

Montville Planning & Zoning Commission
REGULAR MEETING
June 27, 2023 - 6:00 p.m.
Town Council Chambers – Town Hall
310 Norwich-New London Turnpike, Uncasville, CT 06382

MEETING MINUTES

1. **Call to Order.** Chairperson Lundy called the meeting to order at 6:00 p.m.
2. **Pledge of Allegiance.** All rose for the Pledge of Allegiance.
3. **Roll Call.** Present: Chairperson Sara Lundy, Vice Chairman Wills Pike, Secretary John Desjardins and Commissioners Anthony Siragusa, John Poole, Joshua Kobyluck and Bruce Duchesneau. **Also Present:** Director of Land Use & Development Liz Burdick and Assistant Planner/Interim Zoning Officer Meredith Badalucca
4. **Additions or Changes to the Agenda.**

MOTION (Poole/Pike) to add/change items the following items under New Business:

- c.1 **“Motion to prohibit retail cannabis establishments in the Town of Montville.”**
 - c.2 **“Motion to prohibit cultivators/micro cultivators cannabis establishments in the Town of Montville.”**
 - c.3 **Commission Discussion of Draft Regulations regarding Cannabis Establishments by Sections.**
- All in Favor (7-0-0). APPROVED.**

MOTION (Siragusa/Pike) to add the following item under New Business:

- 9.e **Discussion of Lease line requirements. All in Favor (7-0-0). APPROVED.**
5. **Minutes:** Minutes of the April 25, 2023 Meeting. **MOTION: (Siragusa/Desjardins) to APPROVE the minutes of the April 25, 2023 regular meeting. All in favor (7-0-0). APPROVED.**
6. **Remarks from the public not relating to items on the agenda.** None.
7. **Public Hearings/Applications:**
 - a. **Public Hearing: 23 SP 1 – 486 Fitch Hill Rd (Parcel ID 047-051-000), Uncasville, CT – Applicant/Owner: N Silver Brook Holdings, LLC – Agent: Attorney Harry Heller for expansion of existing stable. (Submitted 5/31/2023, Date of Receipt 6/27/23, PH scheduled for 6/27/2023, PH must close by 7/31/23).**

Chairperson Lundy opened the Public Hearing at 6:10 p.m. Director of Land Use & Development, Liz Burdick read the Public Hearing Exhibits 1-11 into the record. She summarized her staff report and included that all the legal requirements for the application had been met.

Attorney Harry Heller of Heller, Heller & McCoy; 736 Norwich-New London Tpk., Uncasville, CT addressed the Commission on behalf of the Applicant. The Applicant is Lyn and Eric Nelson, father and son who have owned and farmed this property for over 100 years and it is one of the last working farms within the Town of Montville. The Applicant is seeking a Special Permit for one barn to be extended for the boarding of horses, adding an office and bathroom, and a gravel parking area. The application is for a Special Permit as required by the Zoning Regulations. The existing use of the property is agricultural, which it was prior to zoning regulations, and now the Applicant is requesting to add an addition to the

barn to accommodate the boarding of horses. The barn previously housed 100–150 dairy cows and now houses 20 horses. Attorney Heller continued to explain that the septic capacity was increased in January 2023 to accommodate the 2-bedroom single family dwelling with a 2000-gallon tank, which is more than adequate to additionally accommodate the bathroom in the barn. This Application would require the approval from the Department of Public Health, as opposed to Uncas Health. The reason for the requests for waivers of multiple elements of the site plan requirements in Section 17 of the Regulations is because of the low intensity use.

Commissioner Pike asked for a correction to the Application to reflect the size from a 190' x 25' addition, which is 4750 square feet, to the size indicated on the plan of 2650 square feet. Attorney Heller agreed to the change.

Chairperson Lundy asked if other than the septic waiver, would there be anything else required. Attorney Heller said that there would be no other waivers other than the certain site plan ingredients.

Commissioner Poole asked if there were horses there now. Attorney Heller advised the owners' horses and the Applicant boards cows there for grazing.

Chairperson Lundy asked three times if there was anyone from the public who would like to speak in favor of or opposition to this Application. She also called for general questions from the public. There were none.

MOTION (Desjardins/Pike) to close the public hearing at 6:26 p.m. All in favor (7-0-0). APPROVED.

b. Discussion & Decision: 23 SP 1 – 486 Fitch Hill Rd (Parcel ID 047-051-000), Uncasville, CT – Applicant/Owner: N Silver Brook Holdings, LLC – Agent: Attorney Harry Heller for expansion of existing stable. (Submitted 5/31/23, Date of Receipt 6/27/23, DRD 35 days from close PH).

MOTION (Poole/Desjardins) to GRANT the Applicant's request for waivers of multiple elements of the site plan ingredients contained in Section 17.4.4, 17.4.11 to 17.4.18, 17.4.20 and 17.4.24 of the Montville Zoning Regulations in accordance with ZR Section 17.5 (Site Plans - Determination of Applicability). Roll call vote. All in favor (7-0-0). APPROVED.

MOTION (Siragusa/Pike) to APPROVE *Application #23 SP 1 – 486 Fitch Hill Rd (Parcel ID 047-051-000), Uncasville, CT, Applicant/Owner: N Silver Brook Holdings, LLC for special permit approval for a 2650 square-foot addition to existing barn for expansion of existing boarding stables and associated storage together with a bathroom and office in that the application, supporting documents and its plans entitled “Boundary Survey, Limited Topography Survey, 486 Fitch Hill Road, Uncasville, CT, Prepared by Langan CT, Inc., Dated April 27, 2021” and “Site Plan, Prepared for N Silver Brooks Holdings Prepared by Heller , Heller & McCoy, Dated 5/25/23” comply with all applicable sections of the Montville Zoning Regulations, with the following conditions:*

- 1. Applicant shall meet all of the requirements of the Montville Building Department, Office of the Fire Marshal, Uncas Health District and State of Department of Public Health for required permitting and inspections prior to the start of work.**
- 2. An approved Zoning Permit is required prior to the start of work.**
- 3. The ZEO must be contacted and a pre-construction meeting shall be held at least 24-hours prior to start of any work.**
- 4. 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.

Discussion was held. Commissioner Kobyluck asked what is happening out back on this property. Director Burdick responded that it is a solar array which was previously approved by the CT Siting Council.

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

8. Old Business:

a. 23 SITE 5 – 2040 Route 32 (Parcel ID 103/001/01A), Uncasville, CT –
Applicant/Owner: Hassan/Hussain, LLC for commercial development of proposed gasoline/convenience store facility and associated site improvements. *(Submitted 4/21/23, Date of Receipt 4/25/23, DRD 6/29/23, Postponed from 4/25/2023 meeting, Request to Postpone to 7/25/23 Regular Meeting with Extension Granted).*

MOTION (Siragusa/Desjardins) to postpone Application #23 SITE 5 to the July 25, 2023 regular meeting. All in favor (7-0-0). APPROVED.

9. New Business:

a. 23 SITE 7 – 69 Fitch Hill Road (Parcel ID 062-036-000), Uncasville, CT –
Applicant/Owner: Andrew Petrowski for site development with multiple warehouse/office spaces. *(Submitted 6/5/2023, Date of Receipt 6/27/2023, DRD 8/30/2023).*

MOTION (Siragusa/Pike) to postpone Application #23 SITE 7 to the July 25, 2023 regular meeting. All in favor (7-0-0). APPROVED.

b. 23 SITE 8 – 669 Route 163 (Parcel ID 038-056-000), Oakdale, CT – Owner: Town of Montville, Applicant: VCP Montville LF, LLC for the proposed site development of a 600 kw AC ground mounted solar array. *(Submitted 6/7/2023, Date of Receipt 6/27/23, DRD 08/30/23).*

MOTION (Siragusa/Desjardins) to postpone Application #23 SITE 8 to the July 25, 2023 regular meeting. All in favor (7-0-0). APPROVED.

c.1 “Motion to prohibit retail cannabis establishments in the Town of Montville.”

MOTION (Siragusa/Desjardins) to prohibit retail cannabis establishments in the Town of Montville. Discussion was held on the Motion by Commissioners. Director Burdick advised the Commission that they cannot approve the Motion as it would be creating a zoning text amendment without due process in violation of the CT General Statutes. She stated the Commission could amend the Motion to direct staff to draft a zoning regulation and prepare & submit a formal application on behalf of the Commission to prohibit retail cannabis establishments in the Town of Montville. Attorney Harry Heller, with permission from the Chairperson, supplemented Director Burdick’s comments regarding procedure. The Motion was amended.

AMENDED MOTION (Siragusa/Poole) to direct Land Use Department staff to draft a regulation amendment to prohibit retail cannabis establishments in the Town of Montville and to prepare & submit a formal application of behalf of the Commission. In Favor: Pike, Duchesneau, Poole, Siragusa. Opposed: Lundy, Desjardins. Abstained: Kobyluck. AMENDED MOTION APPROVED.

c.2 “Motion to prohibit cultivators/micro cultivators cannabis establishments in the Town of Montville.

MOTION (Siragusa/Poole) to direct Land Use Department staff to draft a regulation amendment to prohibit cultivators & micro-cultivator cannabis establishments and to prepare & submit a formal application of behalf of the Commission.

Discussion was held by the Commission regarding the regulation of said establishments. Director Burdick advised that she has discussed the possible tax benefits to the Town for such an establishment and recommended such a use should be allowed by Special Permit so that the Commission has more discretion over individual applications/sites. Attorney Heller, as the invitation of the Chair, addressed the Commission and stated he wrote regulations in Colchester for these types of cannabis establishments, that they are highly sophisticated facilities between 200,000 & 400,000 SF that generate significant tax revenues for the Town. He also recommended, if regulated, that the establishments be Special Permit uses.

**In favor: Pike, Duchesneau. Opposed: Desjardins, Kobyluck, Poole, Siragusa, Lundy.
MOTION FAILED.**

c.3 Commission Discussion of Draft Regulations regarding Cannabis Establishments by Sections. No discussion was held on this agenda item.

d. Discussion of 2023 Commissioner Training Requirements. Director Burdick reminded Commissioners that they have 6 months to complete the required Commissioner training, including 1-hour regarding affordable housing. She reminded the Commissioners that Attorney Matt Willis had provided Commissioners with 1.5 hours of training earlier this year, so 2.5 hours has to be done individually. Once completed, Commissioners shall advise the Land Use Dept. so that it can update the report that needs to be provided to the Town Council in January 2024. She also advised that on July 1, 2023, the educational requirement is changed in that 4-hour training, after the initial first year, needs to be completed four years.

d.1 “Discussion regarding Lease Line Requirements.” Commissioner Siragusa inquired about the lease line requirements in an approved site plan and whether the Town had zoning authority for setbacks within lease lines. Director Burdick advised she will review the Regulations and advise the Commission and Mr. Siragusa further.

10. Zoning Matters: ZEO Report. Interim ZEO/WEO Meredith Badalucca reviewed her May and June 2023 staff report with the Commission.

11. Land Use Director Report: Director Burdick provided the Commission with a projects update and advised that, since its last meeting, former Asst. Planner Colleen Bezanson had retired & that Meredith Badalucca had been promoted to said position. Also, she introduced the department’s new Administrative Assistant, Stacy Radford, who will act as its recording secretary as is typical for said position.

12. Other Business: None.

13. Correspondence: None.

14. Executive Session: None.

15. Adjournment. MOTION (Siragusa/Desjardins) to ADJOURN the meeting. All in favor (7-0-0). The meeting was adjourned at 7:39 p.m.

Respectfully Submitted,
Stacy L Radford
Recording Secretary