

**TOWN OF MONTVILLE**  
**LAND USE AND DEVELOPMENT OFFICE**  
**MEMORANDUM FOR THE RECORD**

October 22, 2024 PZC Meeting

Prepared by *Meredith Badalaucca*, Asst. Planner updated on October 21, 2024

**Application:** PZ #24ZC4 – Amendment to Zoning Regulation Section 4.11.5.2  
**Applicant(s):** 1758 RTE 32 LLC  
**Agent:** George Andrews  
**Legal:** Date of Receipt by PZC: 09/24/24. Public Hearing (PH)  
Scheduled for 10/22/24. Decision Required Date (DRD): within  
65 days of close of PH

**Proposal:** Amend Zoning Regulation (ZR) Section 4.11.5.2 to state: Buildings shall be so grouped that each façade shall face its full dimension upon a street, unless the subject parcel or parcels included in the development are collectively located within the R-20-M zone and the Route 32 Overlay Zone.

**Current Regulations:**

Currently ZR Section 4.11.5.2 states: “Buildings shall be so grouped that each façade shall face its full dimension upon a street.”

Our ZR define a street as follows: “Any existing state, or town highway, or a street shown (a) on a subdivision approved by the Planning and Zoning Commission; or (b) on a map or plan duly filed and recorded in the office of the Town Clerk of the Town of Montville prior to November 1963, provided such street shall have been suitably improved to the satisfaction of the Planning and Zoning Commission after October 13, 1970.”

Our ZR do not define façade, therefore you look to the common understanding of the term as expressed in a dictionary.

- *Oxford Languages*: the face of a building, especially the principal front that looks onto a street or open space.
- *Merriam-Webster*: the front of a building
- *Britannica*: the front of a building

Multi-Family Dwelling Units are currently permitted uses in the following zoning districts: R-20 with an increased side yard setback of 20 feet, R-40 with an increased side yard setback of 20 feet, R-20-M, Route 32 Overlay Zone and the Housing Opportunity Development Zone.

ZR Section 9B.1 Intent and Purpose Section of the R-20-M Section 9B states the following: “This regulation is adopted for the following purposes:

- a. To allow, on a long-term basis, for the development of diverse housing types, to help address identified housing needs, to recognize existing multi-family housing developments and clusters;

- b. To encourage the construction of housing that is consistent with design and construction standards present in the surrounding community;
- c. To promote housing choice and economic diversity;
- d. To efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices, while also providing public and private open space and recreational areas;
- e. To guide a proposed development so that it helps accomplish the above purposes while being consistent with soil types, terrain and infrastructure capacity and is consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and
- f. To encourage energy-efficient patterns of development;
- g. To promote housing near public transportation routes.”

ZR Section 14A.1 Purpose of the Route 32 Overlay Zone Section 14A states the following: “the intent of this Overlay Zone is to promote economic development.” Both ZR Section 9B & ZR Section 14A as well as, our current zoning map are attached.

The following parcels are located within the R-20-M zoning district, acreage and use taken from property cards:

- 590 Route 163, 1.58 acres, Single Family Residence (SFR)
- 598 Route 163, 21.71 acres, Vacant Land
- 606 Route 163, 0.29 acres, SFR
- 612 Route 163, 1.14 acres, SFR
- 618 Route 163, 1.65 acres, SFR
- 622 Route 163, 1.18 acres, SFR
- 630 Route 163, 0.51 acres, SFR
- 632 Route 163, 0.23 acres, SFR
- 030-037-00B Route 163, 0.33 acres, Vacant Land
- 636 Route 163, 8 acres, Vacant Land
- 2 Chesterfield Road, 9.79 acres, Vacant Land
- 82 Jerome Road, 12.02 acres, Multi-Family (MF) (Picture attached)
- 42 Pink Row, 10.64 acres, Multi-Family under construction
- 841 Route 32, 8.21 in the R-20-M zone, current use is nursing home with additional 2 SFR, 1 acre in the C2 zone and is currently vacant
- 1321 Route 32, 0.46 acres, MF
- 1341 Route 32, 0.42 acres, MF
- 11 Platoz Drive, 0.58 acres, MF (Picture attached)
- 12 Platoz Drive, 0.82 acres, MF (Picture attached)
- 26 Platoz Drive, 0.53 acres, Vacant Land
- 36 Platoz Drive, 0.57 acres, MF
- 45 Platoz Drive, 1 acre, MF
- 46 Platoz Drive, 0.69 acres, MF

- 1401 Route 32, 79.35 acres, currently houses a pump station on vacant land
- 1441 Route 32, 1.32 acres, Vacant Land
- 091-048-000 Route 32, 0.80 acres, Vacant Land
- 091-051-000 Route 32, 0.13 acres, Vacant Land
- 1455 Route 32, 0.35 acres, Vacant Land
- 1465 Route 32, 0.35 acres, Vacant Land
- 091-047-000 Route 32, 1.56 acres, Vacant Land
- 1523 Route 32, 14.06 acres, Vacant Land
- 1581 Route 32 Rear, 0.56 acres, Vacant Land
- 1591 Route 32, 2 acres, MF (Picture attached)
- 1758 Route 32, 9.57 acres, Vacant Land
- 1790 Route 32, 2.62 acres, Vacant Land
- 1822 Route 32, 5.11 acres, Vacant Land
- 90 Leffingwell Road, 0.84 acres, MF
- 91 Leffingwell Road, 10.75 acres, MF (Picture attached)

The Route 32 Overlay Zone consists of the following areas: all properties that abut Route 32 in Montville and all those parcels of land East of Route 32 and West of the Thames River, those parcels which have frontage on Route 163 East of I-395 in Montville; and all properties otherwise designed as such on the overlay insert map on the official Town of Montville Zoning Map.

#### **Prior Legal Opinion:**

Staff had previously obtained the opinion of Attorney Richard Cody and current Town Attorney, Mike Carey as to whether a project located within the R-20-M zone shall follow both ZR section 9B R-20-M and ZR section 4.11.5 Multi-Family Dwellings. Both attorneys agreed that both section and other pertinent sections of the regulations shall be adhered to. The opinion of both attorneys was also sought for ZR Section 4.11.5.2 and both agreed that the front of the building shall face the street.

Attorney Carey also pointed out ZR Section 4.8 which states “These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulations, or other provisions of law, or any easement, or other private agreement or legal relationship. When these Regulations or any section thereof impose restrictions on use or dimensions different from those imposed by any other section of these Regulations, or statute, ordinance, covenant, or private agreement or legal relationship whichever provisions are more restrictive, or impose higher standards, shall control.”.

#### **Background:**

ZR Section 4.11.5.2 was formerly ZR Section 17.9.3 and was amended to the current verbiage in 2018. Effective with the 1990 Revision of the Zoning Regulations, Section 17.9 (Multi-Family Dwellings) was added. At that time ZR Section 17.9.3 read “Buildings shall be so grouped that each façade shall face its full dimension upon a street or upon an open space which in its least dimension shall not be less than fifty feet (50’).”. The 1990 definition of open space was “A space open to the sky excluding required yards

not occupied by a building or other roofed structure other than a community center on the same lot as the principal building or structure.” Section 17.9 was amended in 2008 to read “Buildings shall be so grouped that each façade shall face its full dimension upon a street or private road.” In 2018 an extensive revision to the zoning regulations was completed and Section 17.9 became ZR Section 4.11.5 as noticed. However, at that time “or private road” was removed from ZR Section 4.11.5.2. Staff is unable to find documentation as to if this change was an amendment during the public hearing or a scrivener's error.

**Staff Comments:**

Staff recommends the commission consider clarifying that parcel shall be in either R-20-M or Route 32 Overlay Zone. Staff feels that the word “and” could be interpreted to mean the parcel shall be in both the R-20-M and the Route 32 Overlay Zone.

An indicated housing goal of the 2022 Montville Plan of Conservation (POCD) is diverse housing and the action states “Allow on a long term basis for the development of diverse housing types, including affordable housing, to help address identified housing needs.” The future land use map included in the POCD indicates parcels along the Route 32 corridor as in either the “Housing Investment Area” or “Job Investment Area”. Included in the Job Investment Area is mixed use which our regulations define as follows:

**“MIXED USE:** The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail public, and recreation, in a compact urban form. “.

The Town of Montville Affordable Housing Plan Effective Date: June 28, 2022 speaks of Future Demand and in part states: “In Montville, the majority of households are one or two people (20% and 41%, respectively), yet only 30% of units in Montville have only one or two bedrooms. About half of people living alone in Montville are over the age of 65. Many retirees and empty-nesters may be living in larger, older homes that will become increasingly hard to take care of as they age. Potential issues that they face can include a need for assistance with maintenance and repairs while living on a fixed income, or a need to eventually downsize into a more manageable home or apartment or assisted living facility. The Connecticut State Data Center’s most recent municipal-level population projections projected no increase in Montville’s school age population through 2035, but a 20% increase in the over age 65 cohort.”

As part of my research in preparing this staff report, I have reviewed Multi-Family Regulations of other area towns. I was unable to find a requirement for Multi-Family Dwelling Units to be grouped so each façade shall face its full dimension upon a street. The Town of Stonington does have the following regulation pertaining to commercial buildings: “All commercial buildings shall have a principal façade and entry facing a street.”.

Staff also took the attached photos of current Multi-Family Dwelling Unit in various parts of the town for your review. Some of these units were constructed prior to the 1990 addition of ZR Section 17.9 and some since that time.

**Referrals:**

The proposed text amendment has been sent to the Town Attorney, Mike Carey for review. He provided the following comments on October 3, 2024; “The proposed amendment is legally satisfactory. Without detracting from that, I agree with your curiosity about the “and” in the third line, and I also wonder whether the word “collectively” clearly enough states the intent.”

The application was referred to the Southeastern CT Council of Governments (SECCOG) on September 26, 2024 as required. A response letter was received on October 21, 2024 from Nicole Haggerty, Senior Regional Planner for the SECCOG stating the proposed amendments are not likely to have a negative inter-municipal impact.

The application was also referred to adjacent Town Clerks on the same day. No responses have been received to date.

The application was posted in the office of the Town Clerk on September 26, 2024 and as required. The public hearing was noticed in The Day on October 9 and 16, 2024 as required.

**Motions:**

The following MOTION is suggested for favorable approval **AS PRESENTED:**

“I make a MOTION to APPROVE Application 24ZC4 to Amend Zoning Regulation Section 4.11.5.2 to state: Buildings shall be so grouped that each façade shall face its full dimension upon a street, unless the subject parcel or parcels included in the development are collectively located within the R-20-M zone and the Route 32 Overlay Zone. The effective date of this amendment is October 28, 2024. The proposal is consistent with the Plan of Conservation & Development and the Comprehensive Plan in that the amendments encourage housing investment areas and diverse housing.”

The following **AMENDED MOTION** (removing “collectively” and adding “or” in place of “and”) is suggested for a favorable approval:

“I make a MOTION to AMEND and APPROVE Application 24ZC4 to Amend Zoning Regulation Section 4.11.5.2 to state: Buildings shall be so grouped that each façade shall face its full dimension upon a street, unless the subject parcel or parcels included in the development are located within the R-20-M zone or the Route 32 Overlay Zone. The effective date of this amendment is October 28, 2024. The proposal is consistent with the Plan of Conservation & Development and the Comprehensive Plan in that the amendments encourage housing investment areas and diverse housing.”

Should the Commission vote to **deny** the application, it shall state its reasons for the record.

# Town of Montville Inspection Report

Date: 9/30/2024 Inspection Type: Choose an item.

MS4/ Erosion and Sediment Control Inspection 

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Location: Several Multi-Family Dwelling Units Map/Lot/Block: N/A

Parties Present 

Choose an item.	Choose an item.	Choose an item.	Choose an item.	Choose an item.	Meredith Badalucca
					Stacy Radford
					<a href="#">Click here to enter text.</a>
					<a href="#">Click here to enter text.</a>

	Yes	No
CZC Approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Comments/Observations

In accordance with Application #: 24 ZC 4, drive-by inspections were completed on several multi-family dwelling units throughout the Town.

# Town of Montville Inspection Report



303 Route 32, Route 32 Overlay Zone,



# Town of Montville Inspection Report





# Town of Montville Inspection Report



4 Depot Road, Industrial  
Zone & within the Route 32  
Overlay Zone



# Town of Montville Inspection Report



11 Platoz Drive, R-20-M  
zone and within the  
Route 32 Overlay Zone



# Town of Montville Inspection Report





# Town of Montville Inspection Report





# Town of Montville Inspection Report



1591 Route 32 (Mount View Apartments), R-20-M zone and within the Route 32 Overlay Zone



# Town of Montville Inspection Report



1691 Route 32 (Birchwood Commons) Entrance from Route 32



# Town of Montville Inspection Report

1691 Route 32, R-20 Zone and  
within the Route 32 Overlay Zone





# Town of Montville Inspection Report



91 Leffingwell Road, Entrance to Meadows Apartments. R-20-M Zone. All dwelling unit façades face towards Leffingwell Road.



# Town of Montville Inspection Report





# Town of Montville Inspection Report





# Town of Montville Inspection Report

