

TOWN OF MONTVILLE
310 Norwich-New London Turnpike, Uncasville, CT 06382
Telephone: (860) 848-6779

MEMORANDUM FOR THE RECORD

July 23, 2024 PZC Meeting
Prepared by Meredith Badalucca, Asst. Planner

Property Address: 970 Old Colchester Road, Parcel ID: 037-001-000

Application: PZ #24SUB2

Applicant/Property Owner: Pachaug Capital, LLC

Attorney: Harry B. Heller, Esq. & Andrew J. McCoy, Esq., Heller, Heller & McCoy

Engineer: Wes Wentworth, Wentworth Civil Engineers, LLC

Land Surveyor: Michael J. Bennett, L.S., Bennett & Smilas Associates, Inc.

Lot Size: 31.516 acres (1,372,829 +/- SF)

Zoning District: R40

Public Water: No.

Public Sewer: No.

Wetlands/Watercourses: Yes. IWC Application #24IWC2, transfer of permit #208IWC18 approved on 4/18/24. The approval of the transfer has been appealed by Richard J. George and Katherine George who are represented by Attorney Jon B. Chase.

CT General Stormwater Quality Permit: Yes, applicant shall provide copy.

Flood Hazard Zone: No.

CAM Zone: No.

Public Water Supply Watershed: No.

Proposed Public Improvements: Road widening strips to be deeded to the Town of Montville as required.

Legal: *Submitted to Land Use Office 3/28/24, Date of Receipt by PZC 4/23/24, Public Hearing opened on 5/28/24 and was continued to 6/25/24 and 7/23/24, at the applicant's request. The applicant granted an extension to July 25, 2024 to complete the public hearing. Decision Required Date: 65 days from close public hearing.*

PROPOSAL: 13 lot re-subdivision of 31.516-acre parcel of land for residential development on the southerly side of Old Colchester Road and the northerly side of Black Ash Road. The applicant proposes to keep wetlands and upland review areas undisturbed and in their existing vegetated state by proposing conservation easements in favor of the Town of Montville on lots 1, 2, 5, 7 & 8. The applicant's engineer states in part, Design elements included in the creation of this development include minimizing impervious areas, maximizing wooded areas, keeping wetlands and upland review areas undisturbed and in their existing vegetated state. Other low impact design elements include encouraging runoff via overland sheet flow and maximizing infiltration within these areas. All proposed roof downspouts are to discharge into underground infiltration drywells. All storm runoff from driveway areas will be treated in infiltration trenches or rain gardens. These Low Impact Development design features will treat pollutants, maximize infiltration, retain runoff and discourage point discharges of storm water runoff.

UNCAS HEALTH DISTRICT: Referred 4/1/24, 6/12/24 and 7/12/24. Comments dated 6/24/24 "All of my comments have been satisfactorily addressed."

TOWN ENGINEER: Referred 4/1/24, 6/12/24, 7/12/24 and 7/22/24. Comments dated 7/23/24 "All of our comments have been addressed."

PUBLIC WORKS: Referred 4/1/24, 6/12/24 and 7/12/24. Comments dated 7/23/24 "All my comment have been addressed. No new comments."

FIRE MARSHAL: Referred 4/1/24, 6/12/24 and 7/12/24. The Fire Marshal's Office has no comments.

BUILDING DEPT.: Referred 4/1/24, 6/12/24 and 7/12/24. Responded 4/1/24 "No comments to contribute at this time." Comments dated 6/12/24: "I have reviewed the revised documents and have no further comments."

ASSESSOR: Referred 4/1/24 and 6/13/24, Subdivision spreadsheet with addresses and parcel id numbers provided to applicant, revisions to plans required. Confirmed with Assessor on 6/20/24 that 976 Old Colchester Rd was issued by her office.

TOWN ATTORNEY: Referred Warranty Deed, Driveway Agreements & Conservation Easement 4/3/24. Referred revised Warranty Deeds, Driveway Agreements and Conservation Easements on 6/13/24. Comments dated 6/24/24, "With these revised documents, Attorney Heller's submission on this subdivision have met my approval. If the subdivision is approved, then I will need a clean certificate of title prior to any documents being filed."

SITE WALK: Completed from street with ZEO/WEO Radford on 4/5/24 and with Public Works Director, Town Engineer and ZEO/WEO on 5/1/24.

STAFF COMMENTS: Please be advised that all of my comments have been addressed with the lasted revision of the plan set entitled "Black Ash Estates Resubdivision, Land Now or Formerly Pachaug Capital, LLC., Black Ash Road & Old Colchester Road, Montville, Connecticut, dated 8/22/23, Revised 7/22/24"

The applicant has included house numbering signs on the revised plan to comply with Town of Montville Ordinance O-A-3 as requested during the public comment on May 28, 2024.

During the public hearing Commissioner Tait inquired if the R.O.W. Trail as shown on page 43 of the POCD went through this property. The R.O.W. Trail shown on that map is on the adjacent property to the east.

SUGGESTED MOTION FOR ANY FAVORABLE APPROVAL:

I make a MOTION to APPROVE with conditions, Application 24 SUB 2 for 13 lot re-subdivision of 970 Old Colchester Road Parcel ID: (037-001-000) in that the application, supporting documents and a plan set entitled "Black Ash Estates Resubdivision, Land Now or Formerly Pachaug Capital, LLC., Black Ash Road & Old Colchester Road, Montville, Connecticut, dated 8/22/23, Revised 7/22/24" comply with all applicable sections of the Montville Zoning Regulations and Subdivision Regulations.

CONDITIONS:

Conditions prior to endorsement of final plans:

1. Licensed Land Surveyor (LS) shall certify proposed iron pins and monuments as set prior to endorsement of final plans.
2. Per SR Section 3.9 (GIS): Digital Data shall be provided to the Land Use Department prior to endorsement of the final subdivision plan.
3. Certificate of Title or Title Policy for the road widening strips and Conservation Easements shall be approved by the Town Attorney.
4. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.

General conditions:

5. Approved Warranty Deeds, Conservation Easements, Declaration of Drainage Easement and Rights to Drain for Lots 5, 6 and 7 and Declaration of Joint Driveway Easement and

Maintenance Agreement for Lots 1 & 3, Lots 5 & 7, Lots 9 & 10, and Lots 11, 12 & 13 shall be filed on the Land Records with the final endorsed mylars.

6. Three (3) sets of paper plans along with mylars that include any required revisions incorporated, shall be submitted to the Land Use Department for signature of the Commission.

Conditions prior to issuance of Zoning Permit for individual lot development:

7. Conservation Easement placards shall be placed by LS on each lot.
8. Wetland placards shall be placed by LS at 50' URA on each lot.
9. Clearing limits shall be staked out by LS on all lots.
10. Silt fence shall be staked out by LS on Lots 1, 2, 4, 5, 6, 9, 11 and 13 in areas that are in close proximity to URA and/or property lines.
11. The location of the rain garden on Lot 5 shall be staked out by LS.
12. Proposed stone wall on Lot 11 & 12 shall be staked out by LS.
13. 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.

Should the Commission vote to DENY the application, it shall state its reasons on the record.