that the plan was revised from the original to lower the elevation of the Phase 2 area. Attorney Heller stated that it was riverbed material that if the area was filled per the original plan there was the potential to “blow out” into the Thames River.

Commissioner Siragusa asked if the current fill can handle weight of material to be stored on the site. Attorney Heller explained the weight of the stored material was calculated when determining the amount of fill.

Commissioner Pike asked if the salt was a hazardous material. Attorney Heller stated that the salt to be stored on the site is regulated, but not classified as a hazardous material. Pike asked how the Town would know if hazardous material was stored at the site. Attorney Heller stated it is a condition of approval & an enforcement issue and that there are manifests of everything that comes into the site.

Commissioner Desjardins asked how the trains will turn around. Attorney Heller explained that they come into the site, switch rails and back out the same way they came into the site.

Commissioner Poole stated that he was also concerned with hazardous material and how it will be enforced. He asked if Gateway would be using bucket loaders versus cranes to load materials and asked how the material gets from the barge to the truck. Attorney Heller stated it would use bucket loaders to load trucks and then will be weighed by the scale onsite. He states materials would be loading to and from barges by a conveyor belt system.

Chairperson Lundy asked how “hazardous” versus “regulated” materials were defined. Attorney Heller stated they are classified under State and Federal laws. Liz Burdick recommended the condition of approval regarding no storage of hazardous materials being stored on site be revised to include “state and federal laws.”

A MOTION was made (Siragusa/Longton) to APPROVE Application #22SITE8 - 125 Depot Road (MBL 071-007-000) Applicant: Gateway Montville, LLC – Owner: Uncasville LLC/Gateway Montville, LLC (Lessee) – Agent: Attorney Harry Heller, Esq., Heller, Heller & McCoy for Site Plan/Coastal Site Plan review for Utilization of the Phase II area (see prior application #22SITE5) for a shipping and receiving terminal known as “Montville Gateway Terminal” for uses detailed in the application file with the following conditions:

1. “Phase 3A” - Storage of materials on the existing concrete pad to the east of the railroad tracks, parking for five employees, and the portion of the 24-foot wide compacted millings

driveway to access that portion of the site construction will be allowed to commence following the approval of this application and after issuance of a zoning permit.

2. “Phase 3B” Material/cargo stockpiling shall not commence until such time as all “Phase 2” worked approved in the prior application (#22SITE5) is complete, an as-built plan has been submitted for review by the Land Use Dept. staff and/or the Town Engineer and a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer.

3. No hazardous materials are permitted at the site per local, state and federal laws.

4. Processing at the site will be limited to the treatment of road salt in the road salt storage area approved in the prior application (#22SITE5) only.

5. Any substantive changes to the use of the site shall require review/approval by the Land Use Director or the Planning & Zoning Commission.

Roll call vote. All in favor (7-0-0). Motion carried.

d. 22 SITE 9 – 55 Dock Road (MBL 071-008-000) Applicant: Town of Montville – Owner: Uncasville, LLC/Town of Montville (Lessee) for Site Plan/Coastal Site Plan approval for improvements to existing Town Boat Launch, construction of a new fishing pier and associated site improvements.

MOTION to take application off the table. (Longton/Desjardins). All in favor (7-0-0). Motion carried.

Liz Burdick addressed the Commission detailing proposed improvements to existing boat launch, construction of the fishing pier and associated site improvements. Kyle Haubert, P.E. of CLA Engineers, Inc. addressed the Commission and provided a detailed review of the site plan submitted as part of the application and amenities including solar lighting, signage, benches, portable toilet location, trash receptacles and a receptacle to put used fishing line.

Commissioner Pike asked how the boat launch will be replaced. Haubert stated the new boat launch will be a longer, precast concrete and sidewalks will access and ADA accessible pier with floating dock next to boat launch.

Commissioner Siragusa asked if the pilons located in the water north of the boat launch will be removed and if more truck & trailer parking can be added. Haubert stated that 18 pilons in that area will be removed at the mud line and that the site had been maximized for parking per the request of DEEP & that it will be first come, first serve as are other locations throughout the state.

Commissioner Longton stated that he feels 7 truck/trailer spaces is not enough spots for the trailers is not sufficient and asked where the WPCA boat is kept. WPCA Superintendent Derek Albertson stated that the WPCA boat is kept at WPCA site and would be trailered to the boat launch.

A MOTION was made (Desjardins/Siragusa) to APPROVE Application #22 SITE 9 – 55 Dock Road (MBL 071-008-000) Applicant: Town of Montville – Owner: Uncasville, LLC/Town of Montville (Lessee) for Site Plan/Coastal Site Plan approval for improvements to existing Town Boat Launch, construction of a new fishing pier and associated site improvements in accordance with the application, supporting documents and a plan entitled “Town of Montville, Town Boat

Launch Improvements and Fishing Pier Construction, 55 Dock Road, Uncasville, CT 06382, Prepared for the Town of Montville by CLA Engineers, Inc., Dated May 2022, Revised to 10/21/2022” with the following conditions:

1. Applicant shall meet all of the requirements of the Montville Building Department and Office of the Fire Marshal for permitting and inspections.
2. Applicant shall obtain all necessary permits from ST CT Department of Energy and Environmental Protection (DEEP) Land & Water Resources & Fisheries Divisions and/or Army Corps of Engineers (ACOE).
3. All drainage structures proposed for the project shall be constructed and maintained post construction in accordance with the approved Plan Set and Drainage & Stormwater Management Report, dated 10/21/22.
4. Construction activities shall be coordinated with utility companies as needed
5. Final revised plan sets, along with a digital copy of the final plan, shall be submitted to the Land Use Dept. & shall be signed and sealed with original signatures by P.E. & L.S
6. An approved Zoning Permit is required prior to the start of any work.
7. The ZEO must be contacted and a pre-construction meeting shall be held at least 24-hours prior to start of any work. Soil Erosion and Sediment Controls shall be installed in accordance with the approved plan set and inspected by the ZEO prior to the start of any work.
8. After work has commenced, any substantive changes to the approved site plan require review and approval by the Land Use Director and/or the Planning & Zoning Commission. Roll call vote. All in favor (7-0-0) Motion Approved.

8. New Business: None.

9. Zoning Matters: ZEO Report. Zoning & Wetlands Officer reviewed her October 2022 staff report with the Commission.

10. Land Use Director Report: Development projects update. Liz Burdick, Director of Land Use & Development stated the Department was busy with projects on this agenda and future development projects.

11. Other Business: None.

12. Correspondence.: None.

13. Executive Session: None.

14. Adjournment. MOTION to ADJOURN (Desjardins/Poole). All in Favor (7-0-0). Meeting was adjourned at 7:30 p.m.