

**Town of Montville**  
**DEPARTMENT OF LAND USE & DEVELOPMENT**  
**310 Norwich-New London Turnpike, Uncasville, CT 06382**  
**Telephone: (860) 848-6779 ~ Email: [lburdick@montville-ct.org](mailto:lburdick@montville-ct.org)**

**MEMORANDUM FOR THE RECORD**

October 24, 2023 PZC Regular Meeting

Prepared by *Liz Burdick*, Director

on 10/07/23

**Property Address:** 125 Depot Rd (M/B/L 071-007-000), Uncasville, CT  
**Application:** PZ #23SITE9 – Site Plan/Coastal Site Plan Approval.  
**Applicant(s):** KKSH2 LLC (on behalf of Marine Materials LLC  
**Property Owner(s):** Owner: Uncasville LLC & Gateway Montville LLC (Lessee) -  
**Attorney:** Harry B. Heller, Esq., Heller, Heller & McCoy, Agent  
**Engineer:** Site Engineer - Alfred Kovalik, P.E., TPRG LLC  
Traffic Engineer – Scott F. Hesketh, P.E., F.A. Hesketh & Associates  
**Land Surveyor:** John U. Faulise, L.S., Boundaries, LLC  
**Lot Size:** 11.92-acres (519,235SF)  
**Lot Frontage:** 125 Depot Road - 590-feet.  
**Zoning District:** Industrial (I), Rte. 32 Overlay Zone (OZ).  
**Public Water/Sewer:** Yes.  
**Wetlands/Watercourses:** No.  
**Flood Hazard Zone:** Yes. The site is located in FEMA Flood Hazard Zone AE11 and "X" per the Flood Insurance Rate Map (FIRM), New London County. Panel 09011C0361J and is tidally influenced.  
**CAM Zone:** Yes.  
**Public Water Supply Watershed:** No.  
**Proposed Public Improvements:** No.  
**Legal:** Submitted to Land Use Dept. on 9/13/22. Date of Receipt by PZC: 9/26/23.  
Decision Required Date: 11/30/23.

**EXISTING CONDITIONS:** Gateway Terminal Phases 1 (Salt Facility) & 3 (3A & 3B – Material/Cargo Stockpiling). Note: Completed Phase 2 work included all site work for Phase 3A & 3B uses.

**PROPOSAL:** "Phase 3C" for "Marine Materials Management & Transloading Facility."  
Applicant states, "Importing non-hazardous dredged materials by vessel and amending those materials with a cementitious product to stabilize the same and create a structural material suitable for land-based applications in either by truck or by rail depending upon the determination of final disposition. This application is an enhancement of the Phase 3 application for the Gateway project granted by the Montville Planning & Zoning Commission on November 8, 2022 in that it introduces a portable manufacturing process to the site in order to amend the dredged materials for transport and future use."

**TOWN ENGINEER:** See comments dated 9/27/23.

**FIRE MARSHAL:** Referred to Fire Marshal on 9/14/23. Review comments pending.

**BUILDING DEPT.:** See comments dated 9/18/23.

**WPCA:** Referred to WPCA on 9/14/23. See comments dated 9/15/23. "No comments at this time from WPCA. No pronounced sewer or water connections."

**UHD:** See comments dated 9/18/23. No comments.

**STCT DEEP LWRD:** Referred to DEEP on 9/15/23. See preliminary comments of Eimy Quispe, Environmental Analyst 1, Regulatory East, DEEP LWRD received 9/26/23. Additional review comments pending.

**STCT DEEP SOLID WASTE:** Referred to DEEP Solid Waste by DEEP LWRD on 9/26/23. Comments pending.

**BOND:** An E & S Controls Bond estimate of \$2,327.60 shall be reviewed and approved by the Town Engineer. See Town Engineer comments dated 9/27/23.

**LAND USE DIRECTOR COMMENTS:** Application is for approval Phase 3C for addition of a Marine Materials Management & Transloading Facility at the previously approved Phase 3A (11/8/22) materials stockpile area.

Please be advised of the following comments with regard to my review of the application, supporting documents and a plan set entitled "Gateway Uncasville Marine Materials Transloading Site, 125 Depot Road, Uncasville, CT, prepared for the Montville Planning & Zoning Commission, Prepared by M3 Marine Materials Management, Tipping Point Resources Group, Dated 9/11/2023":

**CURRENT & PROPOSED USES/PHASES AT THE GATEWAY SITE:**

1. **Phase 1.** 133 Depot Rd. Salt Facility. Approved 7/12/2022. Completed & in use.
2. **Phase 2A-C.** Site work required for future Phase 3 uses. Approved 7/12/2022. Completed.
3. **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. No site work required. #22SITE8 Approved 11/8/2022. Completed & in use.
4. **Phase 3B.** Material/cargo stockpiling at 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. #22SITE8 Approved 11/8/2022. Completed & in use.
5. **Proposed Phase 3C.** Addition of a Marine Materials Management & Transloading Facility at the previously approved Phase 3A (11/8/22) materials stockpile area. Approval Pending.

**Coastal Area Management Application:** A coastal site plan application was submitted by the Applicant for review and comment by staff. The project was referred to CT DEEP Land Water Resource Division (LWRD) for review and comment on 9/15/2023. Preliminary comments received by email on 9/26/23. Additional comments are pending.

**CT DEEP Solid Waste:** CT DEEP approved, with 18 conditions, a "Demonstration Project", Application No. 202107450 for Use of Dredged Sediment to Manufacture Fill" on January 5, 2022 to "assess the viability of manufacturing engineered fill utilizing sediment dredged from Long Island Sound and other dredged locations" and "to manufacture engineered fill through its Pneumatic Flow Tube Mixing ("PFTM") process, in which contaminated dredged sediments will be treated with Portland cement in order to stabilize, and thereby immobilize, contaminants present in the dredged sediments."

The approval allows the processing of dredged sediment up to 2500CY per day; the processing of dredged sediments up to 200,000CY total; the storage of up to 5000CY of

unprocessed dredged sediment at any one time; and additional conditions as outlined in the approval, including processing hours of Monday through Saturday, 7am to 7pm.

DEEP LWRD referred the application to DEEP Solid Waste Division and comments are pending.

**Traffic:** The Applicant submitted a revised Traffic Impact Report for Gateway Terminal/Uncasville, CT, prepared by Scott F. Hesketh, P.E., Manager of Transportation Engineering, F.A. Hesketh & Associates, Inc., Dated October 11, 2022.

The report concludes, in part, "The proposed expansion is projected to generate a total of 15 new trips during the peak hours of operation. The combined site will generate a total of 22 trips an hour, during the summer operations, and 32 trips an hour during the winter operations. During pre-storm events, a peak hour volume of 72 trips is expected. Based on the low volume of site generated traffic, the current roadway and traffic conditions, it is my professional opinion that the local network has sufficient capacity to accommodate the traffic volumes associated with the proposed development.

The site has been designed to eliminate the use of Dock Road as a means of access. Proposed site access is located such that minimum intersection sight distances for the observed 85% speed will meet current ConnDOT requirements. The driveway is properly designed to accommodate the anticipated driveway volumes."

Further, Attorney Harry Heller states that "as an integral part of this Application, the Applicant proposes that the transport of dredged materials from the site is not authorized on days immediately prior to predicted storm events" and states "with this limitation, all site generated traffic to and from the property will be maintained at levels less than those previously found acceptable by the Montville PZC in approving the salt storage facility".

**9/26/2023 PZC meeting:**

1. Applicant states there may be odor from the operation if the non-hazardous dredged materials contain shellfish. Applicant needs to address. See comment 4 below.

**Approval of Demonstration Project, Application No. 202107450:**

1. Applicant shall provide further information regarding "contaminated dredged soils" referenced in the approval letter.
2. The Applicant, at the 9/26/23 regular meeting of the PZC, stated that there would be no dredged materials stored on site. The approval allows storage up to "5000CY of unprocessed dredged sediment at any one time" and storage of "no more than 100CY of *unacceptable* material in roll-off containers." Please confirm there will be no dredged materials stored on site.
3. Please provide a copy of the contingency plan for corrective measures for various items required per condition 10 of the approval.
4. Provide a copy of the odor control plan required per condition 12 of the approval.
5. Provide a narrative showing how the operation will ensure unpermitted discharges to air, water or other natural resources, create a public nuisance or present a significant threat to public health, safety or environment per condition 13 of the approval.

6. Confirm the requirement of condition 15 to provide proposed physical or operational improvements to DEEP Commissioner for review and written approval has been satisfied.
7. The Demonstration permit expires January 5, 2024. Advise if an extension has been granted by the Commissioner to operate after said date.
8. The NDDDB Determination Number 202110181 expired 10/1/23. Please advise the affect of this expiration on the Demonstration Permit.

**Plan Set:**

Cover Sheet:

1. Revised to delete Prepared for Montville "~~Planning & Zoning Commission~~" and show "Prepared for "KKSH2 LLC & Marine Materials Management, LLC (M3)." You may add Montville Planning & Zoning Commission Submission" after said wording, if desired.
2. Eliminate Boundaries LLC Sheets 2/3, 3/3, 3/24, 4/24 & 5/24 (not necessary) & Revise Sheet Index as needed.

Plans: The plan set submitted for this application does not meet the requirements of the Montville Zoning Regulations, notably Section 17 (Site Plans). Please revise plan to show all requirements of the Regulations, including, but not limited to setbacks from property lines to structures, addition of required parking for 12 employees, in addition to the seven paces provided for Phase 3A & B, lighting, etc.

**STAFF RECOMMENDATION:** Pending revised plan sets and/or documents that meet Town and pending receipt of DEEP LWRD & Solid Waste Divisions comments.