

**Montville Planning & Zoning Commission**  
**REGULAR MEETING**  
**August 27, 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, John Poole, and Joseph Summers. Absent: Commissioner Joshua Kobyluck. Also Present: Assistant Planner Meredith Badalucca and Zoning and Wetlands Officer Stacy Radford.
4. **Additions or Changes to the Agenda.**

Chairperson Lundy requested Item 14, Executive Session, be removed from the Agenda.

**MOTION (Pike/Poole) to REMOVE Item 14, Executive Session from the Agenda. All in favor (7-0-0). Motion APPROVED**

5. **Minutes:** Approval of the July 23, 2024 Regular Meeting Minutes.

**MOTION (Poole/Desjardins) to APPROVE the minutes of the July 23, 2024 Regular Meeting. Commissioner Estelle abstained from voting (6-0-1). Motion APPROVED.**

6. **Remarks from the public not relating to items on the agenda.**

Attorney Jon Chase, with an office in Mystic, stated he understands the Commissioners are all volunteers and gave them advice to pay attention to the placement of items on their agenda.

7. **Public Hearing:**

- a. **Discussion & Decision: 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 7/23/24 with 30-day ext. granted. PH closed 7/23/24. DRD 9/26/24)*

Assistant Planner Badalucca stated she had no new information to add for the application, as the public hearing had been closed.

Chairperson Lundy read the proposed motion and conditions into the record for the public.

**MOTION (Pike/Longton) 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.

Chairperson Lundy opened the discussion for the Commissioners.

Commissioner Longton made a comment about spelling out abbreviations at least once in documents.

Commissioner Poole asked staff if the alleged "notice defect" brought up during the public hearing had been discussed with the Town's Attorney. Assistant Planner Badalucca stated the Town Attorney reviewed the notice and was satisfied with the notice provided.

Commissioner Pike brought up concerns of developers starting the process of clearing property after approval and leaving the property partially done. He asked if a time frame for clearing can be added as a condition of approval. Assistant Planner Badalucca stated there is a regulation related to clearing and stated each lot would require a zoning permit individually before clearing and building. Commissioner Pike asked if the regulation could be cited in the motion.

Chairperson Lundy requested a brief recess to allow time for staff to find the exact regulation.

**MOTION (Lundy/Longton) to RECESS meeting. All in favor (7-0-0). Motion APPROVED. Meeting recessed at 6:22pm.**

Chairperson Lundy called the meeting back to order at 6:30pm.

Assistant Planner Badalucca stated the regulation she was referring to was ZR Section 4.10.5. She also explained to the Commission that condition #9 requires a Land Surveyor to stake out the clearing limits prior to the start.

Commissioner Pike asked for clarification if a zoning permit is required before clearing starts. Assistant Planner Badalucca stated that was correct.

**Chairperson Lundy called for a Roll Call vote to amend the current motion to include ZR Section 4.10.5. All in favor (7-0-0). MOTION AMENDED.**

**Chairperson Lundy called for a Roll Call vote to approve the motion. All in favor (7-0-0). MOTION APPROVED.**

## **8. Old Business:**

- a. **24 SITE 5 – 303 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).*

The applicant's engineer, Ellen Bartlett of Green Site Design, gave her presentation for the application. She explained to the Commission what each of the changes were from the original site plan approval to what the applicant is requesting approval for with this application. She stated staff had requested the South West parking area be reverted to the original plan, and then explained why the applicant believes the modified parking is better. Ms. Bartlett also stated light pole located on an abutting neighbor's property and an easement has been signed and will be filed if the application is approved.

Commissioner Longton asked for clarification of the new location of the dumpster. Ms. Bartlett pointed it out.

Commissioner Pike asked for clarification of building "1" versus building "2." Ms. Bartlett pointed them out. Commissioner Pike also asked for clarification of the one way going from 16 feet to 15 feet to 14 feet. Ms. Bartlett explained that the regulations require only 14 feet.

Assistant Planner Badalucca stated that Ms. Bartlett had addressed all the changes. She explained that the demo of part of building 2 was a major change, but would be done through the Building Department.

Commissioner Longton read the proposed motion and conditions into the record:

**MOTION to APPROVE with the following conditions and modifications, Application 24SITE 5, modification of approved site plan application 22SITE10 and approved phasing plan for 303 Norwich-New London Turnpike (070/004/000) in accordance with the Montville Zoning Regulations and the application, supporting documentation and a plan set entitled "Modified Site Plan, Multi-family development, 303 Route 32, Uncasville, CT, dated February 7, 2023, revised July 30, 2024, Prepared by Green Site Design, LLC".**

### **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 structures will require new approvals from the Planning and Zoning Commission or its duly authorized agent.
2. This project shall be constructed and maintained in accordance with the approved plans.
3. A Modified Zoning Permit is required prior to the start of any work on Phase I.

4. A Zoning Permit is required prior to the start of any work on Phase II, including partial building demolition.
5. No Zoning Permit for Phase II shall be issued until all Phase I requirements have been met, and a CZC has been issued for Phase I.
6. 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.
7. Prior to issuance of a CZC for Phase I, all site improvements shall be completed and an accurate and complete certified as built survey shall be provided for review/approval by the ZEO.
8. No occupancy under this permit/approval shall be initiated until a Certificate of Zoning Compliance is approved by the Zoning Officer.
9. The applicant and any successors and assigns agree to maintain the site in the condition as permitted and required by the Site Plan approval.

**Conditions to be met prior to signing of Final Plans:**

The plans shall be revised as follows:

1. The following notes shall be added to the plans:
  - Unless otherwise specified herein, this approval shall expressly exclude offsite encroachments that are not essential to the functional and physical integrity of required and approved on-site improvements.
  - The acceptance of the alternative design for the retaining wall(s) is based on the professional certification provided by the applicant's licensed design engineer and the Commission accepts no liability. The responsibility to maintain the site in the condition as approved lies with the owner and any successors/assigns.
2. The plans shall be modified as follows:
  - The site plans shall include all detail and information required by Section 17 of the zoning regulations.
  - The existing conditions survey shall be revised to show accurate, current and complete existing conditions.
  - The proposed retaining wall detail shall be eliminated and a reference substituted to the approved building permit for the alternative design, certified by the project engineer of record.
  - Show the limits of the easement for the light base and reference the easement in the survey notes.
  - Show parking in the SW of the site to be installed as per the originally approved plan, including shifting the pavement north, and replacement evergreen plantings a minimum of 6 (six) feet high at planting, along the property line from the street line extending east for 85 (eighty-five) feet. Indicate surface treatment for landscape area as stone or mulch. Shift the dumpster location north to accomplish this modification and remove the note (proposed mod to remove vegetation).
  - Show freestanding sign in location that does not increase the lawful nonconforming front setback.

**Conditions to be met prior to the issuance of a modified Zoning Permit for Phase I:**

- Bond in a form and amount approved by the Town Attorney and Town Engineer, sufficient to cover the labor/materials for the final course of bituminous paving and parking lot striping.
- Evidence of recording of the light pole easement on the Montville Land Records.
- Final architectural elevations and floor plans for Building I.
- Final plans as approved by the Commission in a digital format per ZR section 17.3.
- Three (3) sets of paper plans with any required revisions incorporated.

- Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be provided. Any changes to the plans required by such entities may require a plan modification from the Planning and Zoning Commission or its duly authorized agent.
- A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.

**Conditions to be met prior to Issuance of a Certificate of Zoning Compliance for Phase I:**

- Completion of all required site work per the approved modified site plan
- Complete as-built survey certified to Class A-2 accuracy. 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.

**Conditions to be met prior to the issuance of a modified Zoning Permit for Phase II:**

- Completion of all required work in Phase I and issuance of a CZC for Phase I
- Copy of the approved demolition permit for phase II building.
- Final Elevations and Floor Plans for Building II.
- A preconstruction meeting with the PE of record, the contractor and Town staff.

**Conditions to be met prior to the issuance of a certificate of zoning compliance for Phase II:**

- Completion of all required site work per the approved modified site plan, including final pavement course and parking area striping/pavement markings.
- Complete as-built survey certified to Class A-2 accuracy. 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.
- Written evidence of ConnDOT approval of work within the State right of way.

Chairperson Lundy opened the discussion for the Commissioners. She proposed a motion to remove the following conditions:

- *“Show parking in the SW of the site to be installed as per the originally approved plan, including shifting the pavement north, and replacement evergreen plantings a minimum of 6 (six) feet high at planting, along the property line from the street line extending east for 85 (eighty-five) feet. Indicate surface treatment for landscape area as stone or mulch. Shift the dumpster location north to accomplish this modification and remove the note (proposed mod to remove vegetation).*
- *Show freestanding sign in location that does not increase the lawful nonconforming front setback.”*

**MOTION (Longton/Desjardins) to AMEND the motion. All in favor (7-0-0). MOTION AMENDED.**

Commissioner Summers proposed the removal of *“including partial building demolition”* from condition 4 as the demolition will be through the building department.

**MOTION (Summers/Pike) to AMEND the motion. All in favor (7-0-0). MOTION AMENDED.**

Commissioner Longton asked for clarification if all parties involved with the light pole easement were in agreeance. Assistant Planner Badalucca stated that all parties have signed and it has been reviewed by the Town Attorney. She explained if the application is approved the Town Attorney will review the easement documents again against the approved plans before it is filed.

**Chairperson Lundy called for a Roll Call vote to approve the motion. All in favor (7-0-0).  
MOTION APPROVED.**

**9. New Business:**

- a. **24 SITE 6 – 1080 Route 32 (086-004-000)** – Owner: Drive-In, LLC, Applicant: Sammy P. Inc., Principal: Sammy Piotrkowski for proposed office use in existing building. *(Submitted 7/29/24, Date of Receipt 8/27/24, DRD 10/2/24)*

Assistant Planner Badalucca explained that this application is for the renovation of the existing building on the property to be used as office space for Drive-In, LLC and Sammy P. Inc. She gave highlights from her staff report. She stated that all staff comments had been addressed, and after a meeting on-site there were additional revisions that had been completed. She also stated that the applicant was requesting for the Commission to determine if a number of items in ZR section 17 were applicable to the application or if they could be waived.

The applicant's engineer, David McKay of Boundaries, gave a presentation for the application. He explained the application is to make improvements to the existing building for it to be used as office space. Mr. McKay explained some of the improvements to be made such as a new sidewalk around the building, the loading pad and dumpster pad, and additional landscaping. He stated that soil testing had been done and the septic system was reviewed and approved by Uncas Health.

Next, he explained the zoning regulations the applicant was requesting a determination of applicability. He explained ZR Section 17.4.5 requires existing and proposed contour lines to be shown for the entire plan, and the plan being reviewed the contours and topography are shown around the building where all proposed work is to be done. Mr. McKay stated ZR Section 17.4.7 requires the location of all wetlands and watercourses to be shown on the plan, but the proposed project is 300 feet away from any wetlands and there is a woodchip berm acting as a buffer. He explained ZR Section 17.4.15 requires the stormwater drainage system to be shown, but there is new pervious surface, no change to the drainage flow, and existing swale, and a decrease in stormwater runoff. He stated ZR Section 17.4.18 requires building elevation to be shown, but this project is for use of an existing building with only external changes to doors and windows.

Mr. McKay informed the Commission that Uncas Health has issued their approval and that all staff, the Town Engineer, Building Department, and Fire Marshal comments have been addressed.

Commissioner Longton asked if the existing well and septic were to be used and for the location of the leaching field. Mr. McKay stated yes, the existing were to be used, pointed out the leaching field, and stated all inspections and tests had been done.

**MOTION (Summers/Desjardins) to find ZR Section 17.4.5 NOT APPLICABLE. All in favor (7-0-0). Motion passed.**

**MOTION (Summers/Desjardins) to find ZR Section 17.4.7 NOT APPLICABLE. All in favor (7-0-0). Motion passed.**

**MOTION (Summers/Desjardins) to find ZR Section 17.4.15 NOT APPLICABLE. All in favor (7-0-0). Motion passed.**

**MOTION (Summers/Desjardins) to find ZR Section 17.4.18 NOT APPLICABLE. All in favor (7-0-0). Motion passed.**

**MOTION (Pike/Desjardins) to APPROVE with conditions, Application 24 SITE 6 for an administrative office and accessory dry storage area for records and office materials/equipment at 1080 Route 32 (086/004/000) in accordance with the Montville Zoning Regulations and the application, supporting documentation and a plan set entitled “Property Survey, Overall Property Plan Prepared for Sammy P Inc, 1080 Route 32 – Montville, Connecticut, Dated July 2024, Revised 8/19/24 and 8/23/24, Prepared by Boundaries, 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. All landscaping shall be maintained post construction.**
- 8. Site signage not shown on plan shall require an approved zoning permit prior to installation.**
- 9. Outdoor storage of materials and equipment is not included as part of this site plan approval.**

**Conditions to be met prior to signing of plans:**

- 10. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.**
- 11. The applicant shall also submit final plans as approved by the Commission in a digital format per ZR section 17.3.**
- 12. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.**
- 13. 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:**

- 14. Four (4) sets of paper plans with any required revisions incorporated, shall be submitted to the Land Use Department for signature of the Commission.**

15. 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.
16. A soil erosion & sediment control and Site Restoration bond shall be posted in the amount of \$10,000 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.
17. 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:**

18. 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.
19. 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.**

**Chairperson Lundy called for a Roll Call vote to approve the motion. All in favor (7-0-0). Motion APPROVED.**

10. **Zoning Matters:** ZEO Report was read into the record by Zoning and Wetlands Officer Radford.
11. **Land Use Director Report.** None.
12. **Other Business:** None.
13. **Correspondence:** None.
14. **Executive Session:** Personnel matters. **REMOVED PER ITEM 4.**
15. **Adjournment. MOTION (Summers/Longton) to ADJOURN the meeting. All in favor (7-0-0). The meeting was adjourned at 7:29pm.**

**No new business will be discussed after 10:30 P.M. and all business will cease at 11:00 P.M. Any unfinished business will be continued until the next meeting. Said notice shall appear on all meeting agendas.**

Respectfully Submitted by:

Megan Egbert

Recording Secretary

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