

TOWN OF MONTVILLE
Department of Land Use & Development
Prepared by Meredith Badalucca on December 10, 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 was published in The Day on 11/27/24 & 12/4/24.
Site Inspection: A site inspection was completed previously as part of application 23SUB1 which was withdrawn in January of 2024.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: Please see the chain of title that was provided as part of this application 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.

- August 27, 2021- Property sold by Raymond B. Sr & Shirley D. Mostowy to The Nevar Company
- October 1, 2024 – Property sold by The Nevar Company to TA CT Holdings, LLC
- 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.
- November 21, 2024 IWC voted to forward a favorable report with the condition, that the final plan shall be signed and sealed by a licensed Land Surveyor and Soil Scientist, to the PZC.

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.

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.” The Plan indicates “limits of detailed inland wetlands inspection”. The applicant has requested a Determination of Applicability for ZR section 17.4.7, per ZR section 17.5. for the following reasons: “The property & Topographic Survey depicts “Limits of Detailed Wetland Inspection” in the northern portion of the property. A Wetlands Soil Report was prepared by JMM Wetland Consulting Services, LLC. And was submitted to the Town of Montville Inland Wetlands Commission. It is in the Applicant’s belief that the extent of the investigation conducted is sufficient to reflect the delineated wetlands on-site which would have any impact on the proposed re-subdivision and development plan.”.

Staff Technical Review Comments:

Applicant shall provide draft warranty deeds for Lot 1 and Lot 2 for review and approval.

Agency Comments:

Town Attorney: See comments dated 12/10/24.
Town Engineer: See comments dated 11/15/24.
Fire Marshal: Comments dated 11/14/24: “Fire Marshal’s Office has no comments”.
Deputy Fire Marshal: See comments dated 11/20/24.
Building: Comments dated 11/14/24 “The Building Official’s additional comment is: A Building Permit is not required for this lot line change.”
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.

SUGGESTED MOTION FOR ANY FAVORABLE APPROVAL:

I make a MOTION to APPROVE with conditions, Application 24 SUB 4 for 2 lot re-subdivision of 958 Route 163 Parcel ID: 046-008-000 in that the application, supporting documents and a plan set entitled “Proposed 1-Lote Resubdivision of 958 Route 163 (Parcel ID: 046-008-000), Oakdale, CT, Prepared for The Nevar Company, Prepared by Solli Engineering, Dated September 30, 2024, Revised 11/17/24” comply with all applicable sections of the Montville Zoning Regulations and Subdivision Regulations.

CONDITIONS:

Conditions prior to endorsement of final plans:

1. Warranty Deeds for Lot 1 and Lot 2 shall be submitted to the Land Use Department for review and approval.
2. A Certificate of Title and statement that there are no prior encumbrances for the Grading Easement, Planting and Maintenance Easement and Sight-Line Easement as to 958 Route 163 shall be provided for review and approval by the Town Attorney.

3. Planting and Maintenance Easement and Sight-Line Easement shall be revised per the Town Attorney's comments dated December 10, 2024. Revised documents shall be reviewed and approved by the Town Attorney.
4. Licensed Land Surveyor (LS) shall certify proposed iron pins and monuments as set prior to endorsement of final plans.
5. The existing concrete slab on Lot 1 shall be removed and disposed of as shown on Sheet 1.12 and Sheet 2.11.
6. Per SR Section 3.9 (GIS): Digital Data shall be provided to the Land Use Department prior to endorsement of the final subdivision plan.
7. 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:

8. Approved Warranty Deeds, Grading Easement, Planting and Maintenance Easement and Sight-Line Easement shall be filed on the Land Records with the final endorsed mylars.
9. 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.
10. 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.