

Montville Planning & Zoning Commission
SPECIAL MEETING
July 9, 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, Isaac Tait, John Estelle, John Poole, and Joseph Summers. Absent: Commissioner Joshua Kobyluck. Also Present: Director Matthew Davis, Assistant Planner Meredith Badalucca, and Zoning and Wetlands Officer Stacy Radford.
4. **Minutes:** Approval of the June 25, 2024 Regular Meeting Minutes.

MOTION(Desjarding/Summers) to APPROVE the minutes of the June 25, 2024 Regular Meeting. All in favor (8-0-0). MOTION APPROVED.

5. **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, 30-day extension granted 6/25/24*).

Ellen Bartlett of Green Site Design spoke on behalf of the Applicant as his engineer. She explained the proposed 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. Ms. Bartlett explained the Applicant received a conditional approval from Uncas Health, the drainage comments from the Town Engineer are to be addressed, and the staff comments are mostly small errors between pages of the plans that will be addressed. She stated the Applicant has an issue with the proposed condition of a physical barrier as he expects to need access between the properties to complete the previously approved site plan at the adjacent property. Ms. Bartlett explained the 60-Day temporary easement would be sufficient for the construction of the access drive from Sachatello Drive, but when the Applicant begins work at the adjacent property he expects to need access between properties for moving equipment and materials back and forth.

Director Davis stated there have been a number of zoning permits issued and expired with no Certificates of Zoning Compliance. He explained staff met with the Applicant and Ms. Bartlett to work out technical details and discuss the submission of the current application. Director Davis explained zoning regulations are written to evaluate proposals and compliance per lot, and sharing lots can cause confusion. He stated it was explained to the Applicant that he can combine the two lots to use them together or they have to be separate.

Commissioner Pike asked Ms. Bartlett about where the water runoff would go. She explained a permanent swale is to be installed outside of the wetlands upland review area.

Commissioner Poole inquired where the materials would come from. Ms. Bartlett stated it would be imported from off site.

The Commission held further discussion with Director Davis regarding the reason a physical barrier between the properties would be necessary, as well as potential alternatives and solutions for the Applicant.

Commissioner Pike asked Ms. Bartlett what the Applicant's aversion to combining the lots was. She stated the two lots have totally separate uses.

Chairperson Lundy asked Ms. Bartlett if there was a timeframe other than the proposed 60-days for the physical barrier that would be sufficient for the Applicant to complete the construction on the adjacent property. Ms. Bartlett stated she believes 1-year should be sufficient.

MOTION (Longton/Estelle) to APPROVE WITH CONDITIONS AND MODIFICATIONS, Application 24 SITE 3 for an earth materials processing storage and construction equipment storage facility, as well as, wholesaling of earth materials to contractors at 1492 Route 85 (005-027-000) in accordance with the Montville Zoning Regulations and the application, supporting documentation and a plan set entitled "Daniels & Sons Construction, LLC, 1492 Hartford-New London Turnpike, Montville, CT, Applicant/Owner, Jeffrey Daniels, Dated April 2024, Last Revised June 25, 2024 Prepared by Green Site Design LLC".

CONDITIONS:

General Conditions:

- 1. This approval is for the specific use, site and structure(s) identified in the application. Any change in the nature of use, site or the structure will require new approvals from the Planning and Zoning Commission.**
- 2. This project shall be constructed and maintained in accordance with the referenced plans.**
- 3. 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.**
- 4. An approved Zoning Permit is required prior to the start of any work.**
- 5. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.**
- 6. No business/use under this permit/approval shall be initiated until a Certificate of Zoning Compliance is approved by the Zoning Officer.**

Site Specific Conditions:

7. Per ZR Section 4.11.11.3 2. C., Permits for Excavation or Processing (crushing) operations shall not be issued for periods exceeding one (1) year for a new operation and may be renewed for periods up to five (5) years if it can be shown that the operation is in compliance with these Regulations.
8. All drainage structures proposed for the project shall be constructed and maintained post construction in accordance with the approved Plan Set.
9. All landscaping shall be maintained post construction.
10. Site signage not shown on plan shall require an approved zoning permit prior to installation.
11. Operating hours shall be as indicated on sheet 5 of the approved plan in accordance with ZR Section 4.11.11.3 2. a.

Conditions to be met prior to signing of plans:

12. Plans shall be revised as follows:

- Sheet 1 does not reflect existing conditions on site. Revise title block.
- Indicate “Temporary” construction entrance
- Indicate 1-year Temporary Access Drive and add note that immediately upon the expiration of the 1-year period a permanent physical barrier shall be installed to prohibit vehicles to/from/between 1492 and 1502 Route 85.
- Add note: Due to current of ownership of 1492 & 1502 Route 85, a physical barrier shall be placed between properties to prohibit access from 1502 Route 85 curb cut to 1492 Route 85.
- Sheet 3A - Update emergency spillway elevation. The emergency spillway elevation is listed as 207.5 instead of 208.5 as noted in the stormwater model and on Sheet 3B and the detail on Sheet 5.
- Construction Sequence indicates oil separator will be installed during Phase II. Indicate on Phase II sheet.
- Sheet 3B - Remove the temporary construction access from 1502 Route 85. Access can be obtained through Sachatello Drive. Both parcels shall remain separate and operate separate from each other unless a site plan application is filed to combine the properties and uses.
- Sheet 3A & 3B - Based on the Level Spreader detail on Sheet 5 the top of berm elevation should be 210.0 to accommodate the modified emergency spillway elevation. Ensure the grading around the water quality basin is shown correctly to provide the specified top of berm width and top of berm elevation.
- Revise General Note 1, to state “Green Site Design LLC” vs. CLA Engineers. (sheet 4)
- Revise sequence of construction to include the following:

Phase I: Temporary access, Landscape Buffer, Removal of curb cut, 2 conex boxes, equipment storage area.

Phase II: Removal of temporary access, parking area, material storage bin, 2 conex boxes, power pole, overhead and underground electrical work.

13. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
14. The applicant shall also submit final plans as approved by the Commission in a digital format per ZR section 17.3.
15. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
16. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.

Conditions to be met prior to the issuance of zoning permits:

17. Four (4) sets of paper plans with any required revisions incorporated, shall be submitted to the Land Use Department for signature of the Commission.
18. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and submitted to the Land Use & Development Office. Any changes to the plans required by such entities may require a plan modification from the Planning and Zoning Commission.
19. A soil erosion & sediment control bond shall be posted in the amount of \$37,395 in a form acceptable to the Finance Director. No bond, or portion thereof, shall be released without prior approval of the Zoning Officer and/or Director of Land Use & Development.
20. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.

Conditions which must be met prior to Issuance of a Certificate of Zoning Compliance:

21. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificate of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
22. No Certificate of Occupancy or other final approval may be issued until the Zoning Officer has signed off on the final work.

Note: The Conditions of Approval do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

Reference Plans and Application Materials:

1. Application, dated received April 10, 2024 and Revised Application, dated received May 10, 2024
2. Narrative, dated received April 10, 2024 and Revised Narrative, dated received May 10, 2024
3. Drainage Report, dated received April 10, 2024 and Revised Drainage Report, dated received May 10, 2024, Revised Drainage Report, dated received June 11, 2024, Revised Drainage Report dated received July 2, 2024.
4. Bond Estimate, dated received May 10, 2024 and Revised Bond Estimate, dated

received June 11, 2024.

- 5. Soil Scientist Letter, dated received May 10, 2024**
 - 6. Site plan entitled “Daniels & Sons Construction, LLC, 1492 Hartford-New London Turnpike, Montville, CT, Applicant/Owner, Jeffrey Daniels, Dated April 2024, Last Revised June 25, 2024 Prepared by Green Site Design LLC”.**
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- 6. Adjournment. MOTION(Desjarding/Longton) to ADJOURN the meeting. All in favor (8-0-0). The meeting was adjourned at 6:51pm.**

Respectfully Submitted by:

Megan Egbert

Recording Secretary

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