

TOWN OF MONTVILLE
Land Use & Development Department
310 Norwich-New London Turnpike, Uncasville, CT 06382
Telephone: (860) 848-6779

Staff Report Prepared by Meredith Badalaucca, Asst. Planner on November 12, 2025

Application: 25 ZC 1 – Zone Change with respect to 82 Maple Avenue Parcel ID: 017-015-00A, 17.97 Acres, 782,929 square feet

Applicant: 82 Maple Ave, LLC

Attorney: Harry Heller, Esq., Heller, Heller & McCoy

Legal: Date of Receipt by PZC: 10/28/25. Public Hearing Scheduled for 11/18/25. Public Hearing shall close within 35 days of opening. Decision Required Date (DRD): 65 days from close of PH.

Site Visit: Staff did not inspect the site as there is an occupied private single family resident. Staff did research via GIS and Nearmap as well as, from the street.

Proposal: Zone Change from current zone of R-40 to proposed zone of R-20

Background:

- 82 Maple Avenue currently has a single family residence, detached garage and shed on the property.
- In 2018, the PZC proposed comprehensive changes to the Town of Montville Zoning Map. At which time the property owner of 90 Maple Avenue asked the Commission to consider a zone change for 90 Maple Avenue from R40 to R20. The Commission voted on September 25, 2018 to include this addition with an effective date of October 15, 2018.
- The PZC voted on April 13, 2021 to approved 87 Multi-Family units at 90 Maple Avenue.

Staff Comments:

This application before the commission is a legislative action. Legislative decisions establish the foundation for policy implementation through zoning, the Capital Improvement Plan, CGS 8-24 reviews, etc.

The applicant, 82 Maple Ave, LLC has stated they are requesting this zone change from R-40 to R-20 to render the same available for development for multi-family residential purposes.

This parcel is abutted by 90 Maple Avenue to the northwest and I-395 to the southeast. As stated in the background information, 90 Maple Avenue was approved for a zone change to R-20 and subsequently received an approval for 87 multi-family dwelling units by this commission.

Our Zoning Regulations Section (ZR) 9 - R-20 District and ZR 8 - R-40 District have the same minimum setback requirements for multi-family at 40 feet for front and rear yard and 20 feet side yard. The minimum lot size for R-20 is 20,000 square feet if the lot is served by public sewers. R-40 requires a minimum of 40,000 square feet. Another difference between the two zoning districts is that there is maximum density requirement in the R-20 district for multi-family developments of one dwelling unit per 10,000 square feet of lot area. The R-40 district does not have a maximum density.

ZR 4.11.5 Multi-Family Dwellings, states in part, that the site shall be served by public water and public sewer systems unless alternate septic is approved by the local health district and/or the Connecticut Department of Health, if applicable. Staff has confirmed with the WPCA that both water and sewer are available.

The applicant indicated on the zone change application, that the proposed zone change satisfies the six (6) evaluation criteria contained in the “Zone Change Evaluation Criteria” outline. This outline is not part of our regulations, however is included with the application documents on the Town of Montville website. Listed below are the six criteria that should be considered by the Commission. Staff comments are indicated in italic.

1. Is the proposal in conformance with the Plan of Conservation and Development, but more importantly, is it in conformance with the intent of the Zoning Regulations (aka Comprehensive Plan) and, if not;

While this parcel is on the Future Land Use Map as Job Investment Area which includes Infrastructure Investment, Commercial; Light Industrial; Industrial; Mixed Use; Municipal Uses, it is important to note that this map was not updated as part of the 2022 update. With that being said, there has been changes to the abutting parcel as indicated above.

Staff feels that this zone change is in conformance with the intent of the zoning regulations and consistent with previous zone change and approvals within this area.

2. Was the original classification given to the land inappropriate or improper?

This parcel could have been given either classification. The parcels that front Maple Avenue in this area are currently zoned R-20. Interior lots that abut parcels that front on Maple Avenue and Moxley Road are currently zoned R-40.

3. Have there been major changes within the area involved which were not anticipated in the adopted Plan of Conservation and Development and Comprehensive Plan (Zoning Maps and Regulations), and which have substantially altered the basic character of the area?

As stated above, there was a zone change in 2018 and an approval for 87 multi-family units on the abutting property.

4. Is the proposal going to benefit the community as a whole, and not solely a particular individual or group of individuals?

Staff feels the proposed change to R-20 will benefit the community as a whole, as there is a need for housing and the R-20 zone has density provisions to allow for responsible development.

5. Is the area suitable for the use and other uses permitted by right in the new zone and will the change encourage the most appropriate use of the land in the public interest?

Yes, the area is suitable for the proposed use of multi-family. The permitted uses for both the R-20 and R-40 zoning districts are the same with the following exceptions; Water dependent uses, farms and seasonal roadside stands for farm products are not permitted uses in the R-20 district. The R-20 district allows for convalescent homes where R-40 does not.

6. Does the proposal represent spot zoning?

No, properties that abut the parcel are zoned R-20.

Referrals: The application was referred to the Building Department, Fire Marshal, Public Works, WPCA and the Police Department on October 7, 2025.

The application and plan entitled “Zone Change Map, 82 Maple Avenue, Prepared for Lindo Construction, LLC, Montville, Connecticut, Prepared by Wentworth Civil Engineers, LLC, dated 9/08/25” was posted in the office of the Town Clerk on October 7, 2025. The public hearing was noticed in The Day on November 5 and 12, 2025, as required.

Comments received: None as of this report.

Motions:

The following MOTION is suggested for approval: “I make a MOTION to APPROVE application 25ZC1 with the following findings, reasons for approval and effective date of December 8, 2025: Must state findings per CGS 8-3b.

Suggested findings:

- With the documents provided as part of the application and based on the Commission’s assessment of the hearing record and the relevant factors, the Commission finds the application to be generally consistent with the Montville POCD.
- The zoning map amendment will not conflict with or undermine the Town’s comprehensive plan or otherwise compromise orderly development objectives.

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