

Montville Planning & Zoning Commission
REGULAR MEETING
November 14, 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, Secretary John Desjardins and Commissioners John Poole, Chuck Longton, and Joseph Summers. Absent: Vice Chairman Wills Pike, Commissioners John Estelle and Joshua Kobyluck. Also Present: Director of Land Use & Development Liz Burdick, Assistant Planner Meredith Badalucca, and Zoning and Wetlands Officer Stacy Radford.
4. **Additions or Changes to the Agenda.** None.
5. **Minutes:** Approval of the October 24, 2023 Regular Meeting Minutes.

MOTION: (Longton/Desjardins) to APPROVE the minutes of the October 24, 2023 Regular Meeting with the following amendment: Commissioner Longton stated that on page 5 of 6 he was inquiring “if” there was going to be a separate room that could be used as a triage area for the animals instead of “why” there was not a separate room and he stated Mr. Jorgenson satisfied his question. **All in favor (5-0-0). APPROVED with amendments.**

6. **Remarks from the public not relating to items on the agenda.** None.
7. **Executive Session.** Pending litigation Richard George v. Town of Montville Planning & Zoning Commission, Et Al - Docket No. KNL CV21-6054450-S.

MOTION: (Longton/Desjardins) to ADJOURN to Executive Session at 6:04pm All in favor (5-0-0). The Commissioners and Invited Parties (Director of Land Use and Development, Liz Burdick, and Town Attorney, Matthew Willis) left the Town Council Chambers to Conference Room 102 and returned at 6:18pm to resume the meeting. No votes were taken during Executive Session.

8. **Consideration and possible vote on proposed settlement language.** Pending litigation Richard George v. Town of Montville Planning & Zoning Commission, Et Al - Docket No. KNL CV21-6054450-S.

Town Attorney Matthew Willis of Halloran & Sage, Hartford, CT addressed the Commission and provided an overview of the pending litigation and the proposed language of the settlement for the Commission’s approval to amend Zoning Regulation Section 16.10.6.

Chairperson Lundy read the current regulation language and the proposed regulation amendment language into the record as follows:

Current: “Frontage, side yards, front yards, and rear yards may be reduced by twenty-five percent (25%) (See requirement in applicable zone.); 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 10 feet (10'). Applicable height restrictions shall remain in effect.”

Proposed: “Frontage, side yards, front yards, and rear yards may be reduced by twenty-five percent (25%) (See requirement in applicable zone.); provided, however, that lots in the R-40 zone that had, either interior to such lots or within the limits of that portion of a public street or highway immediately abutting such lots, the existence and availability of municipal sewer and a public water supply as of November 15, 2021, may be developed in accordance with the following bulk requirements: 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 10 feet (10'). Applicable height restrictions shall remain in effect.”

Chairperson Lundy invited the public to comment on this matter.

Attorney Harry Heller, of Heller, Heller & McCoy, with an office at 736 Norwich-New London Turnpike, Uncasville, CT stated his client approves of the amended language and requests approval by the Commission.

Attorney John Chase with an office at 34 Church Street, Mystic, CT stated he proposed the new language on behalf of his client, Richard George, the Plaintiff in the Appeal. He stated the amended language satisfies the issues of his client and requests approval by the Commission.

MOTION: (Longton/Desjardins) to APPROVE the proposed amendment to Montville Zoning Regulations Section 16.10.6 as follows: “Frontage, side yards, front yards, and rear yards may be reduced by twenty-five percent (25%) (See requirement in applicable zone.); provided, however, that lots in the R-40 zone that had, either interior to such lots or within the limits of that portion of a public street or highway immediately abutting such lots, the existence and availability of municipal sewer and a public water supply as of November 15, 2021, may be developed in accordance with the following bulk requirements: 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 10 feet (10'). Applicable height restrictions shall remain in effect.” **Roll call vote. All in favor (5-0-0). APPROVED.**

9. Public Hearing/Discussion & Decision:

- a. Public Hearing: 23 SUB 1 – 958 Route 163 (Parcel ID 046-008-000), Oakdale, CT –** Owner/Applicant: The Nevar Company / Dean Fiske for a proposed 2-Lot Resubdivision. *(Submitted 7/26/23, Date of Receipt 8/22/23, Public Hearing Opened 9/26/23, Cont. to 11/14/23 with 16-day ext. granted. PH must close by 11/14/23).*

Director Liz Burdick read the list of new exhibits (40-50) into the record as follows:

40. Email from Jon B. Chase dated 10/25/2023
41. CT DOT Letter dated 10/24/2023, Rec'd 10/26/2023
42. Letter from Atty Michaud dated 10/26/2023, Rec'd 10/31/2023
43. Draft Conservation Easement, Rec'd 11/13/2023
44. Draft Site-Line Easement, Rec'd 11/13/2023
45. Draft Grading Easement, Rec'd 11/13/2023
46. Revised Drainage Easement, Rec'd 11/13/2023
47. Revised Driveway Easement, Rec'd 11/13/2023
48. Revised Re-subdivision Plan, dated 11/6/2023 and Rec'd 11/13/2023

- 49. Extension Letter dated 11/14/2023
- 50. Planner Comments #5, dated 11/14/2023

Burdick stated that since the last meeting, the CT DOT provided a letter denying the proposal for work in the State right of way, in that the proposed Lot 2 driveway location did not meet required sightlines. She stated the revised plans proposing a new driveway location were still being reviewed by DOT. Additionally, she stated that the revised plan set, dated 11/6/23, was received the day before the hearing on 11/13/23, which did not allow the public or staff adequate review time. Director Burdick stated the Applicant had submitted a request to continue the public hearing to the 12/12/23 and granted the Commission a 28-day extension to do so.

Commissioner Poole asked for clarification of the Exhibit 42 letter from Attorney Michaud that was read into the record regarding a proposal for a solar project on the property. Director Burdick responded stating that the letter was a notice of intent to submit a future application to the CT Siting Council for a solar project at the property, but that it had no bearing on the current application for a one-lot residential resubdivision. She stated she received said letter while the public hearing was still open and, as a matter of transparency, she added it as an Exhibit.

Chairperson Lundy called for public comment either in favor or opposed 3 times and there was none.

MOTION: (Longton/Summers) to CONTINUE the public hearing to December 12, 2023 meeting. All in favor (5-0-0).

- b. **Discussion & Decision: 23 SUB 1 – 958 Route 163 (Parcel ID 046-008-000), Oakdale, CT – Owner/Applicant: The Nevar Company / Dean Fiske for a proposed 2-Lot Resubdivision.** *(Submitted 7/26/23, Date of Receipt 8/22/23, DRD 65 days from close PH).*

MOTION: (Desjardins/Longton) to TABLE the application to the December 12, 2023 meeting. All in favor (5-0-0).

10. Old Business:

- a. **23 SITE 9 – 125 Depot Road (Parcel ID 071-007-000), Uncasville, CT – Applicant: KKSH2 LLC (on behalf of Marine Materials Management Limited Owner: Uncasville LLC/Gateway Montville LLC (Lessee) – Agent: Attorney Harry Heller for a Site Plan/Coastal Site Plan Review for Marine Materials Management Transloading Facility at existing Gateway Terminal.** *(Submitted 9/13/23, Date of Receipt 9/26/23, Tabled from the 10/24/23 meeting, DRD 11/30/23).*

MOTION: (Desjardins/Longton) to remove the application from the table for discussion. All in favor (5-0-0).

Director Burdick stated Applicant is still working with DEEP Solid Waste Division to resolve discrepancies between its approval and the current application. She stated the Applicant, in a letter from its attorney, Harry Heller, dated 11/14/23, requested the application be tabled to the 12/12/23 meeting and granted the Commission a 28-day extension of time to do so.

MOTION: (Longton/Summers) to TABLE the application to the December 12, 2023 meeting, All in favor (5-0-0).

- b. **23SITE10 – 225 Maple Avenue (Parcel ID 077-041-000), Uncasville, CT –**
Applicant/Property Owner: Town of Montville for Site Plan Review for a proposed Animal Control Facility and associated site improvements. *(Submitted 10/06/23 – Date of Receipt 10/24/23 – Tabled from the 10/24/23 meeting - DRD 12/27/23).*

MOTION: (Desjardins/Longton) to remove the application from the table for discussion. All in favor (5-0-0).

Director Burdick stated the application had been tabled from the 10/24/23 meeting to address staff and Commission comments/questions and that Town Consultants Paul Jorgenson and Donald Smith from Silver Petrucelli Architects would review the revisions with the Commission. Director Burdick emphasized that any favorable approval of the application is strictly for approval of site plans and not an approval to actually build the facility.

Donald Smith, P.E. addressed comments of the Town Engineer and what was done to address them. He stated the building was located for future solar panels, that the trees along Maple Ave can be increased, there is no need for a dumpster as the animal facility will continue to use the existing dumpster at the public works complex, and that a plan in the form of an on-site septic tank that is pumped 1-2 times per year has been developed as an alternate to upgrades to the existing sewer pump station, which has been overwhelmed by dog hair, toys, bones, etc. from the existing animal shelter.

Director Burdick stated the current site plans do not include the septic tank alternative and that there is ongoing discussion between the WPCA and Public Works department to decide if the current pump station will be updated or if the septic tank will be added. If the septic tank is to be added a revised plan would have to be reviewed and approved by Uncas Health and would be approved administratively by the Land Use Dept. Further, she stated that screening of the facility will be better assessed and addressed after the building has been constructed.

Paul Jorgenson addressed Public Act 23-138 regarding requirements for animal control facilities and stated there was nothing new that affected the current application.

Commissioner Summers inquired if the on-site generator would be fueled by diesel or propane and Mr. Jorgenson responded diesel.

Commissioner Longton commented on the potential of a septic tank. He stated that he is Chairman of the WPCA and any new projects that can reduce waste water at the plant are appreciated.

Commissioner Poole commented on the septic tank shifting responsibility from WPCA to owners of buildings to ensure it is pumped properly.

Director Burdick stated that application and plans addressed staff comments and recommended approval with conditions.

MOTION: (Poole/Desjardins) to APPROVE Application 23SITE10 – 225 Maple Avenue (Parcel ID 077- 041-000), Uncasville, CT – Applicant/Property Owner: Town of Montville for Site Plan Review for a proposed Animal Control Facility and associated site improvements. in that the application, supporting documents and a plan entitled “New Animal Control Facility at: Montville Animal Shelter, 225 Maple Ave., Montville, CT, Prepared by: Silver Petrucelli & Associates, Dated: 10/2/2023, Revised 11/8/2023” comply with all applicable sections of the Montville Zoning Regulations, with the following conditions:

1. Final plan set shall be revised to add maintenance schedule for stormwater structures.
2. Applicant shall meet all of the requirements of the Montville Building Department, Office of the Fire Marshal, WPCA, Uncas Health District for required permitting and inspections prior to issuance of a certificate of zoning compliance.
3. All drainage structures proposed for the project shall be constructed and maintained post construction in accordance with the approved Plan Set.
4. 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.
5. An approved Zoning Permit is required prior to the start of any work.
6. The Zoning Officer 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 Zoning Officer 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 Land Use Director and/or the Planning & Zoning Commission.
8. A final As-Built plan, including finished grades, shall be submitted to the Zoning Officer for review and approval prior to issuance of a certificate of zoning compliance

Roll call vote. All in favor (5-0-0). APPROVED WITH CONDITIONS

11. New Business:

- a. Adoption of 2024 Meeting Schedule.

Motion (Desjardins/Longton) to APPROVE the 2024 PZC meeting dates for 2024-2025 as follows: January 23, February 27, March 26, April 23, May 28, June 25, July 23, August 27, September 24, October 22, November 12, December 10, and January 28, 2025. All in favor (5-0-0).

- b. Election of Officers.

MOTION (Longton/Poole) to APPROVE the nominations for election of officers as follows: Chairperson Sara Lundy, Vice Chairman Wills Pike, and Secretary John Desjardins. All in favor (5-0-0).

11. Zoning Matters: ZEO Report was read into the record by Stacy Radford, Zoning and Wetlands Officer. Director Burdick answered Commissioner Poole's question regarding a zoning permit for the removal of vacuums at 568 Route 32, the Chucky's convenience store site. The applicant/property owner is proposing to remove the vacuums, which are not being used, and utilize the area as an accessory to a full-service auto detailing business that will be using the existing car wash building.

12. Land Use Director Report.

13. Other Business: None.

14. Correspondence:

Director Burdick advised the Commission it had received two statutory referrals from surrounding towns that have projects proposed within 500-feet of the town line.

- a. CGS §8-7d (f) Referral - Town of Ledyard, Dated 10/31/23 regarding a Special Use Permit/CAM Application for modification of existing operation 1737 & 1761 Route 12, Gales Ferry, CT.

Director Burdick stated she has not yet researched the Ledyard application, but asked Attorney Heller, who was still in attendance, if he had any knowledge of the project.

Attorney Heller stated he is representing the applicant of this project that is proposing a large rock cut at the site to accommodate future development relative to wind energy. He stated the excavation project is expected to take 7-10 years to complete and the hours of construction are expected to be Monday-Friday from 7am to 5pm and Saturdays from 8am to 12pm.

Director Burdick stated she will do more research into the project to identify what impact the project could have on the Town of Montville.

Commissioner Summers commented on concern of the noise that would come with this project.

- b. CGS §8-3 Referral - Town of Preston, dated 10/31/23 regarding a Zoning Regulation amendment for temporary moratorium on short term rentals.

Director Burdick stated that the Town of Preston is proposing zoning regulations for a temporary moratorium on short term rentals. She stated she does not find there to be any intermunicipal impact on the Town of Montville and requested the Commission's approval to respond to the Town of Preston and the Commission agreed.

15. Executive Session: See agenda items 7 & 8 above.

16. Adjournment. Motion (Desjardins/Longton) to ADJOURN the meeting. All in favor (5-0-0). The meeting was adjourned at 7:18pm.