

MEMORANDUM FOR THE RECORD
APPLICATION# 24 IWC 10
REGULAR MEETING – THURSDAY, NOVEMBER 21, 2024

Prepared by Stacy Radford, Zoning & Wetlands Officer

Property Owner: TA CT Holdings, LLC
Applicant: The Nevar Company / Dean Fiske
Engineering Info: Solli Engineering, LLC, Kevin Solli, P.E.
Address: 958 Route 163 (Parcel ID: 046-008-000)
Date Received by IWC: November 21, 2024 (*Decision Required Date – January 25, 2025*)

Applicant Request: The applicant is requesting a favorable recommendation/report from the Commission to the Planning & Zoning Commission for a 1-Lot Resubdivision with no regulated activities in accordance with CT General Statutes (CGS) Section 8-26 (Applications involving an inland wetland or watercourse) and as required by Section 3.4.2 of the Montville Subdivision regulations.

Activity Description:

Wetland Disturbance Area	0 SF
Watercourse/Waterbody Disturbance Area	0 SF
Upland Review Area Disturbance	0 SF

STAFF COMMENTS:

The site consists of approximately 30.66 acres located in the R-120 zoning district with about 969 feet of frontage on Route 163. The Applicant states that the site contains approximately 1.62 acres of wetlands, delineated on January 26, 2023 in a site visit by James M. McManus of JMM Wetland Consulting Services, LLC. This property is currently developed with a single-family residence, detached garage and associated site improvements including an on-site well and septic.

The property to be re-subdivided is shown on a Plan entitled “Proposed 1-lot Resubdivision of 958 Route 163 (Parcel ID: 046-008-000), Oakdale, Connecticut, prepared for The Nevar Company 677 S. Main Street, Cheshire, Connecticut and prepared by Solli Engineering dated September 30, 2024”. There is no regulated upland or wetlands activity proposed as part of this development.

This Applicant presented a similar Application to this Commission, who forwarded a favorable recommendation to the Planning & Zoning Commission on August 21, 2023. The Applicant withdrew its prior Application to the Planning & Zoning Commission, has since changed the configuration of the Lots and is therefore re-submitting to this Commission for a favorable recommendation with regard to the revised division of land.

The Applicant proposes to subdivide this property to create (2) lots, to be called out as Lot #1 and Lot #2. Lot #1 will be approximately 12.187 acres (530,872 square feet) and will be comprised of the existing single-family residence, associated driveway, septic system and well service. Lot #2 will be approximately 18.470 acres (804,538 square feet) and currently consists of existing farmland and wooded undeveloped land. The proposed use of this lot is for a 0.999 MW solar photovoltaic array which has been approved by the Connecticut Siting Council under Petition No. 1601. There is a proposed culvert in the State Right of Way and within the 50’ URA, which also received prior approval from the CT Siting Council. The Applicant states in part, “A site visit was conducted on January 26, 2023 by James M.

McManus of JMM Wetland Consulting Services, LLC. According to his observations, wetlands were found in the northwestern portion of the property and at the southeastern boundary between the property and Route 163, approximately 900 linear feet from the existing dwelling and 580 linear feet from the existing dwelling, respectively. The site consists of approximately 1.62 acres of on-site wetland area.”

The Applicant further states “all proposed work will be outside of the existing on-site wetlands and the associated regulated buffers. The proposed solar panels are approximately 310 feet away from the closest on-site wetland, adjacent to Route 163.”

WEO Comments: Please note: Full site has not been delineated.

1. Revise the Inland Wetlands Application received 10/23/2024 as follows:
 - VIII. Other Information –7. Department of Transportation permit is required as Route 163 is a state road. Details on the Plan indicate that an Encroachment Permit was obtained on September 3, 2024. Application must reflect this as “Yes” required.
2. Final Plan shall be signed and sealed by L.S. and Soil Scientist. Plan has been signed but no seals are present.

CONSIDERATION FOR ACTION:

If the Commission is inclined to send a favorable report for this 1-Lot Resubdivision Application to the PZC, the following language for a motion of approval is suggested:

M O T I O N #1 (A Motion to Approve)

After giving due consideration to all relevant factors, including those in the CT General Statutes (CGS) Section 8-26 (Applications involving an inland wetland or watercourse), Montville Subdivision Regulations Section 3.4.2 (Wetlands Agency Referral), and CGS Chapter 440, Sections 22a-28 to 22a-45d (Wetlands and Watercourses), I move that the Commission forward a favorable recommendation/report to the Montville Planning and Zoning Commission for Application #24 IWC 10, submitted by Applicant: The Nevar Company; Owner: TA CT Holdings, LLC for a 1-lot re-subdivision of 958 Route 163 (046-008-000), Oakdale, CT, as more fully described in the application & supporting documents dated 10/23/2024 and a Plan entitled “Proposed 1-lot Resubdivision of 958 Route 163 (Parcel ID: 046-008-000), Oakdale, Connecticut, prepared for The Nevar Company 677 S. Main Street, Cheshire, Connecticut and prepared by Solli Engineering dated September 30, 2024” due to no regulated activities.