

Montville Planning & Zoning Commission
REGULAR MEETING
June 25, 2024 - 6:00 p.m.
Town Council Chambers – Town Hall
310 Norwich-New London Turnpike, Uncasville, CT 06382

Minutes

1. **Call to Order.** Chairperson Lundy called the meeting to order at 6:00pm
2. **Pledge of Allegiance.** All rose for the Pledge of Allegiance
3. **Roll Call.** Present: Chairperson Sara Lundy, Vice Chair, Wills Pike, Secretary John Desjardins, and Commissioners Chuck Longton, John Estelle, Joshua Kobyluck, and Joseph Summers. Commissioners John Poole and Isaac Tait joined the meeting during executive session. Also Present: Director Matthew Davis, Assistant Planner Meredith Badalucca, and Zoning and Wetlands Officer Stacy Radford.
4. **Additions or Changes to the Agenda.** Chairperson Lundy asked for a motion to add an executive session to discuss pending litigation and move it to after item 5 on the agenda.

MOTION (Desjardins/Pike) to ADD and MOVE Executive Session. (7-0-0) All in favor. Motion PASSED.

5. **Minutes:** Approval of the May 28, 2024 Regular Meeting Minutes.

MOTION (Kobyluck/Summers) to APPROVE the minutes of the May 28, 2024 Regular Meeting. Commissioners Estelle and Longton abstained from voting (5-0-2) Motion APPROVED.

14. Executive Session.

MOTION (Desjardins/Pike) to ADJOURN to Executive Session at 6:04pm. All in Favor (7-0-0). The Commissioners and Invited Parties (Director Matthew Davis, Assistant Planner Meredith Badalucca, Zoning and Wetlands Officer Stacy Radford, Mayor Leonard Bunnell, and Town Attorney Michael Carey) left the Town Council Chamber to Conference Room 102 and returned at 6:53pm to resume the meeting. No votes were taken or motions made during Executive Session.

6. **Remarks from the public not relating to items on the agenda.** None.

7. Public Hearing:

- a. **24 SUB 2 – Black Ash Estates (970 Old Colchester Rd) (Parcel ID 037-001-000), Oakdale, CT – Owner/Applicant: Pachaug Capital, LLC for proposed 13-Lot Re-subdivision. (Submitted 3/28/24, Date of Receipt 4/23/24, PH opened 5/28/24, Cont. to 6/25/24. PH must close by 7/2/24. DRD 65 days from close of PH)**

Attorney Harry Heller with an office at 736 Route 32, representing the Applicant, stated a new set of plans had been submitted to staff and new comments were received late in the day prior to the meeting. Attorney Heller stated there was not adequate time to make changes and has issued

a letter granting an extension. He requested the public hearing be continued to the next regular meeting.

MOTION (Longton/Summers) to CONTINUE Public Hearing to the next Regular Meeting. All in Favor (9-0-0). Public Hearing CONTINUED to July Regular Meeting

- b. **24 ZC 3 – Cricket’s Corner (879 Chesterfield Rd & 1665 Route 85) (Parcel ID 005-015-00C/012-007-000) – Owner: Cricket’s Corner LLC, Applicant: Roger L. Phillips and Rachel M. Belardo for proposed zone change. (Submitted 5/9/24, Date of Receipt 5/28/24, PH open 6/25/24, DRD 65 days from close of PH)**

Attorney Harry Heller with an office at 736 Route 32, representing the Applicant, gave a presentation for the proposed zone change of the two parcels from WRP-160 to C-2. He highlighted the requirements for being allowed to apply for a zone change as well as the criteria required for the Commission’s consideration. During his presentation, Attorney Heller entered three prior year zoning maps as exhibits to explain that the majority of the 879 Chesterfield Road property had previously been zoned as C-2. He stated he could not find any evidence showing approval for the parcel being changed from C-2 to WRP-160. Attorney Heller stated he believes the change was done in error and a portion of the parcel should still be zoned C-2. He stated the proposal is a logical expansion of currently existing C-2 zone in the area with a logical divide of commercial and residential with wetlands on one side and powerlines on the other. Attorney Heller explained the zone change would provide depth within the commercial zone versus frontage only for development. He highlighted the ways the change would benefit the Town as well as the Applicant. He also explained how this change would not be considered spot zoning as there are already currently parcels zoned C-2 in the area.

Commissioner Pike asked for clarification of the apparent map error if before the zoning map 1665 Route 85 was all WRP-160 and 879 Chesterfield Rd was mixed. Attorney Heller confirmed.

Commissioner Poole inquired about other commercial areas that had depth. Attorney Heller stated there is depth on the opposite side of the road to these parcels as well as in the Light Industrial zone in the area. He also explained how the depth can create more opportunity.

Commissioner Longton asked for clarification on the map error. Attorney Heller stated the 2010 zoning map showed the parcel as changed from C-2 to WRP-160. Commissioner Longton asked to confirm there was no documentation for the change. Attorney Heller and staff confirmed.

Commissioner Tait inquired about the wetlands on the property as the staff report included the GIS printout. Attorney Heller stated the wetlands had been delineated and from memory appeared close to the GIS. He stated staff recommendation is for the zone change to begin 50 feet west of the wetlands to make one parcel multiple zones. He stated the applicant does not have a position on this recommendation.

Director Davis spoke regarding the application stating staff concurs with Attorney Heller's statement of the GIS error and not being able to locate any documentation. He explained the mixed zone parcel was an idea to add an additional layer of protection from the abutters in the residential zone from the commercial zone.

Chairperson Lundy asked if having partial zones versus the entire parcel was in the regulations. Director Davis stated it was not, but it is common practice and typical protocol to zone based off of landmarks. He explained for this change the 'landmarks' can be considered the flagged wetlands. He stated the choice is up to the Commission's discretion. Director Davis stated staff had received no negative comments back for the application other than concerns from the Public Works department for the frontage concerns on Chesterfield Road, but the plan for future development would get rid of the concern.

Commissioner Pike inquired about the comment of a potential doggy daycare. Director Davis stated that it was discussed as a potential plan in the pre-application meeting.

Commissioner Tait inquired about the entrance on Chesterfield Road. Director Davis explained that a level of trust has to be placed in the Applicants and Mr. Phillips stated there would be no access to the property from Chesterfield Road once developed.

Commissioner Summers commented on the potential issues split zones can pose, but that he can see the argument for splitting the parcel at the wetlands.

Chairperson Lundy call for Public Comment in favor of the application.

Mayor Leonard Bunnell of 5 Little John Drive stated he was in favor of the change. He stated the Phillips family has brought great changes to the town and the proposal seems consistent with the POCD.

Attorney James Miele with an office at 396 South Main St, Cheshire, spoke representing his client Lorraine Mayer of 1621 Route 85. He stated he spoke with Attorney Heller the Applicant's idea of a future daycare with access off of Route 85 only. He stated his client is in favor of the application.

Chairperson Lundy called for Public Comment against the application.

Rich Cullen of 1605 Route 85 stated he is neutral for this application. He stated he is in favor of Economic Development for the Town if done 'correctly.' He stated he has concerns for effects of a right of way near the parcels proposing the changes.

Andrew Harry of 85 Chesterfield spoke against the application. He stated he does not want a

commercial zone in his ‘backyard’ and that he looks to the Commission to protect the citizens. He stated the change of these parcels to C-2 will have an impact on the area.

Chairperson Lundy called for Public Comment in favor of the application a second time.

Rebecca Maurice of 1567 Route 85 stated she is neutral regarding the application. She stated her concerns lie with the potential traffic increase additional commercial businesses in the area could cause.

Chairperson Lundy called for Public Comment against the application for a second time.

Farrell Loughlin of 846 Chesterfield Road stated he felt neutral about the application. He stated he has concerns of commercial and residential zones being ‘sandwiched’ together as well as traffic concerns. He stated he disagrees that Route 85 can handle additional development.

Chairperson Lundy called for Public Comment in favor of the application for a final time.

Mayor Leonard Bunnell spoke again stating the congestion on Route 85 is targeted for improvements as well as he does not believe a daycare will add a significant amount of traffic to the congestion.

Chairperson Lundy called for Public Comment against the application for a final time.

Farrell Loughlin spoke again stating he has heard of Route 85 improvements for years with nothing done so far. He stated he believes the infrastructure repairs should come first before the zone change.

MOTION (Longton/Desjardins) to CLOSE the Public Hearing.

Commissioner Pike commented on the good points made and asked Attorney Heller for clarification of ownership of the powerlines. Attorney Heller explained CNLP owns the grounds where the lines are, and that there are easements in place. He stated the Powerlines make an excellent and logical boundary between residential and commercial zones. All in Favor (9-0-0) Public Hearing CLOSED at 7:56pm.

8. Old Business:

- a. **24 SITE 3 – 1492 Hartford New London Turnpike (Parcel ID 005-027-000),** Oakdale, CT – Owner/Applicant: Jeff Daniels for proposed processing, material storage and equipment storage facility and associated site improvements (*Submitted 4/10/24, Date of Receipt 4/23/24, DRD 6/27/24*).

Director Davis explained that this site had previously received site plan approval that has since

expired as well as numerous zoning permits that have made tracking compliance difficult. He stated staff met with the owner of the property and his engineer to discuss the submission of the current application. Director Davis stated staff received updated plans, which have been referred out, and are still waiting for all comments back. He said after speaking with the Applicant's engineer, he is proposing a special meeting in two weeks to allow time for revisions to be done.

Ellen Bartlett of Green Site Design spoke on behalf of the Applicant as his engineer. She stated the proposed project is for processing materials and the previous approved site plan was for the same. She explained the project will be done in two phases. Phase one will be construction of the access drive, with temporary access being off the adjacent property also owned by the Applicant. In phase two, a small office building and septic system will be constructed as well as equipment storage bins installed. She stated the secondary access drive proposed on Route 85 has been eliminated on the revised plans. Ms. Bartlett said the Applicant has received conditional approval from Uncas Health and the comments of the drainage calculations would be addressed in a submittal the day following the meeting. She also mentioned the Applicant was asking for a conditional approval if possible instead of waiting for the special meeting in July.

Commissioner Longton asked about the Route 85 access being removed. Ms. Bartlett stated it was due to staff suggestion that one access drive would be sufficient. Commissioner Longton further inquired about emergency vehicles being able to reach the facility. Ms. Bartlett stated the access from Sachatello Drive would allow for easy access by any emergency vehicles.

Commissioner Kobyluck inquired about the adjacent parcel being 'cleaned up.' Ms. Bartlett stated it is an entirely separate property. Commissioner Kobyluck questioned if the materials on the property would be cleaned up. Ms. Bartlett confirmed they would be.

Director Davis stated he does not have concerns with conditional approvals typically, as long as comments are addressed. He stated he does have concerns about the outstanding analysis of drainage calculations for this project.

MOTION (Longton/Desjardins) to CONTINUE to a Special Meeting on July 9th at 6:00pm. All in Favor (9-0-0) CONTINUED to July Special Meeting.

MOTION (Summers/Poole) to ADD ITEM 9C Discussion and Decision of 24ZC3. All in Favor (9-0-0). Item 9c ADDED.

- b. **24 SITE 4 – 339 Oxoboxo Dam Rd (Parcel ID 044-005-00B) – Owner/Applicant:** David Warzecha for proposed 1440sq. ft. garage and outdoor kitchen. *(Submitted 5/24/24, Date of Receipt 5/28/24, DRD 8/1/24).*

Director Davis stated the regulation requiring a standard 3-car garage (over 1,200 sq. ft.) to come before the Commission is something he would like to discuss amending in the future. He explained staff has reviewed the site plan and the application is fairly "cut and dry."

The Applicant was present and stated he had nothing to add.

Commissioner Pike inquired if the upper level of the garage was to be for storage only. Assistant Planner Badalucca stated yes and Uncas Health had confirmed same with the Applicant.

MOTION (Longton/Summers) to APPROVE Application 24 SITE 4 to construct a 36' x 40' (1,440 sq. ft.) 3 car garage as an accessory structure to the single-family residence in accordance with the Montville Zoning Regulations and the application, supporting documentation and a plan set entitled "Improvement Location Survey Prepared for David M. Warzecha, 339 Oxoboxo Dam Road, Montville, Connecticut, Prepared by Advanced Surveys, LLC, Dated 5/04/24". Roll call vote. All in Favor (9-0-0). APPROVED

9. New Business:

- a. **24 SITE 5 – 303, 307, 309 Route 32 (070-004-000)** – Owner/Applicant: Lombardi Gravel, LLC for proposed site plan modifications. *(Submitted 6/10/24, Date of Receipt 6/25/24, DRD 8/29/24).*

Director Davis stated additional information was required for this application and requested it be tabled to July, potentially the special meeting if it is possible.

MOTION (Longton/Pike) to CONTINUE to July meeting. All in Favor (9-0-0). CONTNUED

- b. **C.G.S. §8-24 Recommendation** regarding the acceptance of parcels 023-063-009 and 023-063-010 (Carol Drive) Montville, CT

Assistant Planner Badalucca explained this Application is for the town to accept the 'ears' of the cul-de-sac at the end of Carol Drive to close out the 2015 subdivision. Chairperson Lundy asked for clarification of what needed to be accepted. Assistant Planner Badalucca explained the Town Engineer and Public Works director are supposed to inspect the road a year after any subdivision with a new road has been complete to ensure proper installation before the town accepts the road. She explained the road itself had been accepted before it was turned into a cul-de-sac and just the two small portions needed to be accepted at this time.

Chairperson Lundy asked for a reminder of what an 8-24 Review is for the Commission. Director Davis stated the purpose of an 8-24 Review is to give a planning report to the Town Council for potential action. He went on to state the Town Engineer and Public Works department have both reviewed the application and everything is in order for the Commission to forward a recommendation to the Public Works Subcommittee and the Town Council.

Attorney Harry Heller spoke regarding the Application stating it is an 'odd' situation as the road had already been conveyed to the town in the 1950's and when the land was developed in 2015, the half moons were added to make the cul-de-sac which now have to be accepted.

MOTION (Pike/Estelle) to FORWARD A FAVORABLE REPORT in accordance with

C.G.S. §8-24 to the Town Council for the acceptance of Parcels 023-063-009 and 023-063-010 together with the drainage easement required in order to accommodate drainage improvements constructed in conjunction with the subdivision as shown on a plan entitled “Resubdivision Map Prepared for Bruce R Duchesneau Carol Drive & Sharp Hill Road Montville, CT Dated 7/01/2015, Final Rev. 1/27/16, Prepared by Killingly Engineering Associates Civil Engineering & Surveying 114 Westcott Rd, Killingly, CT 06241” which was approved by the Planning & Zoning Commission on January 12, 2016. Roll Call Vote. All in Favor (9-0-0). FAVORABLE REPORT to be issued.

- c. **Discussion & Decision: 24 ZC 3 – Cricket’s Corner (879 Chesterfield Rd & 1665 Route 85) (Parcel ID 005-015-00C/012-007-000) – Owner: Cricket’s Corner LLC, Applicant: Roger L. Phillips and Rachel M. Belardo for proposed zone change.**
(Submitted 5/9/24, Date of Receipt 5/28/24, PH open 6/25/24, DRD 65 days from close of PH)

MOTION (Tait/Summers) to APPROVE application 24ZC3 with the following modification, findings and reasons for approval:

Modification:

The easterly zone boundary between the existing WRP-160 and the proposed C-2 shall be coincident with a line running generally north/south and 50 feet west of the limit of the regulated inland wetland or watercourse located in the easterly portion of 879 Chesterfield Road.

Findings:

- 1. With the modification included herein and based on the Commission’s assessment of the hearing record, the relevant factors and staff’s recommendations, the Commission finds the application to be generally consistent with the Montville POCD.**
- 2. The zoning map amendment, as modified herein will not conflict with or undermine the Town’s comprehensive plan or otherwise compromise orderly development objectives.**
- 3. These findings are based in part of the representation by the applicant that access to serve future development of 879 Chesterfield will be located along the frontage of 1645 Route 85 and not from Chesterfield Road.**

Effective date: 12:01 am, July 15, 2024

Roll Call Vote. All in Favor (9-0-0). APPROVED WITH MODIFICATIONS.

10. Zoning Matters: ZEO Report was read into the record by Zoning and Wetlands Officer Radford.

11. Land Use Director Report.

- a. **Community Investment Fund Grant Application Status**

Director Davis stated the application has been submitted and he believes it is competitive.

- b. **Discussion Re: Potential Zoning Regulation/Map Amendments**

Director Davis stated he is still working on identifying all parts that could be amended. He stated staff is working on a “use table” for zones versus the list approach to make the regulations more user friendly.

c. GIS Working Group

Director Davis stated there has been no traction yet, but outsourcing to CAI is seemingly very expensive and explained there has been a lot of back and forth for a simple map amendment.

d. Fishing Pier/Boat Launch Status

Director Davis stated the projects are moving ahead.

e. Animal Control Facility Status

Director Davis stated the architect is reviewing the bids and plans for quality control.

f. Community Connectivity Grant Status

Director Davis stated he is going to meet with the Town Engineer to rescope the project

g. Housing Update

Director Davis stated staff is still having preliminary conversations with a large interest in the Route 32 corridor

h. Mohegan Dam Removal

Director Davis stated there is no update at this time.

i. Norwich Golf Course Dam Removal

Director Davis stated a letter of endorsement was submitted.

j. Oxoboxo Lofts Brownfield Grant/Project

Director Davis stated the 1st grant payment has been made and the project opening for the Lofts is in October.

k. Municipality Permit System

Director Davis stated staff is continuing to work out tweaks with the building department and highlighted the start of coordination meetings with the Land Use and Building departments.

l. Development Team Implementation

Director Davis stated this is still a work in progress.

m. Urban Land Institute

Director Davis stated this is a great resource especially for future regulation amendments.

12. Other Business: None.

13. Correspondence: None.

14. Executive Session: See above

15. Adjournment. The meeting adjourned at 8:46pm.

Respectfully Submitted by:

Megan Egbert

Recording Secretary

AN AUDIO RECORDING OF THE MEETING IS AVAILABLE ON THE TOWN WEBSITE.