

TOWN OF MONTVILLE
Department of Land Use & Development
Prepared by Meredith Badalucca on November 14, 2024

Property Address: 958 Route 163 Parcel ID: 046-008-000
Application: 24SUB4
Property Owner: TA CT Holdings, LLC
Applicant: The Nevar Company/Dean Fiske
LS: Robert E. Bieleet, PLS, DGT Associates Land Surveyors
PE: Kevin Solli, P.E., Solli Engineering
Lot Size: 30.66 +/- Acres
Lot Frontage: 969 +/- feet on Route 163
Zoning District: R120
Public Water/Sewer: No
Flood Hazard Zone: No
CAM Zone: No
Public Water Supply Watershed: No.
Proposed Public Improvements: Yes, a CT DOT encroachment permit is required. Siting Council Notes number 4, Sheet 1.11 & 1.12 states "Approval for an encroachment permit for work within the State Right-of-Way was issued for the project on September 3, 2024 by the Connecticut Department of Transportation." Applicant shall provide a copy.
Site Restoration Bond: Clarity required.
Legal: Submitted to Land Use Dept. on 10/28/24. Date of Receipt by PZC 11/12/24, Public Hearing Set for 12/10/24 and Public Hearing Notice to be posted.
Site Inspection: A site inspection was completed previously as part of application 23SUB1 which was withdrawn in January of 2024.

Proposal: Re-subdivision of 958 Route 163 to create 2 lots. Proposed lot 1 will consist of 12.2 acres and will include the existing single-family residence and detached garage. Proposed lot 2 will consist of 18.5 acres and will include a 0.99-megawatt solar photovoltaic array which was approved by the Connecticut Siting Council on May 10, 2024.

Background: A chain of title is needed for detailed history of free split and prior subdivision of the property.

- Per the property card, the existing single-family residence was built in 1793. This dwelling is considered a legally pre-existing non-conforming structure per Zoning Regulation (ZR) Section 4.9 which states: "A non-conforming use, lot, or structure is one which existed lawfully, whether by variance or otherwise, prior to the original date of these Regulations, or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements of these Regulations or any amendment thereto." The single-family dwelling does not meet the current required front yard setback. The applicant is not proposing an increase in this non-conformity as part of this application.

- July 28, 2023 – Re-subdivision application number 23SUB1 was submitted to the Land Use and Development office for review and approval by the PZC.
- August 17, 2023 - IWC voted to forward a Favorable Report to the PZC
- November 14, 2023 – Application to the Connecticut Siting Council for a 0.99-megawatt AC Solar Photovoltaic Array (Petition #1601)
- January 16, 2024 – Applicant withdrew re-subdivision application number 23SUB1
- May 10, 2024 – Connecticut Siting Council approved Petition No. 1601
- August 22, 2024 – Approval from the Connecticut Department of Energy and Environmental Protection for General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. Per note on site plan, applicant shall provide a copy.
- September 3, 2024 – CT DOT Encroachment Permit approved for work within the State Right-of-Way. Per note on site plan, applicant shall provide a copy.
- September 16, 2024 Town of Montville Building Department issued a permit for Industrial Solar Generator and Ground Mounted Solar Array.
- October 9, 2024 Re-subdivision application number 24SUB3 was submitted to the Land Use and Development office.
- October 21, 2024 Application number 24SUB3 was withdrawn.
- October 23, 2024 IWC application number 24IWC10 was submitted to the Land Use & Development office.
- October 28, 2024 Re-Subdivision application number 24SUB4 was submitted to the Land Use & Development office.

Staff Comments/Review:

This property is located in the R-120 zoning district (ZR section 6). A copy is attached for your review. ZR section 6.2 Permitted Uses, allows for single family dwelling (6.2.1), accessory buildings and uses (6.2.7) and government offices, libraries, schools, public safety facilities and public utilities (6.2.4).

Both proposed lots meet the minimum lot size, minimum frontage and setback requirements of ZR section 6.

Sheet 2.11 shows trees as approved by the Siting Council on Lot 1 and potentially limiting access to the rear of Lot 1. Applications for future development may require a modification.

As part of staff review, the Town of Montville Subdivision Regulations (SR) and ZR section 17 and 18 were also reviewed for compliance.

Staff Technical Review Comments:

1. The application states 29.65 acres and the narrative and plan state 30.66 acres.
2. The name of the original subdivision is incorrect.
3. Provide chain of title.
4. Provide copy of CT DOT Encroachment Permit.
5. Provide copy of CT DEEP General Permit.

6. Estimate of E&S Improvements indicates Lot 1. Should this state Lot 2 as there are no proposed improvements to Lot 1?
7. Per SR section 4.1.2 the plan shall include "The name and address of the developer and owner of the property." As well as, ZR section 17.4.1 "The name and address of the applicant and owner of record." Please revise to include the owner.
8. Per SR section 4.3.13 "The words "Approved by the WPCA or Health District" with spaces provided for the date and signatures of each if applicable and the words "Approved by the Montville Planning and Zoning Commission" with designated spaces provided for the date and signature of the Chairman or Secretary of the Commission." Please revise.
9. Per SR section 4.3.14 "The words "Date of Completion of All Work" with designated space for the date and initials of the Chairman or Secretary of the Commission." Please revise.
10. Per SR section 4.7.7 "Offers of deed, in a form satisfactory to the Town's legal counsel and the Commission, of all land, including streets, recreation areas, drainage and utility easements and other public uses not specifically reserved by the developer for the use of the future owners of the lots and retained under deed by same." Please provide for review.
11. Per SR section 4.7.5 "The developer shall submit to the Commission written copies of all agreements, restrictive covenants, or other documents governing the use, reservation, or maintenance of all land not to be deed to the Town." Please provide.
12. Per ZR section 17.4.7 "Location of all existing watercourses, wetlands, public water supply watershed boundaries, bedrock, outcrops, and where appropriate, the mean high water line, flood hazard areas, and channel encroachment lines." Plan indicates "limits of detailed inland wetlands inspection". Please request a Determination of Applicability for ZR section 17.4.7, per ZR section 17.5.
13. Revise cover sheet "Property Information" to reflect correct Book/Page.
14. Clarify if there is an easement for 968 Route 163 driveway that encroaches on Lot 1.
15. Clarify if there is an easement for drainage pipe from 968 Route 163 to Lot 2.
16. Revise plan to show easement area for planting and maintenance of proposed trees approved by the siting council on Lot 1.
17. Provide copy of comment #16 easement for review and approval by town attorney.
18. Revise sheet 1.40 to reflect current owner of 958 Route 163.
19. Revise plan set to remove "potential area for barn". Potential future uses require separate approvals based on the ZR in place at the time of the application.
20. Revise Sheet 1.12 Subdivision Plan (Sheet 2 of 2) to show the removal of the 510 square foot structure on Lot 1 as it does not meet the required setbacks. It is shown on Sheet 2.11 Potential Development Plan as "remove and dispose of existing concrete slab".
21. Revise sheet 2.11 title to remove "Potential".

Agency Comments:

Town Attorney: Requires easements for review/approval
Town Engineer: Comments pending
Fire Marshal: Comments pending
Building: Comments pending
Uncas Health: Comments dated 10/31/24: Lot 1 meets the requirements of the CT Public Health Code for subsurface sewage disposal. Lot 2 will be used for solar panels only and therefore Uncas Health does not have any comments as a septic system and well will not be constructed on this lot.